

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD July 18, 2023**

CALL TO ORDER

At 7:00 p.m. the Mayor called the meeting to order and the Township Clerk stated adequate notice of this meeting has been provided by forwarding a copy to the Courier News, Star Ledger and posting on the Township website, at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 4, 2023. This meeting will not substantially go past 10:30 p.m.

ROLL CALL

The following Council members were present:

Manuel Couto
John Foster
Susan Poage
Mr. Varnerin

The following Council members were absent:

Paul Donnelly
Jeanne Kingsley
Angie D. Devanney, Mayor

Also present were:

Township Administrator: Liza Viana
Township Attorney: Alex Fisher
Township Clerk: Ana Minkoff

FLAG SALUTE

Mr. Foster asked everyone present to stand for the Flag Salute.

PROCLAMATION(S)

None

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON
JUNE 27, 2023:**

The Clerk presented and read:

1. ***“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A JET VAC TRUCK IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$590,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$590,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.”***

OPENING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

Mr. Foster read a statement regarding the procedures for public comment.

CLOSING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mr. Couto
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

ADOPTION ON FINAL PASSAGE OF ORDINANCE AS READ BY THE TOWNSHIP CLERK AND HEARING HELD HEREON AND DIRECTION OF THE TOWNSHIP CLERK TO ADVERTISE SAME IN THE COURIER NEWS

Mover: Mr. Couto
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mrs. Poage, Mr. Varnerin, Mr. Foster
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Adopted*

The Clerk presented and read:

2. **“BOND ORDINANCE PROVIDING FOR THE SEWER TREATMENT PLANT UPGRADE PROJECT IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$8,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.”**

OPENING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mr. Foster
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

CLOSING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mr. Foster
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

ADOPTION ON FINAL PASSAGE OF ORDINANCE AS READ BY THE TOWNSHIP CLERK AND HEARING HELD HEREON AND DIRECTION OF THE TOWNSHIP CLERK TO ADVERTISE SAME IN THE COURIER NEWS

Mover: Mr. Foster
Seconder: Mrs. Poage
Ayes: Mr. Couto, Mrs. Poage, Mr. Varnerin, Mr. Foster
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: Adopted

The Clerk presented and read:

- 3. ORDINANCE REAPPROPRIATING \$22,742.50 FROM THE CAPITAL IMPROVEMENT FUND NOT NEEDED FOR ITS ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT AND RELATED PUMP STATIONS AND FACILITIES IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.**

OPENING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mrs. Poage
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

CLOSING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mrs. Poage
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

ADOPTION ON FINAL PASSAGE OF ORDINANCE AS READ BY THE TOWNSHIP CLERK AND HEARING HELD HEREON AND DIRECTION OF THE TOWNSHIP CLERK TO ADVERTISE SAME IN THE COURIER NEWS

Mover: Mrs. Poage
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mrs. Poage, Mr. Varnerin, Mr. Foster
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Adopted*

The Clerk presented and read:

4. AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY ACCEPTING DEDICATION OF PUBLIC ROAD, RIGHT-OF-WAY, AND RELATED IMPROVEMENTS FOR THE LONE PINE DRIVE EXTENSION

OPENING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mr. Varnerin
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

CLOSING OF THE PUBLIC HEARING ON ORDINANCE AS READ BY THE TOWNSHIP CLERK

Mover: Mr. Varnerin
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

ADOPTION ON FINAL PASSAGE OF ORDINANCE AS READ BY THE TOWNSHIP CLERK AND HEARING HELD HEREON AND DIRECTION OF THE TOWNSHIP CLERK TO ADVERTISE SAME IN THE COURIER NEWS

Mover: Mr. Varnerin
Seconder: Mr. Foster
Ayes: Mr. Couto, Mrs. Poage, Mr. Varnerin, Mr. Foster
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Adopted*

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

Mr. Foster read a statement regarding the procedures for public comment.

Steve Carrellas, resident of Berkeley Heights, posed questions to the Township Council regarding the bill of sale with CCATT LLC communications tower. In conclusion, Mr. Carrellas expressed concerns about the proposed filming ordinance guidelines and parameters.

After no one else wished to be heard, this portion of the agenda was closed.

Closing of the Hearing on Agenda Items Only

Mover: Mr. Couto
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated July 18, 2023, in the amount of \$905,038.32.

Approval of Resolution

Mover: Mr. Foster
Seconder: Mrs. Poage
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

Result: *Approved*

2. Resolution authorizing the “Side Letter of Agreement – CDL Licensure, with the Teamsters Local Union 469 – Department of Public Works.

Approval of Resolution

Mover: Mrs. Poage
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

Result: *Approved*

3. Resolution authorizing the payment of 2022 LOSAP benefits to eligible members of the Volunteer Rescue Squad.

Approval of Resolution

Mover: Mr. Varnerin
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

4. Resolution consenting to the appointment of Alan Kennedy as Director of the Wastewater Treatment Plant, effective July 1, 2023.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

5. Resolution authorizing the sale of surplus property utilizing online auction website Municibid.

Approval of Resolution

Mover: Mr. Foster
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

6. Resolution requesting approval for the insertion of a special item of revenue and appropriation in the budget.

Approval of Resolution

Mover: Mrs. Poage
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

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7. Resolution awarding a Professional Services Contract to De Block Environmental Services, LLC. For onsite laboratory support services for the Wastewater Treatment Plant, in an amount not to exceed \$50,000.00.

Approval of Resolution

Mover: Mr. Varnerin
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

8. Resolution authorizing the bill of sale with CCATT LLC to transfer the communications tower to the Township for the sum of \$1.00.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

9. Resolution awarding a Professional Services Contract to Arterial LLC., for the Landscape Architectural and Civil Engineering Services for the development of full design for the proposed renovations to Sherman Avenue, in an amount not to exceed \$180,000.00.

Approval of Resolution

Mover: Mr. Foster
Seconder: Mrs. Poage
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

10. Resolution authorizing the “Side Letter of Agreement” – CDL Licensure, United Public Service Employees Union – Wastewater Treatment Plant.

Approval of Resolution

Mover: Mrs. Poage
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

11. **CONSENT AGENDA** – (a – c)

All matters listed under the Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution authorizing a Tax Sale Certificate for the property located 998 Mountain Avenue, in the amount of \$36,456.00.

- b. Resolution authorizing a tax overpayment in the amount of \$1,548.08, for the property located at 18 Roosevelt Avenue.

- c. Resolution authorizing a tax overpayment in the amount of \$2,343.99, for the property located at 578 Springfield Avenue.

Approval of Consent Agenda Resolutions #10 a-c

Mover: Mr. Varnerin
Second: Mrs. Poage
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for August 15, 2023.

The Clerk presented and read:

- 1. **AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY AMENDING TITLE 13 (“PUBLIC SERVICES”) AT CHAPTER 13.12 (“SEWER SERVICE SYSTEM”).**

That the Ordinance as read by the Township Clerk be offered on first reading and that July 18, 2023, be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mr. Couto
Second: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

2. AN ORDINANCE CREATING CHAPTER 5.01 TO BE ENTITLED “FILM MAKING” IN THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.

That the Ordinance as read by the Township Clerk be offered on first reading and that July 18, 2023, be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mr. Foster
Second: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

3. AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE TITLE 12, ENTITLED “STREETS, SIDEWALKS, AND PUBLIC PLACES” BY ADDING CHAPTER 12.30 ENTITLED “MUNICIPAL RIGHT-OF-WAY”.

That the Ordinance as read by the Township Clerk be offered on first reading and that July 18, 2023, be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mrs. Poage
Second: Mr. Varnerin
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

TOWNSHIP COUNCIL REPORTS

Council members provided Council Reports and Committee updates.

ADMINISTRATION REPORTS

Ms. Viana provided the Administrator’s Report.

Approval of Township Council and Administration Reports

Mover: Mr. Varnerin
Second: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley
Result: *Approved*

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

Margaret Illis, resident of Berkeley Heights, spoke regarding the fats and oils recycle schedule and services provided throughout Berkeley Heights.

Sean Kane, resident of Berkeley Heights, spoke regarding the redevelopment plan to extend Lone Pine Drive to Springfield Avenue and the proposed site plans.

Bill Machado, resident of Berkeley Heights, spoke regarding the parking deck at Lone Pine Drive and public access including pedestrian access to the proposed extension.


Closing of the Citizens Hearing

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly, Mrs. Kingsley

ADJOURNMENT

Moved by Mr. Foster to adjourn and all were in favor.
(8:00 p.m.)

Approved: October 17, 2023



Ana Minkoff
Township Clerk