

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JULY 23, 2019**

CALL TO ORDER

At 7:02 p.m. Mayor Devanney called the meeting to order.

The Township Clerk stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

The following Council members were present:

Mr. Bavoso
Mr. Couto
Mrs. Kingsley
Mr. Medeiros
Mrs. Poage
Mr. Yellin
Mayor Devanney

Also present were:

Township Attorney: Kraig Dowd
Township Administrator: Liza Viana
Township Clerk: Ana Minkoff

FLAG SALUTE

Mayor Devanney asked everyone present to stand for the Flag Salute.

CONFERENCE SESSION

Mayor's Recycling Taskforce Presentation

Mr. Coler, Mr. Chen and Ms. Ciesla, on behalf of the taskforce, presented the status of their work to date as well as their next step recommendations. Council provided their feedback and asked questions.

TOWNSHIP COUNCIL REPORTS

Mr. Bavoso reported on the following topics:

- Communications Committee

Mr. Couto reported on the following topics:

- Cooling Centers
- Township water/drainage issues

Mrs. Kingsley reported on the following topics:

- Downtown Beautification Committee

- Safe Streets to Transit Grant

Mr. Medeiros reported on the following topics:

- Environmental Commission
- Mayor’s Wellness Campaign

Mrs. Poage reported on the following topics:

- Planning Board
- Grants Committee
- No Knock Ordinance

Mr. Yellin reported on the following topics:

- Historical Society
- Communications Committee

ADMINISTRATION REPORTS

Mayor Devanney discussed the following topics:

- NJ Transit
- Library Construction Bond Act

Ms. Viana provided updates from the following departments:

- Public Works
- Construction
- Engineering
- Wastewater Treatment
- Recreation
- Zoning

Approval of Township Council and Administration Reports

Mover: Mrs. Kingsley

Seconder: Mr. Yellin

Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

Public Hearing and Final Adoption of Ordinance Introduced on July 9, 2019.

The Clerk presented and read:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS,
IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$3,788,425
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,530,254 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

**Township Council Minutes
Public Meeting – July 23, 2019**

Opening of the Public Hearing on Ordinance as read by the Township Clerk

Mover: Mr. Medeiros
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

No voices were heard.

Closing of the Public Hearing on Ordinance as read by the Township Clerk

Mover: Mr. Medeiros
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

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. Medeiros
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Adopted

APPROVAL OF MINUTES

Approval of Minutes - **Public Meeting – May 7, 2019**

Mover: Mr. Couto
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: Mr. Medeiros
Absent: None

Result: Approved

Approval of Minutes - **Public Meeting – May 29, 2019**

Mover: Mr. Couto
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

Approval of Minutes - **Public Meeting – June 12, 2019**

Mover: Mr. Couto
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

Approval of Minutes - **Public Meeting – June 25, 2019**

Mover: Mr. Couto
Seconder: Mr. Medeiros
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

Mover: Mrs. Poage
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Mr. Hall of 52 Bristol Court spoke in detail on the recycling taskforce recommendation and referendum. He applauded the work of the taskforce and the forward-thinking of the Council but raised his concerns over putting this specific question to the public vote.

Ms. Bhargavi Akiri of 146 Robbins Avenue referenced Agenda item #4 and asked why it is needed. Ms. Poulos responded.

Ms. Bhargavi Akiri referenced Agenda item #6 and asked for a list of the activities included. Mayor Devanney responded.

Ms. Bhargavi Akiri referenced Agenda item #8 and asked if that referred to the recycling. Mayor Devanney responded.

Ms. Bhargavi Akiri asked if the Municipal Complex goes over budget, beyond the contingency, will the approval of the increase be put to a vote on the ballot. Mr. Bavoso and Mayor Devanney responded and there was a discussion that followed on the feasibility of doing so.

Ms. Bhargavi Akiri asked what happens to the old police vehicles and whether or not our ladder truck could handle the proposed Connell project. Council responded and there was a brief discussion that followed.

Mr. Donnelly of 70 Deep Dale Drive spoke about the drainage issue with the easement which is on his property. He explained how it impacts him by flooding his basement. He noted that he supports the study but asked that it be done at a faster pace. Mr. Bavoso, Ms. Viana, and Mayor Devanney all responded. There was a lengthy discussion on the matter.

Mr. Foregger of 14 Dorset Road asked if the Township was aware of the new law regarding signs. Mrs. Kingsley confirmed.

Mr. Foregger asked when work is being done on the new building and when the steel will be arriving. Mayor and Council responded.

Mr. Foregger questioned the architect bills asking why he is being paid if the work isn't done. Mayor Devanney and Mrs. Kingsley responded and a discussion continued on what is being done.

Ms. McLean of 48 Kline Place referenced the recycling taskforce proposal and asked if the public could see the options that the taskforce considered. She spoke in depth about the concerns she has with the single stream solution and questioned if there is a better way to recycle. Council responded and there was a brief discussion that followed.

Mr. Engemann of 130 Lenape Lane asked about the Trex benches and a brief discussion followed. He provided his feedback on the referendum, noting that he believes we are not ready to go to a vote since there is some unanswered questions.

Closing of the Hearing on Agenda Items Only

Mover: Mrs. Poage
Secunder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

APPROVAL OF RESOLUTIONS

1. Resolution authorizing and amending the adopted Capital Budget.

Ms. Poulos provided an explanation of this resolution.

Approval of Resolution

Mover: Mr. Yellin
Secunder: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

2. Resolution authorizing the sale of surplus property on the State approved online auction website Municibid (www.municibid.com).

Mr. Bavoso pointed out that this is for items, including the police vehicles that the town no longer has a use for.

Mr. Couto asked about some items on the list to see if they can be used elsewhere. There was a detailed discussion among Council members and Ms. Viana about some items. Mayor Devanney suggested that this resolution be tabled since there are many questions.

Approval to Table Resolution

Mover: Mr. Yellin
Second: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Tabled

3. Resolution authorizing the Hold Harmless Agreement with the County of Union to allow use of the composting facility.

Approval of Resolution

Mover: Mrs. Poage
Second: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros and Mrs. Poage
Nays: None
Abstain: Mr. Yellin
Absent: None

Result: Approved

4. Resolution authorizing the CFO to conduct financial matters between the July 23, 2019 meeting and the Council meeting of August 20, 2019.

Approval of Resolution

Mover: Mr. Medeiros
Second: Mrs. Poage
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

5. Resolution consenting to the Mayor's appointment of Adam Uanis to the Grants Committee.

Approval of Resolution

Mover: Mrs. Kingsley

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Second: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

6. Resolution authorizing the execution of an Agreement with the County of Union for conducting certain Community Development activities.

Approval of Resolution

Mover: Mr. Couto
Second: Mrs. Poage
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros and Mrs. Poage
Nays: None
Abstain: Mr. Yellin
Absent: None

Result: Approved

7. Resolution authoring the final payment in the amount of \$35,550.00 to T.R. Weniger, Inc, for the new Fuel Tank for the Waste Water Treatment Plant.

Approval of Resolution

Mover: Mr. Bavoso
Second: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

8. Resolution authorizing a non-binding ballot question to the voters to be placed on the November 5, 2019 general election.

Mr. Medeiros suggested that this be tabled given the questions raised. There was a discussion on the topic.

Approval to Table Resolution

Mover: Mr. Medeiros
Second: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Tabled

9. Resolution approving Bill List dated July 23, 2019 in the amount of \$918,957.42.

Approval of Resolution

Mover: Mr. Yellin
Seconder: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

10. Resolution authorizing the Application to Union County History Grant Program general operating support grant for Littel Lord Farmhouse in the amount of \$5,000.00.

Mr. Bavoso asked about the grant amount. Mrs. Poage and Mayor Devanney responded.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mrs. Poage
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros and Mrs. Poage
Nays: None
Abstain: Mr. Yellin
Absent: None

Result: Approved

CONSENT AGENDA

All matters listed under 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.

11. Consent Agenda Resolutions (a-c)

- a. Resolution authorizing the release of a cash bond to Paone Realty Associates, LLC. in the amount of \$20,041.20, for work performed at 308-312 Springfield Avenue.
- b. Resolution consenting to the appointment of Ellen Besjak to the Junior Fire Division of the Berkeley Heights Volunteer Fire Department.
- c. Resolution consenting to the appointment of Roberto Levecchia, to the active roster of the Berkeley Heights Volunteer Fire Department.

Approval of Consent Agenda Resolutions #11 a-c

Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for August 20, 2019.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, New Jersey Authorizing the Creation of a Length of Service Award Program and Providing for a Public Question Concerning the Length of Service Award Program to be Placed upon the Ballot of the Next General Election.”

(EXPLANATORY STATEMENT: This Ordinance establishes a Length of Service Award Program for members of the Township of Berkeley Heights Volunteer Rescue Squad.)

Mr. Yellin asked if this will be able to be on the ballot for the upcoming election given the adoption date. Mayor Devanney confirmed.

Mr. Couto spoke in support of the ordinance.

Mrs. Kingsley spoke to this ordinance and her support for the rescue squad. She noted her disappointment that it does not cover all first responders.

That the Ordinance as read by the Township Clerk be offered on first reading, that August 20, 2019 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mrs. Poage

Seconder: Mr. Couto

Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

Public Hearing and Final Adoption scheduled for August 20, 2019.

The Clerk presented and read:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT AND THE INSTALLATION OF A SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM IN CONNECTION WITH THE SEWER SYSTEM IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$1,540,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,540,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.”

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That the Ordinance as read by the Township Clerk be offered on first reading, that August 20, 2019 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mr. Medeiros
Seconder: Mrs. Poage
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

Public Hearing and Final Adoption scheduled for August 20, 2019.

The Clerk presented and read:

**“ BOND ORDINANCE PROVIDING FOR VARIOUS SEWER
IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS,
IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$150,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST
THEREOF.”**

That the Ordinance as read by the Township Clerk be offered on first reading, that August 20, 2019 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mrs. Kingsley
Seconder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mr. Bavoso
Seconder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Mr. Mondelli of 243 Washington Street asked about the way in which one of his recent OPRA requests was handled. Mr. Dowd responded.

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Mr. Foregger asked what happens to the plastic that is collected in recycling. Mr. Medeiros responded. There was a brief discussion between Mr. Foregger and Council about some possible alternatives.

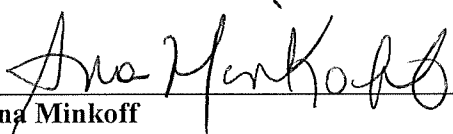
Closing of the Citizens Hearing

Mover: Mr. Bavoso
Seconder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Moved by Mr. Yellin to adjourn and all were in favor.
(9:23 p.m.)

Approved: August 20, 2019



Ana Minkoff
Township Clerk