

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD SEPTEMBER 10, 2019**

CALL TO ORDER

At 7:08 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 (via SKYPE)
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.

OATH OF OFFICE

Probationary Patrolman - Victor Pozsony, Jr.

Police Chief DiPasquale introduced and welcomed Mr. Pozsony. Chief DiPasquale highlighted Mr. Pozsony's background and accomplishments.

Mayor Devanney administered the Oath of Office of Police Probationary Patrolman and congratulated Mr. Pozsony.

Probationary Patrolman - Timothy Neri

Police Chief DiPasquale introduced and welcomed Mr. Neri. Chief DiPasquale highlighted Mr. Neri's background and accomplishments.

Mayor Devanney administered the Oath of Office of Police Probationary Patrolman and congratulated Mr. Neri.

Probationary Patrolman - Michael Klimek

Police Chief DiPasquale introduced and welcomed Mr. Klimek. Chief DiPasquale highlighted Mr. Klimek's background and accomplishments.

Mayor Devanney administered the Oath of Office of Police Probationary Patrolman and congratulated Mr. Klimek.

PROCLAMATION – Deer Rescue

The Mayor read a Proclamation which publically recognized the members of the Berkeley Heights Fire Department and Police Departments, Millburn Animal Control and the Chemtrade staff for their support and compassion in rescuing the deer. Mr. Hopkins, Deputy Chief of the Berkeley Heights Fire Department, accepted the Proclamation.

CONFERENCE SESSION

Mr. Jessup, Redevelopment Counsel, spoke about the Hamilton Avenue Redevelopment Project which was awarded to Toll Brothers. He provided a recap of the RFP process for this redevelopment and explained the intent of Agenda item #11 and the process which must be followed for the amendments to be approved. There was a brief discussion that followed.

TOWNSHIP COUNCIL REPORTS

Mr. Bavoso reported on the following topics:

- Fire Department Dinner
- Communications Committee

Mr. Couto reported on the following topics:

- Sustainable Jersey
- Fire Department
- Restaurant Week

Mrs. Kingsley reported on the following topics:

- Restaurant Week
- Downtown Beautification Committee
- Vaping

Mr. Medeiros reported on the following topics:

- BH Business and Civic
- Environmental Commission
- Plastic bag ban

Mrs. Poage reported on the following topics:

- Grants Committee
- Planning Board
- No-Knock Ordinance
- FOG (Fats, Oils & Grease)

- Trex in Schools

Mr. Yellin reported on the following topics:

- Veterans Memorial Committee
- Proposed Historical Preservation Committee

ADMINISTRATION REPORTS

Mayor Devanney discussed the following topics:

- Library Construction Bond Act
- Safe Routes to School
- Union County donation of 2004 Suburban to Berkeley Heights
- JCP&L Upcoming Presentation
- Springfield Ave Speed Reduction
- Sign Ordinance
- Municipal Complex Project

Ms. Viana provided updates from the following departments:

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

Approval of Township Council and Administration Reports

Mover: Mr. Yellin

Seconder: Mrs. Kingsley

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 August 20, 2019.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Conveyance and Execution of a Deed of Easement for Utility Purposes to Jersey Central Power & Light Company in and Along Premises Owned by the Township of Berkeley Heights, identified as Block 2201, Lot 19 on the Berkeley Heights Township Tax Map.”

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

Mover: Mr. Medeiros

Seconder: Mr. Yellin

**Township Council Minutes
Public Meeting – September 10, 2019**

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 – August 20, 2019**

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

Result: Approved

HEARING ON AGENDA ITEMS ONLY

Mayor Devanney noted that Resolution #2 has been PULLED from the agenda.

Opening of the Hearing on Agenda Items Only

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

Mr. Foregger of 14 Dorset Road asked about Change Order #7 and a discussion followed regarding the additional costs related to unsuitable soil.

Closing of the Hearing on Agenda Items Only

Mover: Mr. Couto
Seconder: 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 approving Bill List dated September 10, 2019 in the amount of \$990,506.87.

Approval of Resolution

Mover: Mr. Yellin
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

2. Resolution authorizing Amendments to contracts with Melick-Tully and Associates Arcari Iovino Architects PC, and Mast Construction Services, Inc. in connection with the with the Municipal Complex Redevelopment project.
(PULLED)
3. Resolution authorizing changes to the scope of the Municipal Complex Redevelopment project.

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

4. Resolution authorizing the acquisition of (3) Ford F350 Pick-up Truck trucks for the Public Works Department through the State of New Jersey Cooperative purchasing.

Mr. Couto asked to confirm that this includes what was set in the budget. Ms. Poulos confirmed.

Approval of Resolution

Mover: Mrs. Kingsley

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Seconded: 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 requesting approval to establish a Dedicated Trust by Rider for accumulated absences liability trust fund.

Approval of Resolution

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

Result: Approved

6. Resolution requesting approval of the insertion of an item of revenue in the budget of the year 2019 in the sum of \$5,000.00, under the title of Historic Preservation – Union County.

Approval of Resolution

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

Result: Approved

7. Resolution authorizing the Berkeley Heights Fire Department to place the Township's new fire engine on display at the 142nd Annual New Jersey State Firemen's Convention in Wildwood, New Jersey from September 12, 2019 to September 15, 2019.

Approval of Resolution

Mover: Mr. Medeiros
Seconded: 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 the application for "Kids Recreation Trust Fund" grant for the Township of Berkeley Heights.

Approval of Resolution

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

Result: Approved

9. Resolution authorizing a grant application with the New Jersey Department of Transportation for various streets – 2020- project.

Approval of Resolution

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

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.

10. Consent Agenda Resolutions (a-d)

- a. Resolution authorizing a block party on Sycamore Avenue on September 28, 2019, from 1:00 – 800 p.m. (with a rain date of September 29, 2019).
- b. Resolution authorizing a tax refund overpayment in the amount of \$110.10, to Connell East LLC East, for the property located at 1021 Plainfield Avenue, Berkeley Heights.
- c. Resolution authorizing a block party on Rutgers Avenue between Hamilton Avenue, on September 21, 2019, from 1:00 – 800 p.m. (with a rain date of October 5, 2019).
- d. Resolution authorizing appointment of Nicholas Papa to the active roster of the Berkeley Heights Volunteer Fire Department.

Approval of Consent Agenda Resolutions #10 a-d

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

Result: Approved

11. Resolution authorizing the referral of an Amendment to the Redevelopment Plan for Block 1301, Lot 19 (110 Roosevelt Avenue).

Approval of Resolution

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

Result: Approved

12. Resolution authorizing the purchase of one (1) Pierce Ascendant 100' aerial platform fire apparatus and related components from Fire & Safety Services, through Sourcewell Contract, at a total cost not to exceed \$1,299,938.97, which includes the trade-in of the Fire Department's old aerial platform.

There was a brief discussion among Council regarding this resolution and reason it is needed.

Approval of Resolution

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: Approved

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for September 24, 2019.

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Conveyance and Execution of a Deed of Easement for Utility Purposes to Jersey Central Power & Light Company in and Along Premises Owned by the Township of Berkeley Heights, Identified as Block 504, Lot 5 and Block 608, Lots 1 and 4 on the Berkeley Heights Township Tax Map.”

That the Ordinance as read by the Township Clerk be offered on first reading, that September 24, 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
Second: Mr. Medeiros
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

Mrs. Kingsley explained that this is necessary to move the utilities for the new Municipal Complex.

CITIZENS HEARING

Opening of the Citizens Hearing

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

Ms. Luciano of 1099 Mountain Avenue spoke about the proposed changes to the Municipal Redevelopment Complex which effect the space for senior citizens. She spoke in length about her disappointment in the lack of services for the senior citizens of the Township. Ms. Luciano provided Mayor and Council with handouts showing what some neighboring towns offer to their senior citizens. Ms. Luciano also raised issues with the senior bus program.

Ms. Luciano asked that Council not move the rooms dedicated to the senior citizens stressing the need for those rooms as set prior to the proposed change. Council asked questions and a discussion followed.

Ms. Wickman of Park Edge read a statement to express her distress with the way seniors are “treated and devalued in Berkeley Heights”. She read a list of specific issues and concerns which she would like addressed and closed noting that the seniors need and deserve so much more.

Mr. Foregger noted that recycling collection started in his neighborhood at 5:45 am and asked if that is permitted. Council responded.

Mr. Foregger referenced the list of tasks for the Municipal Complex project which he had asked for at the last Council Meeting. He reiterated that he would like a copy of the list.

Ms. Luciano raised the issue that the senior citizen bus does not have an emergency exit door and asked Council to consider having one put in. There was a brief discussion on the topic.

Closing of the Citizens Hearing

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

EXECUTIVE SESSION

1. Attorney-Client Privilege- Litigation -Gian Cacioppo v Township of Berkeley Heights

Move to go into Executive Session

(8:42 p.m.)

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

Move to come out of Executive Session

(9:02 p.m.)

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

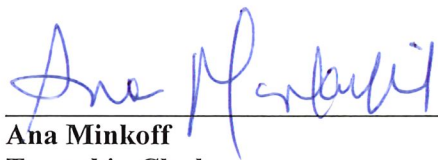
Mayor Devanney reminded all that they would be coming out of Executive Session, only to adjourn.

ADJOURNMENT

Moved by Mr. Yellin to adjourn and all were in favor.

(9:03 p.m.)

Approved: September 24, 2019



**Ana Minkoff
Township Clerk**