

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD SEPTEMBER 24, 2019**

CALL TO ORDER

At 7:00 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

Police Chief DiPasquale presented options for Police Dispatch Services as we move into the new police department in the new building. He reviewed the current situation and compared it with two different shared service options, making his recommendation for a Shared Service with Union County. Director Moran also spoke as a representative of the Union County Shared Dispatch Service.

The Mayor and Council provided their feedback and asked questions. There was a detailed discussion on the topic.

TOWNSHIP COUNCIL REPORTS

Mr. Bavoso reported on the following topics:

- Communications Committee

Mr. Couto reported on the following topics:

- Out of the Darkness Walk

- Vegan Fest
- Good Scout Awards
- Safe Routes to Transit Grant

Mrs. Kingsley reported on the following topics:

- Restaurant Week
- Safe Routes to School
- Vaping Ban Resolution

Mr. Medeiros reported on the following topics:

- Environmental Commission
- Mayor’s Recycling Taskforce
- Code Enforcement Officer Position

Mrs. Poage reported on the following topics:

- Grants Committee
- Planning Board
- Car Idling

Mr. Yellin reported on the following topics:

- Veterans Memorial Park Committee
- Communications Committee
- Historical Preservation Ordinance

ADMINISTRATION REPORTS

Mayor Devanney discussed the following topics:

- 9/11 Ceremony
- Edward Jones opening
- Columbia Middle School Lego League Competitive Team
- Berkeley Heights 5K / Dr. Smith
- Eastern Equine Encephalitis (EEE) virus
- Vegan Fest
- Traffic at Locust Ave & Snyder Ave

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. Bavoso

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

Public Hearing and Final Adoption of Ordinance Introduced on September 10, 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.”

EXPLANATORY STATEMENT: This Ordinance authorizes the conveyance of a utility easement to Jersey Central Power & Light Company in and along property that is owned by the Township of Berkeley Heights and located at Lot 5 in Block 504, and Lots 1 and 4 in Block 608 of the Township’s Tax Map.

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

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

No voices were heard.

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

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

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

Result: Adopted

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 Lease with Our Lady of Mount Carmel Society. EXPLANATORY STATEMENT: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall by the Senior Citizens Club of Berkeley Heights for the 2019-2020 term.

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

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

No voices were heard.

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

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

Result: Adopted

APPROVAL OF MINUTES

Approval of Minutes - **Public Meeting – September 10, 2019**

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

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

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

Mr. Sincaglia of 20 Robbins Avenue asked if the Ordinance Amending the Redevelopment Plan for Hamilton Avenue effects the density or the sale to Toll Brothers. Mr. Jessup responded.

Mr. Sincaglia asked about the timing of the work on Briarwood Drive. Mayor Devanney responded and a discussion followed.

Closing of the Hearing on Agenda Items Only

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

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated September 24, 2019 in the amount of \$2,027,555.70.

Approval of Resolution

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

Result: Approved

2. Resolution authorizing the Shared Service Agreement with the Berkeley Heights Board of Education for the provision of vehicular maintenance and repair services.

Approval of Resolution

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

Absent: None

Result: Approved

3. Resolution requesting approval to establish a dedicated Trust by Rider for Outside Employment of Off- Duty Municipal Officers.

Approval of Resolution

Mover: Mrs. Poage
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

4. Resolution requesting approval to establish a dedicated Trust by Rider for Storm Recovery.

Ms. Poulos provided a brief explanation.

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

5. Resolution authorizing the submission of a grant application with the NJDOT for the Walk, Don't Drive to the Berkeley Heights Transit Station Project.

Approval of Resolution

Mover: Mrs. Kingsley
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

6. Resolution authorizing submission of a Treatment Works Approval application to the NJDEP for Luxury Property Investments, LLC (484 Plainfield Avenue- Block 2005, Lot 7).

Approval of Resolution

Mover: Mr. Yellin
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

7. Resolution authorizing the submission of a Treatment Works Approval application to the NJDEP for Elite Properties at Berkeley Heights, LLC (former Berkeley Florist site 663 & 665 Springfield Avenue & 88 River Road.)

Approval of Resolution

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

8. Resolution authorizing the creation of an advisory board known as the “Senior Citizen Advisory Board”.

Mayor Devanney clarified the purpose of the board. Council briefly discussed the resolution.

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

9. Resolution referring the proposed redevelopment plan for block 614, Lot 3 (former Mondelli property) to the Township of Berkeley Heights Planning Board.

Approval of Resolution

Mover: Mrs. Poage
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

10. Resolution accepting the donation of a 2500 Suburban ¾ ton (4) door truck to the Building Department from the County of Union.

Approval of Resolution

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

Result: Approved

11. Resolution awarding a professional services contract to Neglia Engineering Associates for Engineering services for the various 2019 Capital Projects.

Mr. Medeiros and Mayor Devanney confirmed that the language has been changed and it complies with the fair and open process.

Approval of Resolution

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

12. Consent Agenda Resolutions (a-g)

- a. Resolution authorizing a block party on Beech Avenue, on October 31, 2019 from 4:00 – 6:00 p.m.
- b. Resolution authorizing a block party on North Road/Branko Road on September 29, 2019 between the hours of 10:00 a.m. – 3:00 p.m.
- c. Resolution authorizing the endorsement of a Blue Light permit application for Nicholas Papa, a member of the Berkeley Heights Volunteer Fire Department.
- d. Resolution authorizing the endorsement of a Blue Light permit application for Benoit Minguet, a member of the Berkeley Heights Rescue Squad.
- e. Resolution authorizing a refund of the overpayment of taxes in the amount of \$355.92, to Rocco and Barbara La Sasso, 265 Hamilton Avnue.

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- f. Resolution authorizing a refund of the overpayment of taxes in the amount of \$437.04, to Donald & Janet Chrisholm, 844 Mountain Avenue.
- g. Resolution authorizing the Winter Walk on December 7, 2019 and the closure of Lone Pine Drive to Plainfield Avenue between the hours of 1:00 – 8:00 p.m.

Approval of Consent Agenda Resolutions #12 a-g

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

- 13. Resolution urging the Governor to address the youth vaping health crisis by taking action and banning the sale of flavored nicotine vaping products in stores and online.

Mrs. Kingsley noted that the resolution has been amended.

Note: Amended Resolution “urges the Governor of New Jersey to address this youth vaping health crisis by thoroughly exploring all options available to reduce the public health risk to minors.

Approval of Resolution (***as amended***)

Mover: Mrs. Kingsley
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 (as Amended)

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for October 15, 2019.

The Clerk presented and read:

1. An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 2 of The Code of the Township of Berkeley Heights ("Administration and Personnel") to include a new chapter, Chapter 2.91, entitled “Economic Development Committee” Which Committee Shall Consist of Township Volunteers to Provide Advisory Assistance to Foster Further Economic Development of the Township . (EXPLANATORY STATEMENT: This Ordinance amends the Township Code and authorizes the establishment of an Economic Development Committee within the Township of Berkeley Heights.)

That the Ordinance as read by the Township Clerk be offered on first reading, that October 15, 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. 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 scheduled for October 15, 2019.

The Clerk presented and read:

**2. BOND ORDINANCE AMENDING SECTION 6(d) OF BOND ORDINANCE
NUMBERED 8-2019 OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE
COUNTY OF UNION, NEW JERSEY, FINALLY ADOPTED AUGUST 20, 2019, IN
ORDER TO INCREASE THE SECTION 20 COSTS.**

That the Ordinance as read by the Township Clerk be offered on first reading, that October 15, 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. 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 scheduled for October 15, 2019.

The Clerk presented and read:

**3. AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE
COUNTY OF UNION, STATE OF NEW JERSEY ADOPTING AN AMENDED AND
RESTATED REDEVELOPMENT PLAN FOR THE HAMILTON AVENUE SCHOOL,
BLOCK 1301, LOT 19, 110 ROOSEVELT AVENUE.**

That the Ordinance as read by the Township Clerk be offered on first reading, that October 15, 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

Secunder: 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 October 15, 2019.

The Clerk presented and read:

**4. BOND ORDINANCE AMENDING SECTIONS 3 AND 6(d) OF BOND ORDINANCE
NUMBERED 7-2019 OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE
COUNTY OF UNION, NEW JERSEY, FINALLY ADOPTED JULY 23, 2019.**

That the Ordinance as read by the Township Clerk be offered on first reading, that October 15, 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. Couto
Secunder: Mr. Bavoso
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 October 15, 2019.

The Clerk presented and read:

**5. An Ordinance of the Township of Berkeley Heights, County of Union, State of
New Jersey, Amending and Supplementing Title 2 of The Code of the Township of
Berkeley Heights ("Administration and Personnel") to include a new chapter,
Chapter 2.90, entitled "Historic Preservation Committee," Which Committee Shall Consist
of Township Volunteers to Assist in the Identification, Preservation, Conservation, and
Augmentation of Community Awareness of and Engagement with Historic Sites within the
Township.**

EXPLANATORY STATEMENT: This Ordinance amends the Township Code and authorizes the establishment of a Historic Preservation Committee within the Township of Berkeley Heights.

That the Ordinance as read by the Township Clerk be offered on first reading, that October 15, 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. Yellin
Secunder: Mr. Medeiros

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

Ms. Brahimaj of 22 Briarwood Drive addressed the issue of traffic and speeding on Twin Falls Road. She asked if a study had ever been done to look into speed bumps. Council responded and a discussion of the issue followed.

Ms. Brahimaj raised a concern over a potential safety hazard where a house is being built on Rutgers Avenue. She cited a large pile of dirt and the lack of fencing around the project.

Ms. Chin of 6 Deep Dale Drive shared information about the Street Smart grant that the County offers for traffic studies which look at the flow of traffic. Council asked questions and there was a discussion.

Ms. Illis of 102 Twin Falls Lane asked about the status of the Master Plan and the public's ability to provide feedback. There was a lengthy discussion that followed on the topic.

Mr. Machado of 67 Berkshire Drive raised a concern about a large piece of property which is being cleared by Nokia to build a retention basin. Mr. Machado expressed his concern for the wildlife and ground water. Ms. Vianna explained the work being done by Nokia and the reason for it. She also noted that someone from the Planning Board is responsible for ensuring that Nokia adheres to the plan that was agreed upon. Mr. Machado noted how disheartened he is with the clearing that was done and wants to make sure someone visits the site.

Closing of the Citizens Hearing

Mover: Mr. Bavoso
Seconder: Mr. Medeiros
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- Connell -Tax Appeal
2. **PULLED** - Attorney-Client Privilege Contract Negotiations – DPW and White Collar

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3. Attorney-Client Privilege- Contract Negotiations – Epic
4. Attorney-Client Privilege - 457(b) Plan matters

Move to go into Executive Session

(9:07 p.m.)

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

Move to come out of Executive Session

(10:27 p.m.)

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

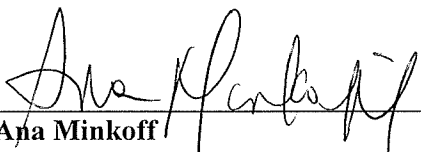
Mayor Devanney reminded all that they would be coming out of Executive Session, only to adjourn.

ADJOURNMENT

Moved by Mrs. Poage to adjourn and all were in favor.

(10:28 p.m.)

Approved: November 18, 2019



Ana Minkoff
Township Clerk

