

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD January 17, 2023**

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**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  
Paul Donnelly  
John Foster  
Jeanne Kingsley  
Susan Poage  
Jeff Varnerin (via Zoom, absent after 7:20pm)  
Angie D. Devanney, Mayor

Also present were:

Township Attorney: Alex Fisher  
Township Clerk: Ana Minkoff

**FLAG SALUTE**

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

**HEARING ON AGENDA ITEMS ONLY**

Opening of the Hearing on Agenda Items Only

Mover: Mr. Couto

Seconder: Mr. Foster

Discussion: Mr. Varnerin read a statement on the nonappointment of the former administrator.

Mrs. Kingsley read a statement on the nonappointment of the former administrator.

Mr. Couto read a statement on the nonappointment of the former administrator.

Mayor Devanney read a statement on the nonappointment of the former administrator.

Mrs. Poage commented on the nonappointment of the former administrator. Mrs. Kingsley responded, discussion followed.

Mr. Donnelly commented on the nonappointment of the former administrator.

Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin

Nays: None

Abstain: None

Absent: None

Mayor Devanney read a statement regarding the procedures for public comment.

Mr. Birbrower of 103 Briarwood read a statement prepared by the Grants Committee regarding the first resolution up for approval.

Ms. Poulos spoke to the first resolution up for approval.

Mr. Pirone of 43 Baker Ave spoke to communication.

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Mr. Medeiros of 21 Twin Falls Rd reinforced the statement read by Mr. Birbrower and spoke to the first resolution up for approval.

Mr. Pratt of 45 Park Ave spoke to the first resolution up for approval. Mrs. Kingsley responded.

Mr. Probst of 281 Chaucer Dr spoke to communication, responsibility and the first resolution up for approval.

Ms. Kaufman of 57 Holly Glen Ln South spoke to Mrs. Kingsley on comments made regarding the first resolution up for approval. Mrs. Kingsley responded.

Ms. Kapuscinski of 21 Princeton Ave commented and read a statement on the first resolution up for approval.

Ms. Anderson of 50 Windsor Way spoke to Mrs. Kingsley regarding comments made and spoke to the first resolution up for approval. Mrs. Kingsley responded.

Resident spoke to the statements made regarding the first resolution up for approval. Mr. Couto and Mrs. Kingsley responded.

Mr. Terpstra of 30 Saw Mill Dr commented on the first resolution up for approval.

Dr. Pellegrini of 21 Columbus Ave requested information.

Resident spoke to the first resolution up for approval.

Mr. Ronner of 49 Debbie Place spoke to the first resolution up for approval. Mayor Devanney responded.

Ms. Koubeck of 49 Hampton Dr. spoke to the first resolution up for approval.

Mr. Sayre of 53 Orion Rd spoke to and the first resolution up for approval.

Mr. Romankow of 28 Bristol Ct spoke to collaboration and to the first resolution up for approval.

Ms. Lloyd of 52 Deep Dale Dr questioned Mayor Devanney regarding communication and information. Mayor Devanney responded.

Ms. Illis of 102 Twin Falls Rd spoke to representation, communication and the first resolution up for approval. Mr. Donnelly responded.

Mr. Leo of 43 Forrest Ave spoke to responsibility and the first resolution up for approval. Mrs. Kingsley responded.

Mr. Najarian of 30 Camptown Dr spoke to the first resolution up for approval.

Ms. Boyette of 45 Old Cannon Rd reinforced the statement read by Mr. Birbrower and spoke to the first resolution up for approval.

Mr. Tsitouras of 124 Glenside Rd spoke to the first resolution up for approval.

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Ms. Chen of 6 Deep Dale Dr spoke to the first resolution up for approval.

Ms. Akiri of 146 Robbins spoke to the municipal complex project and the first resolution up for approval. Mrs. Kingsley responded.

Mr. Gallitelli of 13 Riceman Rd spoke to grant information. Mrs. Poage responded.

Mr. Arora of 55 Grassman Pl spoke to process and the first resolution up for approval. Mrs. Kingsley responded.

Mr. Migueis of 56 Kuntz Ave spoke to the first resolution up for approval. Mrs. Kingsley responded.

Ms. Williams of 145 Rutgers Ave spoke to the first resolution up for approval.

Ms. Veza of 140 Circle View Ave spoke to road conditions and the first resolution up for approval.

Mr. Nadkarni of 44 Rogers Pl spoke to road conditions and the first resolution up for approval.

Mayor Devanney thanked the DPW.

Ms. Blecker of 366 River Bend Rd spoke to the first resolution up for approval.

Dr. Marquis of 130 Kent Dr spoke to the first resolution up for approval.

Ms. Tauber of 48 Lancelot Dr asked a question of Township Attorney, Mr. Fisher. Mr. Fisher answered.

Ms. Acheson of 80 North Rd spoke to the first resolution up for approval.

Ms. Minkoff read a statement submitted by Mr. Yellin of 7 Finch Ct.

“I can't be here tonight to join the residents who have come to call on the Council to reinstate Liza Viana as our Township Administrator, as my wife and I are welcoming our first child into the world. I want to add my voice to theirs, however, and urge the 4 Council members who voted to remove Liza to vote differently tonight. I have no doubt that other residents will speak to the events of the January 4th Reorganization meeting, and others to the incredible good Liza has done for our community as the Township Administrator. As such, I want to share a few thoughts from a different perspective: namely, about one's legacy. Having served on the Council, I know first-hand that reputation is a fickle thing. An elected official who is popular today, is unpopular tomorrow. A public servant who does everything right, can be ousted by the voters for reasons which have nothing to do with how well they did. All we can do, as elected officials, is to do our best to leave a positive legacy for our town - not just for its future, but for our reputation as people whose decisions helped shape that future. What happened to Liza on January 4th is the kind of act that people remember. Reputation, like a shadow, follows elected officials even after we leave office. The 4 Council members who voted to remove Liza can claim to have done many other things for our community, and have spent many hours as volunteers. None of that will be remembered, as I see it, unless you change your votes tonight. You will be remembered for what you did on January 4th, and how you did it. None of us want such a legacy for ourselves. None of us would want to be remembered for that, when each of us in elected office can claim so many better things as our legacy. So my message to the 4 Council members is this: tonight, you have the opportunity to decide your legacy as leaders in our community. Will you be remembered for how you removed Liza Viana? Or will you be remembered for the many other accomplishments you can point to? I honestly believe you will have to choose between one legacy or the other, and decide it tonight. I urge the entire governing body to reinstate Liza. It is not only

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right for our town and its future but the only way to bring our community back together again. Thank you for your time.”

Ms. Minkoff read a statement submitted by Mr. Migueis of 56 Kuntz Ave.

“First, I want to reiterate my disappointment in what felt like (from the outside looking in) an attempt to have secret meetings on the role of Township Administrator. The way this went down made it feel like you were using Liza's job as a bargaining chip for another gain. Liza is highly respected and supported in the community- I think the petition is evidence of this. To blindsides her and the community with a non-renewal of her employment with absolutely no explanation other than "we tried to have secret meetings to discuss it" isn't just disrespectful to her and the residents of Berkeley Heights but to the very ideals of American government. Government officials having "secret meetings" and "working behind the scenes" should be the exception to the general practice. I am quite confident that the Town Council isn't involved in national security matters requiring the cloak-and-dagger tactics we have become aware of over the last two weeks. I am sure that most of you (if not all of you) are in the US because someone in your family wanted to run away from a government that made terrible decisions behind closed doors. That someone in your family wanted to leave a country where people in power could do whatever they wanted to people they felt were "disposable". If that's true, shame on you for bringing that diseased and broken way of governing into our community. If that's not true, then you should all retake a class on Western Civilization and learn about how and why representative governments came about. Second, if you wanted to protect Liza from the embarrassment of publicly discussing performance issues, you would have spoken to her and the Mayor directly well before the reorganization meeting- even before the election. You would not have voted not to renew her appointment in front of the community without articulating a single good reason. Your public explanation used the defense that you tried to reach out to the Mayor a few days before the meeting to discuss this. Is this your definition of trying to be decent? Is this your definition of due diligence? I don't believe this had anything to do with Liza's performance, and I don't believe there were any actual performance issues on your mind when you were trying to hold your secret meetings. Whatever you bring up tonight as a reason, I am convinced, is some re-creation you threw together at the last minute due to the backlash you received from our community. This was clearly an attempt at a quid quo pro that backfired. The fact that you would treat an employee this way is embarrassing to the town, and it's also one of the saddest things I've witnessed in local government. We have people employed with our tax dollars that should have been terminated within the first three months of their employ who were supported by the very people sitting up there now claiming to be the champions of accountability. These people seek to get rid of an employee most everyone in the town is happy with while holding water for their friends' clear and demonstrable failures. Stop putting the town through this nonsense, govern properly and re-appoint Liza.”

Mr. Barter of 550 Plainfield spoke to the first resolution up for approval.

Resident spoke to the first resolution up for approval.

Closing of the Hearing on Agenda Items Only

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

**APPROVAL OF RESOLUTIONS**

1. Resolution consenting to the appointment of Liza Viana as Township Administrator.

Approval of Resolution

Mover: Mr. Donnelly  
Seconder: Mrs. Poage  
Discussion: Mrs. Kingsley commented. Mayor Devanney responded. Council responded and discussed.  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage  
Nays: None  
Abstain: None  
Absent: Mr. Varnerin  
**Result: Approved**

Mayor Devanney administered the oath of office.

2. Resolution approving Bill List dated January 17, 2023, in the amount of \$607,690.74.

Approval of Resolution

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

3. Resolution authorizing a tax settlement with The Connell Co./Lifetime Fitness, 25 Connell Drive.

Approval of Resolution

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

4. Resolution appointing Barbara Russo as Fund Commissioner for the Garden State Municipal Joint Insurance Fund.

Approval of Resolution

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

***Result: Approved***

5. Resolution authorizing the application of a grant from New Jersey Department of Community Affairs for approximately \$100,000, for improvements to Peppertown Park, with a cash match of \$267,900.

Approval of Resolution

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

***Result: Approved***

6. Resolution authorizing an emergency temporary appropriation in the amount of \$35,000.

Approval of Resolution

Mover: Mr. Couto  
Seconder: Mrs. Kingsley  
Discussion: Mr. Foster asked a question. Mrs. Minkoff responded.  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage  
Nays: None  
Abstain: None  
Absent: Mr. Varnerin

***Result: Approved***

7. Resolution authorizing transfers between Budget Appropriations.

Approval of Resolution

Mover: Mr. Donnelly  
Seconder: Mrs. Kingsley  
Discussion: Mr. Foster asked a question. Mrs. Minkoff responded.  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage  
Nays: None  
Abstain: None  
Absent: Mr. Varnerin

***Result: Approved***

8. Resolution appointing several members to the Memorial Park Renewal Committee.

Approval of Resolution

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

***Result: Approved***

9. Resolution authorizing a submission of a grant application to the EPA, in the amount of \$654,000, for Recycling and Waste Management.

**Approval of Resolution**

Mover: Mrs. Kingsley  
Seconder: Mrs. Poage  
Discussion: Mayor Devanney asked a question on behalf of Mr. Foster. Mrs. Vianna responded.  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage  
Nays: None  
Abstain: None  
Absent: Mr. Varnerin  
**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. Resolution approving an overpayment in the amount of \$1,251.60, for the property located at 280 Mountain Avenue.
- b. Resolution consenting to the appointment of James Rubino, to the active roster of the Berkeley Heights Fire Department

**Approval of Consent Agenda Resolutions #10 a-b**

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

**TOWNSHIP COUNCIL REPORTS**

Council members provided Council Reports and Committee updates.

**ADMINISTRATION REPORTS**

Mayor Devanney provided the Mayor's Report.

**Approval of Township Council and Administration Reports**

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

***Result: Approved***

**CITIZENS HEARING**

Opening of the Citizens Hearing

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

Resident spoke to a comment that Mr. Couto made.

Mr. Gallitelli of 13 Riceman Rd spoke to Recreation Committee appointment. Mayor Devanney responded.

Mr. Delia of 294 Garfield St spoke to trees, sewer plant and wall issues and asked questions. Mayor Devanney responded, and council responded.

Mr. Kapoor of 101 Columbia Ave spoke to a street light issue. Mayor Devanney responded.

Ms. Illis of 102 Twin Falls Rd spoke to the tree ordinance and had a question. Mayor Devanney, Township Attorney; Mr. Fisher, and council responded.

Mrs. Bradford of 34 May Dr introduced herself as a new Board of Education member, liaison to Town Council, Recreation Commission and TCHI Commission.

Mr. Kane of 46 Sycamore Ave asked about the status of repairs of the municipal building. Mayor Devanney and Mrs. Viana responded. Mr. Kane had further comments.

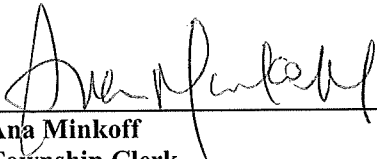
Closing of the Citizens Hearing

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

**ADJOURNMENT**

Moved by Mr. Couto to adjourn and all were in favor.  
**(10:16 p.m.)**

**Approved: February 7, 2023**

  
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**Ana Minkoff  
Township Clerk**