

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD February 21, 2023**

CALL TO ORDER

At 7:01 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
Susan Poage
Jeff Varnerin
Angie D. Devanney, Mayor

The following Council members were absent:

Jeanne Kingsley

Also present were:

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

FLAG SALUTE

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

**APPROVAL OF MINUTES – PUBLIC MEETING – December 6, 2022, December 20, 2022,
January 4, 2023, January 17, 2023 and February 7, 2023**

Approval of Minutes

Mover: Mr. Varnerin
Seconder: Mr. Foster
Ayes: Mr. Donnelly, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: Mr. Couto on February 7, 2023 minutes
Absent: Mrs. Kingsley
Result: Approved

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for March 7, 2023.

The Clerk presented and read:

PULLED

- 1. “AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION**

**EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF
THE TOWNSHIP OF BERKELEY HEIGHTS**

**2. An Ordinance of the Township of Berkeley Heights, County of Union,
State of New Jersey, Authorizing the Residential Lease with Jim Hopkins
for the Property Located at 31 Snyder Avenue for the 2023-2025 Term.**

That the Ordinance as read by the Township Clerk be offered on first reading and that March 7, 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
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Kingsley
Result: Approved

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

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

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

No voices were heard.

Closing of the Hearing on Agenda Items Only

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

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated February 21, 2023, in the amount of \$205,556.29.

Discussion:

Mrs. Poage commented on excluding \$7,887.00 for Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A from her vote

Approval of Resolution

Mover: Mr. Foster
Seconder: Mr. Varnerin

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

2. Resolution authorizing the township to proceed with a bid for portions of Kline Place and Fickler Place for drainage and road surface improvements, including milling and paving, driveway repair.

Discussion:

Mr. Foster had a question regarding township right of way. Mayor Devanney Responded.
Mr. Donnelly asked for clarification. Ms. Viana responded.
Mr. Varnerin had a question regarding possibly going out to bid. Mayor Devanney Responded.

Approval of Resolution

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

3. Resolution awarding a professional service contract to Arterial LLC. for landscape architectural and civil engineering services for the development of full design for the proposed renovations to Peppertown Park, in an amount not to exceed \$56,000.

Discussion:

Mr. Varnerin commented on reviewing the indemnification language.
Mr. Varnerin commented and asked questions regarding the budget. Mayor Devanney responded, and discussion followed.

AMENDED

Indemnification Clause

Approval of Resolution

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

4. Amending Resolution #75-2023, authorizing the Township to apply for a grant from the EPA, for Recycling and Waste Management in the amount of \$825,000, with the Borough of Madison.

Discussion:

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Mr. Couto commented and asked a question regarding other municipalities. Ms. Viana responded and discussion followed.

Mr. Foster asked a question regarding the number of bins. Ms. Viana responded and discussion followed.

Approval of Resolution

Mover: Mr. Couto

Seconder: Mr. Foster

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

Nays: None

Abstain: None

Absent: Mrs. Kingsley

Result: *Approved*

5. Resolution authorizing the application of a LEAP Implementation Grant in the amount not to exceed \$600,000.

Discussion:

Mr. Donnelly asked a question regarding what the grant is. Mayor Devanney responded, and discussion followed.

Mr. Varnerin asked a question regarding cost. Mayor Devanney responded, and discussion followed.

Mr. Couto asked a question regarding combining grant money with ambulance services. Ms. Viana responded.

Approval of Resolution

Mover: Mr. Varnerin

Seconder: Mr. Foster

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

Nays: None

Abstain: None

Absent: Mrs. Kingsley

Result: *Approved*

6. Resolution authorizing a tax settlement for the property located at 6 Maple Avenue, Block 902, Lot 1.02.

Discussion:

Mr. Donnelly asked about the amount associated to the settlement. Mayor Devanney responded.

Approval of Resolution

Mover: Mrs. Poage

Seconder: Mr. Foster

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

Nays: None

Abstain: None

Absent: Mrs. Kingsley

Result: *Approved*

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7. Resolution authorizing an agreement with PS&S, for engineering services, preliminary/final design and bidding services for the wastewater treatment plant improvements, in the amount not to exceed \$222,355.00.

Discussion:

Mayor Devanney commented regarding the relation to a previous conference session. Mr. Varnerin asked a question regarding budgeting. Ms. Viana responded.

Approval of Resolution

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

8. Resolution authorizing the Application of the 2023 AARP Community Challenge Grant, to construct (2) Bocce ball courts, with a shade structure over the courts, in Peppertown Park, in an amount up to \$50,000.

Discussion:

Mrs. Poage asked a question regarding drainage. Ms. Viana responded. Mr. Varnerin asked if there is any match for this grant. Ms. Viana responded.

Approval of Resolution

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

9. Consent Agenda Resolutions (a-d)

- a. Resolution authorizing the 5K Charity Road Race & Fitness Walk on September 17, 2023.
- b. Resolution authorizing the 2023 Berkeley Heights Downtown Summer Block Party on Sunday, June 4, 2023 from 12:00 – 4:00 p.m.
- c. Resolution authorizing a tax overpayment for the property located at 41 Debbie Place, in the amount of \$2,347.24.
- d. Resolution appointing William Smookler to the Junior Fire Auxiliary of the Volunteer Fire Department.

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Discussion:

Mrs. Poage commented on the date of resolution a. Mayor Devanney responded and discussion followed.

Approval of Consent Agenda Resolutions #9 a-d

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

Result: Approved

TOWNSHIP COUNCIL REPORTS

Council members provided Council Reports and Committee updates.

ADMINISTRATION REPORTS

Mayor Devanney provided the Mayor's Report.
Ms. Viana provided the Administrator's Report

Approval of Township Council and Administration Reports

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

Result: Approved

CITIZENS HEARING

Opening of the Citizens Hearing

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

No voices were heard.

Closing of the Citizens Hearing

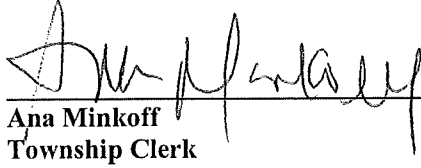
Mover: Mr. Varnerin
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Kingsley

ADJOURNMENT

Moved by Mrs. Poage to adjourn and all were in favor.
(7:44 p.m.)

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Approved: April 25, 2023



**Ana Minkoff
Township Clerk**