

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD March 7, 2023**

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
Jeanne Kingsley
Susan Poage
Jeff Varnerin
Angie D. Devanney, Mayor

The following Council members were absent:

John Foster

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.

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON
FEBRUARY 21, 2023**

The Clerk presented and read:

**“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.”**

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

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

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

No voices were heard.

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

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

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

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

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

Mr. Carrellas of 35 Sycamore Ave had questions on resolution 10 and the two ordinances being introduced. Mayor Devanny and Mr. Fisher responded.

Mr. Leister of 49 Summit Ave commented on resolution 7.

Closing of the Hearing on Agenda Items Only

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

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated March 7, 2023, in the amount of \$623,370.08.

Approval of Resolution

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

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Absent: Mr. Foster
Result: Approved

2. Resolution authorizing an emergency temporary appropriation in the amount of \$57,942.27.

Discussion:

Mrs. Poage gave clarification.

Approval of Resolution

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

3. Resolution authorizing the application of the 2023 New Jersey American Water Environmental Grant in the amount up to \$10,000, to construct rain gardens.

Approval of Resolution

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

4. Resolution authorizing a side bar agreement with UPSEU Wastewater Treatment Plant.

Discussion:

Mr. Varnerin commented on preferred education credentials. Mayor Devaney and Mrs. Viana responded.

Approval of Resolution

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

5. Resolution authorizing a tax settlement for the property located at 5 Eaton Court, Block 504, Lot 9.

Approval of Resolution

Mover: Mr. Donnelly
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mrs. Kingsley, Mr. Varnerin

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Nays: None
Abstain: Mrs. Poage
Absent: Mr. Foster
Result: Approved

6. Resolution authorizing going out to bid for the Residential Clean-Up Program - 2023.

Approval of Resolution

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

7. Resolution authorizing going out to bid for the purchase and planting of 185 trees throughout the township's public property and public right-of-way.

Approval of Resolution

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

8. Resolution awarding a professional service contract to Santarcangelo Law, LLC., for assistance in the enforcement of statutes, ordinances and regulations pertaining to foreclosing, vacant and abandoned properties, code enforcement, lead paint inspection, uniform construction code and zoning matters, in an amount not to exceed \$24,000.

Approval of Resolution

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

9. Resolution authorizing Connelly & Hickey Architects, to prepare a bid for the prequalification of contractors for the stabilization and partial restoration of the Little-Lord Farmstead.

Approval of Resolution

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

Absent: Mr. Foster
Result: Approved

10. Amending resolution #95-2023, 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 and asked a question. Mayor Devanney responded.

Approval of Resolution

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

- a. Resolution authorizing a tax overpayment in the amount of \$1,997.38, for the property located at 100 Kline Blvd.
- b. Resolution authorizing a tax overpayment in the amount of \$4,106.93, for the property located at 223 Chaucer Drive

Approval of Consent Agenda Resolutions #11 a-b

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

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for March 21, 2023.

The Clerk presented and read:

PULLED

- 1. AN ORDINANCE AMENDING SECTION 4.8.2 OF THE MUNICIPAL CODE (TECHNICAL REVIEW COMMITTEE) TITLED "SUBMISSIONS AND REVIEW PROCEDURES"**

**2. AN ORDINANCE CREATING SECTION 15.4.021 OF THE MUNICIPAL CODE
TITLED “EXPEDITED INSPECTIONS”**

That the Ordinance as read by the Township Clerk be offered on first reading and that March 21, 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. Varnerin
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Foster
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. Donnelly
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Foster

Result: Approved

CITIZENS HEARING

Opening of the Citizens Hearing

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

Mr. Sincaglia of 22 Robbins Ave asked questions pertaining to bulk pick up, budget, and traffic lights. Mayor Devanney responded.

Ms. Ulloa of 230 Park Ave spoke to adding stone to the entrance of her street. Mayor Devanney responded.

Mr. Weinger of 196 Lawrence Dr. commented on resolution 9. Mayor Devanney responded. Mrs. Poage commented.

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Mr. Leister of 49 Summit Ave commented on the Environmental Commission events and information.
Mayor Devanney responded.

Mr. Carrellas of 35 Sycamore Ave spoke to consent agenda.

Closing of the Citizens Hearing

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

EXECUTIVE SESSION – Attorney-Client Privilege/Contract Negotiations

Move to go into Executive Session

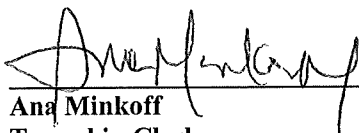
Mover: Mr. Couto
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Foster

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

ADJOURNMENT

Moved by Mr. Donnelly to adjourn and all were in favor.
(8:07 p.m.)

Approved: April 25, 2023



Ana Minkoff
Township Clerk

EXPLANATORY STATEMENT: This Ordinance authorizes the residential lease agreement with Jim Hopkins for the property located at 31 Snyder Avenue for the 2023-2025 term.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. 1-2023

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.

WHEREAS, the Township of Berkeley Heights is the owner of the residential property located at 31 Snyder Avenue (the "Property"); and

WHEREAS, the Township previously authorized the preparation of request for bids for leases of the Property to be leased under certain terms and conditions; and

WHEREAS, the Township awarded a Residential Lease Agreement for the Property to James Hopkins, which was thereafter renewed, and currently expires on December 31, 2022; and

WHEREAS, the Township desires to renew and extend the Residential Lease Agreement for the Property for an additional thirty-six (36) months under the same terms and conditions, except for a reasonable rental increase and late payment fee; and

WHEREAS, the New Jersey Anti-Eviction Act, N.J.S.A. 2A:18-61.1, sets forth the grounds for removal of a tenant; and

WHEREAS, at this juncture, the Township does not believe that there is a statutory basis to remove this tenant, unless the tenant fails to accept the lease extensions with the amended terms and conditions; and

WHEREAS, Mr. Hopkins accepted the amended lease terms, including the increase in rent in the amount of \$17,895.24 per year, to expire on December 31, 2025; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14 of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Township is authorized to lease real estate or an interest in land, such as a lease, by ordinance; and

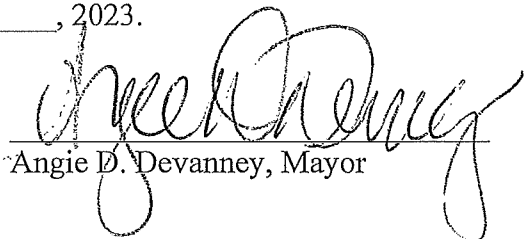
WHEREAS, the Mayor and Township Council of the Township of Berkeley Heights find it in the best interest of the Township to renew and extend the Residential Lease Agreement with Mr. Hopkins for the Property.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

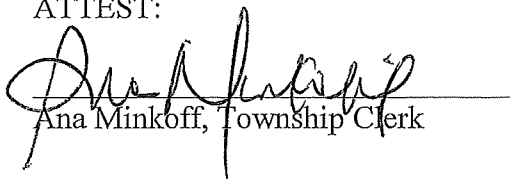
1. The Township hereby authorizes the entering into a renewal/extension of the residential lease with Jim Hopkins for the property located at 31 Snyder Avenue for the term of January 1, 2023 through December 31, 2025 for the initial rental amount of \$17,895.24 per year, payable in equal monthly payments of \$1,491.27, pursuant to the terms and conditions set forth in the Residential Lease Agreement attached hereto.
2. The Mayor and Township Clerk of the Township of Berkeley Heights are hereby authorized and directed to sign and execute the Residential Lease Agreement in the form attached hereto, along with any other documents required to effectuate the lease.
3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
4. This Ordinance shall take effect immediately upon final passage and publication according to law.

INTRODUCED the 21st day of February, 2023.

ADOPTED the 7th day of March, 2023.


Angie D. Devanney, Mayor

ATTEST:


Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2023

- 1. 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.**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **February 21, 2023** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **March 7, 2023** at **7:00** p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff
Township Clerk**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
COUTO	✓			<input type="checkbox"/>
DONNELLY	✓			
FOSTER	✓			
KINGSLEY				✓
POAGE	✓			
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

NOTICE OF FINAL ADOPTION

Ordinance -2023

**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.**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above-entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on March 7, 2023.

**Ana Minkoff,
Township Clerk
Township of Berkeley Heights**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
COUTO	✓			<input type="checkbox"/>
DONNELLY	✓			✓
FOSTER				
KINGSLEY	✓			
POAGE	✓			
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				