CALL TO ORDER
At 7:02 p.m. the Mayor called the meeting to order and the Township Clerk stated 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. This meeting was contained on a list of meetings set by resolution dated January 4, 2022.

ROLL CALL
The following Council members were present:
   Gentiana Brahimaj
   Manuel Couto
   John Foster
   Jeanne Kingsley
   Jeff Varnerin
   Angie D. Devanney, Mayor

The following Council members were absent:
   Paul Donnelly

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.

PROCLAMATION - Pat Egan - Hockey
The Mayor read a Proclamation which publicly recognized Pat Egan for his commitment to the sport of hockey and expressed her hope that some of the GLHS hockey players continue to develop their talents, follow his commitment, and have the opportunity to play hockey on a professional level.

Members of Mr. Egan’s family were present to accept the proclamation.

APPROVAL OF MINUTES - Public Meeting – March 1, 2022, March 15, 2022, and April 5, 2022
Approval of Minutes
   Mover:    Mrs. Brahimaj
   Seconder: Mr. Couto
   Ayes:     Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
   Nays:     None
   Abstain:  None
   Absent:   Mr. Donnelly
   Result:   Approved
PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON APRIL 5, 2022.

The Clerk presented and read:

1. “AN ORDINANCE RESERVING CERTAIN PARKING SPACES AT THE BERKELEY HEIGHTS MUNICIPAL BUILDING FOR COMBAT WOUNDED/PURPLE HEART MILITARY VETERANS.”

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

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

No voices were heard.

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

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

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

Mr. Couto expressed his support of the Ordinance.

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

Result: Adopted

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

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

Mayor Devanney read a statement regarding the procedures for public comment given the virtual (ZOOM) meeting.
Mrs. Kingsley stated that she received some questions from a resident regarding the Outdoor Dining Ordinance. She noted those sections of the ordinance of concern and a discussion followed between Council, Mayor and the Township Attorney.

Mrs. Kingsley moved to Table the Introduction of the Outdoor Dining Ordinance (Ordinance #1 on tonight’s Agenda.). Mr. Couto second the motion.

Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly

Result: Tabled

Closing of the Hearing on Agenda Items Only
Mover: Mr. Foster
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated April 19, 2022, in the amount of $218,690.42.

Approval of Resolution
Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly

Result: Approved

2. Resolution authorizing the application of the 2022 New Jersey American Water grant in the amount of $8,000, to help protect and treat the Townships’ tree canopy against the emerald ash borer.

Approval of Resolution
Mover: Mr. Varnerin
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly

Result: Approved

3. Resolution amending the 2022 temporary appropriations.

Approval of Resolution
Mover: Mrs. Brahimaj
4. Resolution authorizing purchase of certain goods and services through the use of Morris County Cooperative, for road resurfacing with an estimated amount of $94,000.

Approval of Resolution
Mover: Mr. Couto
Seconder: Mrs. Brahimaj
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved

5. Resolution authorizing the 2022 temporary capital budget.

Approval of Resolution
Mover: Mr. Foster
Seconder: Mr. Varnerin
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved

6. Resolution proclaiming April 29, 2022, as Arbor Day in the Township of Berkeley Heights.

Approval of Resolution
Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved

7. Resolution authorizing the solicitation of bids for the right to lease ground space for the installation of communications equipment and antennas on the existing tower at 259 Diamond Hill Road.

Approval of Resolution
Mover: Mr. Varnerin
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved
Absent: Mr. Donnelly  
Result: Approved  

8. Resolution authorizing purchase of certain goods and services through the use of the State Cooperative system, for Law Enforcement firearms equipment and supplies, with an estimated amount of $100,000.

Approval of Resolution
Mover: Mrs. Brahimaj  
Seconder: Mr. Foster  
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin  
Nays: None  
Abstain: None  
Absent: Mr. Donnelly  
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-h)

a. Resolution authorizing a tax overpayment in the amount of $494.80, for the property located at 99 Park Edge.

b. Resolution authorizing a tax overpayment in the amount of $4,593.60, for the property located at 65 Murray Hill Blvd.

c. Resolution authorizing a tax overpayment in the amount of $1,000.00, for the property located at 3 Lackawanna Blvd.

d. Resolution authorizing a tax overpayment in the amount of $500.00, for the property located at 51 Cornell Avenue.

e. Resolution authorizing a tax overpayment in the amount of $1,738.26, for the property located at 11 Park Edge.

f. Resolution authorizing a tax overpayment in the amount of $1,000.00, for the property located at 89 Springfield Avenue.

g. Resolution authorizing a tax overpayment in the amount of $500.00, for the property located at 82 Maple Avenue.

h. Resolution authorizing a tax overpayment in the amount of 500.00, for the property located at 5 Riceman Road.

Approval of Consent Agenda Resolutions # 9 a-h
Mover: Mr. Couto  
Seconder: Mrs. Brahimaj
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for May 3, 2022.

TABLED
1. “AN ORDINANCE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR OUTDOOR DINING.”

The Clerk presented and read:

2. “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,349,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”

That the Ordinance as read by the Township Clerk be offered on first reading and that May 3, 2022 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. Varnerin
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved

The Clerk presented and read:

3. “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,262,690 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,136,421 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”

That the Ordinance as read by the Township Clerk be offered on first reading and that May 3, 2022 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: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
Result: Approved

TOWNSHIP COUNCIL REPORTS
Councilmembers 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. Foster
Seconder: Mrs. Brahimaj
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly
**Result: Approved**

**CITIZENS HEARING**
Opening of the Citizens Hearing
Mover: Mrs. Brahimaj
Seconder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly

Ms. Illis of 102 Twin Falls Road asked about the multicultural fair. Mr. Varnerin responded.

Ms. Illis asked about the Outdoor Dining Ordinance. Mrs. Kingsley responded.

Ms. Illis asked for an update on the refinancing of the bonds. Mayor Devanney responded.

Ms. Illis raised her concern with the sale of the Berkeley Caterer property on Springfield Avenue to Union County and asked Council to share their support for the sale. Mayor and Council responded.

Closing of the Citizens Hearing
Mover: Mrs. Brahimaj
Seconder: Mr. Foster
Ayes: Mrs. Brahimaj, Mr. Couto, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mr. Donnelly

**ADJOURNMENT**
Moved by Mr. Varnerin to adjourn and all were in favor.
(7:41 p.m.)

Approved: May 3, 2022

Ana Minkoff
Township Clerk
AN ORDINANCE RESERVING CERTAIN PARKING SPACES AT THE BERKELEY HEIGHTS MUNICIPAL BUILDING FOR COMBAT WOUNDED/PURPLE HEART MILITARY VETERANS

WHEREAS, Combat Wounded/Purple Heart military veterans have served the United States honorably and have made great sacrifices in doing so; and

WHEREAS, the Township of Berkeley Heights would like to honor Combat Wounded/Purple Heart military veterans by reserving certain parking spaces at the Municipal Building for their use;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Berkeley Heights in the County of Union and State of New Jersey that the Township Code be amended as follows:

Section I. Creation of Chapter 10.48.110 titled “Combat Wounded/Purple Heart Veteran Parking”

A new Chapter 10.48.110 titled “Combat-Wounded/Purple Heart Veteran Parking” is hereby created as follows:

A. No person shall park a vehicle in a parking space/stall designated and established for Combat Wounded/Purple Heart veterans, unless they meet the requirements of Paragraph c of this subsection. A Combat Wounded/Purple Heart Parking space means an area of a public roadway or public parking lot designated for use by any Combat Wounded/Purple Heart awarded person as provided for and which is so marked by proper signage and roadway marking.

B. A combat wounded veteran is any person who served for any length of time in any military service branch, who experienced any level of hostility for any duration resulting from offensive, defensive, or friendly fire military action involving a real or perceived enemy in any foreign theater and suffers injury or disability from same. A Purple Heart Medal Designee is any member of the United States Military who has been awarded the Purple Heart Medal.

C. Two (2) parking spaces located at the Municipal Building shall be reserved as Combat Wounded/Purple Heart Parking spaces. The Administration shall designate said spaces with appropriate signage/roadway marking.

D. Any person, firm, association or corporation parking a motor vehicle in a restricted parking space without a special vehicle identification sticker or other proof of Combat Wounded/Purple Heart veteran status, including, but not limited to, any such vehicle identification card, license plate, or
sticker issued by the State, County, or other Municipality, in violation of any provision of this chapter or any amendment or supplement thereto shall be liable to a fine of two hundred fifty-three dollars ($253.00) for the first offense and for subsequent offenses, a fine of at least two hundred fifty-three dollars ($253.00) and up to ninety (90) days community service on such terms and in such form as the municipal court shall deem appropriate, or any combination thereof.

E. Any person applying for the aforementioned sticker shall present such documents as required by the Township Clerk to establish that the individual is a Combat Wounded Veteran and/or has been awarded the Purple Heart. In addition, any applicant must have been honorably discharged from the United States Military. The Township Clerk's Office shall have up to seven (7) days to review and determine if the applicant qualifies as a Combat Wounded Veteran/Purple Heart Designee.

Section II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section III. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

INTRODUCED the 5th day of April, 2022.

ADOPTED the 19th day of April, 2022.

By: Angie Devaney, Mayor

ATTEST:

Ana Minkoff, Township Clerk
NOTICE OF
INTRODUCTION
Ordinance -2022

AN ORDINANCE RESERVING CERTAIN PARKING SPACES AT THE
BERKELEY HEIGHTS MUNICIPAL BUILDING FOR COMBAT
WOUNDED/PURPLE HEART MILITARY VETERANS

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 April 5, 2022 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 19, 2022 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

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MAYOR DEVANNEY
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

NOTICE OF FINAL ADOPTION

Ordinance -2022

AN ORDINANCE RESERVING CERTAIN PARKING SPACES AT THE BERKELEY HEIGHTS MUNICIPAL BUILDING FOR COMBAT WOUNDED/PURPLE HEART MILITARY VETERANS

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 April 19, 2022.

Ana Minkoff,
Township Clerk
Township of Berkeley Heights

ROLL CALL

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MAYOR DEVANNEY
April 19, 2022 Town Council Reports

Council President Jeanne Kingsley

Planning Board:
Next meeting tomorrow evening at 7:30 pm on Zoom. The link for the meeting can be found on the township website. The Board will hear an application for a proposed minor subdivision at 162 Kline Blvd, Block 1902 lot 1. The existing parcel would be subdivided to create two new lots. The existing house would be razed and two new homes constructed. The proposal would require bulk variance relief.

Downtown Beautification Committee:
The committee met on April 12th and discussed the following:

- The Fill-a-Basket program, which enables us to plant flowers to the hanging flowerpots on Springfield Avenue, is fully sponsored – we are actually oversold. The Mea family is moving its sponsorship of 3 baskets to the Winter season so we can accommodate everyone who wanted to support the community in this way. A big thank you to all the businesses and neighborhood groups who are sponsoring, and the BHBC for partnering with us to promote this popular program. The flowers will be planted by Hall’s and installed by DPW this May.

- The next opportunity to help make Berkeley Heights bloom this spring and summer is the Adopt-a-Sign program. Residents, Neighborhoods, Scout Troops, and businesses can “adopt one of 20 Welcome and Park signs in town. That means planting flowers and maintaining the beds from May through early fall. It’s a fun and flexible program that allows people to volunteer on a schedule that suits them best. Interested? Email us at DBC@bhtwp.com

Communication Committee:
Met last evening, the focus of the meeting was on the website upgrade. The survey to gather resident input on the current website will be available until this Friday April 22nd so if you have not taken the survey yet, please do – we want to hear from you! The committee would like to use the website to prepare the e newsletter to put the technology that we have in place to better use. A subgroup of the committee is going to work on this over the next few months with the goal of creating a streamlined, consistent, timely newsletter. The committee discussed how best to be involved in the block party on June 5th and suggested having a table for residents interested in getting involved in our town by providing information on the various committees, commissions and boards and how a resident can volunteer. We would
like to ask each council member to line up their committees that they serve on to provide a one page information sheet about their committee and also to help staff the table on June 5th.

Memorial Day Parade:
It is back, after 2 years – so please mark your calendar for Monday May 30th at 9:30 am, the parade will be led by members of the VFW post #6259. The parade starts on Snyder Ave, heads west down Springfield Ave, and south on Plainfield Ave ending at Veterans Memorial Park. Any organized group within the township that is interested in marching alongside our veterans please reach out to the Recreation Department at 464-0550, Ext. 11.

Council Vice President Manny Couto

Peppertown Park Committee:
The committee has not met as it is waiting for the updated drainage plans.

Warren Development:
I attended the final meeting of the Warren Planning Board regarding the K Hovanian 192 unit project on the corner of Emerson Lane and Hillcrest on April 11th. The architect, landscape architect, and engineer for KHov all provided testimony regarding the building specifics for the development. The attorney for KHov then summarized the hearings as follows: Warren entered into the settlement agreement by adopting a housing element plan, by identifying the site and site suitability section of the element, by rezoning and adopting the zoning ordinance. He said they feel the benefits are clear, the project will make a major contribution to Warren’s affordable housing obligation, which ultimately reduces future development. This is a higher set aside than many towns. These are 50 year deed restrictions rather than 30 year. The project provides safe, affordable dwellings to very low, low and moderate households. The project has been designed in close collaboration with the township professionals and it has been re-designed three or four times, based upon input from the Warren Planning Board. The architecture has been greatly enhanced. He asked the board to approve this application. Several Warren residents spoke regarding their objection to the project, noting concerns about traffic on both Emerson and Hillcrest and noted the lack of sidewalks along Emerson. The Board will vote on this application at their April 25th meeting.

Councilwoman Gentiana Brahimaj
No official committee report.

Councilman Paul Donnelly
No official committee report.

Councilman John Foster

Historic Preservation Committee
Sub Committee for Fundraising met on March 31st.

The following fundraising ideas were discussed:

- Shop for the Cause to take place on April 21, 2022 with the help of Pam Yoss and her pop up store Lavendar and Sage. All proceeds from that day both in store and online will go to the Historical Committee.
- Discussion on getting Union County involved in putting up plaques for the Nike Missle Base in Watchung Stables as a historic site. Two other places in town to get plaques, Train station and the radar station that was located at GL.
- They will be looking to do a town wide garage sale on 9/17/22 and a possible 50/50 over the summer months at all of the events in town such as concerts and street fairs.
- Looking to get artist who painted the train station mural to do one of the Littel-Lord farmstead as a possible christmas gift in the shape of ornaments or other ideas.
- Next Subcommittee meeting on 4/28/22 at 6pm

Next full committee meeting via zoom is on April 7th at 7pm

Truth, Community Healing & Inclusion Committee

The committee had to postpone their March meeting due to scheduling conflicts. The next meeting is scheduled for April 25th at 7 pm.

The Multi-Cultural Street Fair Sub-Committee met and discussed all of the many cultures in town and started working on how to get them represented for a street fair in late September or Early October. Date to be determined. There are many ideas on how to promote this and those who attended the meeting broke up into small groups to work on developing ideas to highlight and celebrate the various cultures within our community. One idea was a cricket match on Memorial Field. The next meeting is April 7th at 7 pm.

Councilman Jeff Varnerin

Board of Health:

The Board is still looking for an addition member. If interested, please see the Township website for a committee/board application. The next meeting will be in person May 18th at 7:30pm at the municipal building.

Truth, Community Healing & Inclusion Committee

A subcommittee met on April 7th to further discussion the plans for the multicultural street fair. We have representation for Asian, Indian, African/Caribbean, Ukrainian and Italian heritage. If others are interested in leading additional cultures, please contact the Mayor. The pillars are Food, Entertainment and Fun. September 25th is tentative date with an October 20th rain date.
Waste Water Treatment Plant (WWTP):

- Reviewed proposal from PSS (WWTP engineering consultant) to design and oversee a variety of fixes to the WWTP including permitting, flare and boilers.
- Met with residents from Garfield Ave on April 7th, along with Mayor Devanney to update them with progress to date on fixes at the WWTP.
- Reviewed RFQs received for WWTP engineer.

Municipal Complex:

We continue to work toward bringing in a third-party building envelop expert and hope to have a resolution soon to define the scope of services.