

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD MAY 17, 2022**

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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 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:

Manuel Couto  
John Foster  
Jeanne Kingsley  
Jeff Varnerin  
Angie D. Devanney, Mayor

The following Council members were absent:

Gentiana Brahimaj  
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**

**Military Appreciation Awareness Month**

The Mayor read a Proclamation which publicly designated May 2022 as Military Appreciation Month within the Township of Berkeley Heights.

**National Public Works Week**

The Mayor read a Proclamation which publicly designated the week of May 15<sup>th</sup> 2022 as National Public Works Week within the Township of Berkeley Heights.

**CONFERENCE SESSION**

**NW Financial presentation – Township Debt**

Ms. Litzebauer of NW Financial, presented an update on the Township's Outstanding Debt. Mayor and Council provided feedback and asked questions. A discussion followed.

Mayor Devanney opened the discussion on this topic to the public.

Mr. Birbower of 103 Briarwood Drive asked about the reserve funds. Ms. Litzebauer responded.

**Bias Incident Protocol**

Ms. Chandra and Detective Sergeant Mea presented on the Bias Incident Protocol. Mayor and Council provided feedback and asked questions. A discussion followed.

Mayor Devanney opened the discussion on this topic to the public.  
*No voices were heard.*

**Affordable Housing Update**

Mr. Nolan, Affordable Housing Attorney, and Mr. Mistretta, Affordable Housing and Redevelopment Planner, presented an update on the Affordable Housing mandates and development in Berkeley Heights. Mayor and Council provided feedback and asked questions. A discussion followed.

Mayor Devanney opened the discussion on this topic to the public.

Mr. Kane of 46 Sycamore Avenue asked about the management of the developments to ensure that the developers meet their obligations. Mayor Devanney responded.

Ms. Robinson of 31 Highland Circle asked for an update on conversations with the developers. Mr. Jessup responded and a discussion followed.

Ms. Varnerin of 20 Wardle Avenue asked about the deadline for the Kings project. Mr. Jessup responded.

Ms. Varnerin asked if the Kings project is not complete by 2025 would it have an impact on the “next round” of Affordable Housing assessment. Mr. Nolan responded.

Mr. Medeiros of 21 Twin Falls Road asked about the potential for the former nursing home on Springfield Avenue being considered for Redevelopment. Mayor Devanney, Mrs. Kingsley and Mr. Jessup responded and a discussion followed.

Mr. Foster asked if there is a Plan B in the event the remaining projects don’t get completed. Mr. Mistretta responded.

**HEARING ON AGENDA ITEMS ONLY**

Opening of the Hearing on Agenda Items Only

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

Mr. Carrellas of 35 Sycamore Avenue asked about the resolution to apply for a grant for an EV Charger. Ms. Viana responded.

Mr. Carrellas referenced the Resolution to award a contract to Arterial, LLC and asked how expenses would be reimbursed if they would exceed the noted Not to Exceed Amount. Mayor Devanney responded.

Closing of the Hearing on Agenda Items Only

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

**APPROVAL OF RESOLUTIONS**

1. Resolution approving Bill List dated May 17, 2022, in the amount of \$180,185.49.

Approval of Resolution

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

2. Resolution appointing Michael Imbriaco to fill the vacant position of Tax Assessor.

Approval of Resolution

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

3. Resolution authorizing the Application of the 2022 IT Pay\$ to Plug In, grant program in the amount of \$8,000.00.

Approval of Resolution

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

4. Resolution awarding a professional services contract to Arterial LLC., for urban design services, for the development of a capital improvement plan for Sherman Avenue, in an amount not to exceed \$38,500.00.

Mayor Devanney noted that Arterial, LLC will be presenting at the first meeting in June.

Approval of Resolution

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

***Result: Approved***

5. Resolution authorizing PS&S, LLC., to provide Engineering services related to the Wastewater treatment plant in an amount not to exceed \$40,000.00.

Approval of Resolution

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

***Result: Approved***

6. Resolution determining the form and other details of \$23,750,000 General Improvement Bonds, Series 2022, of the Township of Berkeley Heights, in the County of Union, New Jersey, and providing for their sale.

Approval of Resolution

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

**7. Consent Agenda Resolutions (a-b)**

- a. Resolution removing members from the active-duty roster.
- b. Resolution appointing Thomas Gbur, to the Junior Fire Auxiliary, of the Berkeley Heights Volunteer Fire Department.

Approval of Consent Agenda Resolutions # 7 a-b

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

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

#### **CITIZENS HEARING**

Opening of the Citizens Hearing

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

Mr. Medeiros expressed his support for an updated Tree Ordinance.

Mr. Carrellas commented on Mr. Foster's Council Report regarding the Historical Preservation Committee.

Ms. Minkoff read a statement submitted by Robert Doney of 44 Apple Tree Road.

"Berkeley Heights recently completed a project along Plainfield Avenue that consisted of the installation of new sidewalks, aprons and curbs along with the removal of trees.

There is a plan for a new development at the end of Emerson Lane near the Warren border that will bring along not only car traffic but also a lot of foot and bicycle traffic.

My concern is that the side roads along Emerson Lane as well as Emerson Lane itself are in need of a major facelift, so say the least. Is there anything in the works to not only improve the current walking path on the south side of Emerson lane but to also upgrade the roads and install curbs along the road? The current patchwork that is being done is falling apart. If there is no current plan, what can be done to get the ball rolling on one because the state of the roads between Plainfield Avenue and Hillcrest that connect to Emerson Lane are awful.

Thank you"

Mayor Devanney responded.

Closing of the Citizens Hearing

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

**EXECUTIVE SESSION –**

**1. Attorney/Client Privilege- Warren Sewer**

Move to go into Executive Session

**(8:48 p.m.)**

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

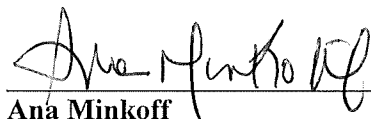
Mayor Devanney reminded all that they will be coming out of Executive Session only to adjourn.

**ADJOURNMENT**

Moved by Mr. Varnerin to adjourn and all were in favor.

**(9:12 p.m.)**

**Approved: June 21, 2022**



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**Ana Minkoff**  
Township Clerk



May 17, 2022 Town Council Reports

*Council President Jeanne Kingsley*

### **Planning Board**

On May 4th the planning board met and Keenan Hughes, Township Planner, presented the proposed Master Plan consisting of Volume I – Existing Conditions Analysis, and Volume II – Vision, Goals and Recommendations. Mr. Hughes summarized the substantial changes made to the Master Plan since the last presentation as well as some minor administrative changes that will be included in the final draft. Members of the Board and the 2 residents that were in attendance expressed their opinions regarding the Master Plan and the consensus of the Board was in favor of adopting the Master Plan. The Master Plan was approved with a 7 -0 vote.

The next meeting is tomorrow, May 18th at 7:30 pm here in the Berkeley Room. The PB will hear and application for Fiserv, Inc., 100 Connell Drive, Block 4301, Lot 1.02 (MU-Zone) for a tenant improvements project to include an entry pavilion expansion on the southeast side of the existing 100 Connell office building, as well as modifications of existing hardscape and landscape areas around.

### **Downtown Beautification Committee**

Met on May 10<sup>th</sup>. We are looking for volunteers to Adopt a Sign. This is the program where businesses, families and groups like the Girl Scouts adopt a welcome or park sign for the season. There are 17 signs to adopt and 7 are already adopted. Please reach out to us if you are interested. Email [dbc@bhtwp.com](mailto:dbc@bhtwp.com), or contact me directly to find out the details and to select a location to adopt.

Mark your calendar for Saturday, June 4 at 9 am! BHWalks, which brings together community members of all ages to walk together in Downtown Berkeley Heights, is restarting after a pandemic hiatus. As we walk together, we pick up litter and look for any issues that could impact pedestrian and student safety. Meet fellow residents and have fun as you help Downtown look its very best for the Downtown Summer Block Party on Sunday! On June 4, we'll meet at Veterans Memorial Park at 9 am. We will provide gloves and bags. Email [dbc@bhtwp.com](mailto:dbc@bhtwp.com), or contact me directly to get the link to the sign-up sheet.

Fill-a-baskets are up along Springfield Avenue! Big thanks to everyone who donated. Please bear with me as I read their names. Many of these groups sponsor the program year after year and these baskets really brighten our downtown:

- .. Tonia & Anika Ansetta
- Berkeley Development Co. L.P.

- Berkeley Hardware
- Deerpath Families
- Fuhrmann Family
- Goodman's Deli & Restaurant
- GRA Architects Inc
- Happy Bee Homes
- Investors Bank
- Laurie Holsten Homes
- Lillian Court Neighbors
- RE/MAX Integrity Advantage: Jim & Barbara Mulcahy
- Rosaleen & Mark Matthews
- The Rotary Club of Berkeley Heights
- Sherbrook Neighborhood
- Smith Chiropractic
- The Tile Lady by Christine

Restaurant Month planning is underway. We are looking to hold the event in September again this year and are already planning some special surprises to make the month even more fun for diners and our great restaurant owners and employees.

### **Memorial Day Parade**

Gentle reminder that the Memorial Day Parade is back and will take place on Monday May 30th – it kicks off at 9:30am at the VFW and ends with a ceremony at the Veterans Memorial Park. Mark your calendars and plan to come out and celebrate those that served from our community.

### ***Council Vice President Manny Couto***

#### **Memorial Park Committee**

Is working with the Mayor, DPW and the JCP&L to get the electric fixed, and the water working at the site to keep the tree watered and the power available for outdoor venues. OEM Chief Anthony Padavano supplied a list of the locations of the hometown banners and the honored service people. Liza will be posting it on the township website.

#### **Peppertown Park Committee**

Understands the new direction and vision for Sherman Ave and the creation of the Master Plan has delayed the completion of the drainage study, and the committee hope that now that these issues are almost completed, the drainage study can be performed and the work on the Park moved forward.

#### **Other Town Information**

On May 6<sup>th</sup> I attended the AAPI event in Town Hall, the weather that day just did not cooperate, so the event was moved inside. It was well attended, with guest speakers, a history of Asian American in the United States, and music from a Han Academy student, and readings from children about how proud they are of their heritage.

The Berkeley Heights Diversity Council in cooperation with Summit will be holding an event on May 21st. Please go to their website or Facebook page for details.



I attended the Breakfast hosted by the BHBC on May 13th at the VFW hall. Full Steam ahead, the plans for the June 5th Street Fair is moving along well. As more sponsors sign on, more events and booths are added in. Reach out to Dr Smith or Paul at Taylor rental with any questions or if you wish to sponsor.

-The Fire Department is always looking for volunteers. Stop by anytime you see the doors open or reach out to Chief Jim Hopkins.

***Councilwoman Gentiana Brahimaj***

No official committee report.

***Councilman Paul Donnelly***

No official committee report.

***Councilman John Foster***

**Historic Preservation Committee**

Met on May 5th at 7:30 in town hall.

Special Guest Liza Vianna answered questions from the various committee members. The committee discussed the following:

1. The Littel-Lord Trust has \$10,693.72 in unencumbered monies. We need to match what grants we receive. Grants are for specific projects. Oldest grant monies get used first.
2. The Historical Architects will get the above stated amount figure so they can project the next steps.
3. John sent all committee members the structural engineer's report.
4. Louisa and Ron spoke about the farmhouse. There needs to be certain things done so the house does not fall into greater disrepair. We need to keep the water and weather out.
5. There is no master plan for maintaining township property. The train station needs to be painted.
6. We want to take pictures of township structures before they are knocked down, so we have them for posterity (i.e. the old house by Westminster Church)
7. Century Club Homes - Louisa is working with Mike Allocco of SpecialTees. Looks like the signs will cost in the \$20 range. By the next meeting Louisa hopes to have a price and a sample of what the sign will look like. Camille distributed copies of the list of homes. Committee members will start going to the homes to see if they are still century homes.
8. The Lavender and Sage Fundraiser raised \$230.00 for the Littel-Lord Trust
9. Paperwork is being completed for a raffle to coordinate with the Fall picnic on the property.
10. The committee watched a slide show on Ron's computer regarding the Littel-Lord property. They need to add music and narration. Sean will help with making the show more upbeat- adding next steps. This presentation will be made to the Township Council and used at the street fair.

Next meeting: June 2 at 7:30pm in the Dogwood Room at the Municipal Building.

**Military Appreciation Month**

May is Military Appreciation month and GL is collecting items for Operation Shoebox. Operation Shoebox embraces a practical mission of providing hands-on support for our troops deployed overseas and returning home. It is the mission of Operation Shoebox to meet the needs of every hero with dignity and appreciation. Whether it looks like packing coffee, socks, toothpaste, and sports gear into care packages or sending letters of encouragement, whether it looks like organizing fundraisers or collecting supplies for homeless veterans, Operation Shoebox is committed to treating every hero with care and honor. Any items can be dropped off at GL in the main lobby or at town hall and will be brought to GL by 6/2/22.

**\*\* OPERATION SHOEBOX OF NEW JERSEY Items Collecting:**

Lip balm  
Sun block  
Moist wipes  
Bug spray - non-aerosol  
Bars of soap  
Small bottles of shampoo  
Deodorant - non-aerosol  
Powdered drink mixes  
Cereal/Snack/Granola bars  
Instant oatmeal - individual packets  
Boxes of hot chocolate (individual packets)  
Small cans of tuna with pop-tops  
Small cans of fruit with pop-tops  
Microwave popcorn - individual bags  
Athletic socks  
Batteries - all sizes  
Gum  
Candy  
Small boxes of cereal  
Small bags of trail mix, peanuts, pretzel

I spoke with Joe Vorhees at GL about content for the BHGL TV and suggested that we add the various flag raising ceremonies to the channel – he agreed and I offered to take the lead in making this happen.

***Councilman Jeff Varnerin***

**Board of Health**

Board of Health meets tomorrow evening 18May 18th at 7:30 pm. This will be in person and remote attendance. We still have an open seat for anyone interested.

**Truth, Community Healing & Inclusion Committee**

TCHI will meet next Monday May 23<sup>rd</sup> at 7pm

## **Statement Regarding Bias Crimes**

In the past month, our area of the country has seen 2 racist attacks, one in NYC and the other just this past weekend in Buffalo. We mourn for those who lost their lives and look upon both acts with complete disgust. While the most recent was much more deadly than the NYC attack both were fueled by hate. Hate at its core is an evil that has no home in any community and certainly not here in Berkeley Heights. Tonight we are reminded of the hate that has occurred here in BH and I think it was rather fitting that we see the good that can come from horrible acts. Thank you to Ritu Chandra for your bravery and strength to see the incident that happened to you turn into a good. In the same vein, I hope that good will come from these two most recent racist attacks. Good that will benefit the communities but more importantly the families that were most impacted. We are keeping all involved in our prayers.