

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JUNE 25, 2019**

CALL TO ORDER

At 7:00 p.m. Mayor Devanney called the meeting to order.

The Township Clerk stated that 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.

ROLL CALL

The following Council members were present:

Mr. Bavoso
Mr. Couto
Mrs. Kingsley
Mrs. Poage
Mr. Yellin
Mayor Devanney

The following Council members were absent:

Mr. Medeiros

Also present were:

Township Attorney: Guido Weber, on behalf of Kraig Dowd
Township Administrator: Liza Viana
Township Clerk: Ana Minkoff

FLAG SALUTE

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

EXECUTIVE SESSION

1. Attorney Client Privilege/Contract Negotiations – Mast Construction*
* Should have read: Attorney Client Privilege/Contract Negotiations – EPIC Management.
2. Attorney Client Privilege/Potential Litigation – Aptive Environmental

Move to go into Executive Session

(7:08 p.m.)

Mover: Mrs. Poage
Secunder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: Mr. Medeiros

Move to come out of Executive Session
(8:07 p.m.)

Mover: Mrs. Poage
Second: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Mr. Medeiros was present for the remainder of the meeting via SKYPE.

CONFERENCE SESSION

Length of Service Awards Program (LOSAP) – Rescue Squad

Mr. Savino presented the LOSAP program on behalf of the Berkeley Heights Rescue Squad. He explained the program and the reason for the Rescue Squad's proposal to enact LOSAP.

Council provided their feedback and asked questions. There was a detailed discussion on the program and how it could move forward.

Mr. Uanis joined the discussion on behalf of the Fire Department. He had a detailed discussion with Council on whether or not this could benefit the Fire Department.

TOWNSHIP COUNCIL REPORTS

Mr. Bavoso reported on the following topics:

- Communication Committee

Mr. Couto reported on the following topics:

- Coffee with a Cop
- Relay for Life

Mrs. Kingsley reported on the following topics:

- BH Walks
- Downtown Beautification Committee
- Recreation Commission

Mr. Medeiros reported on the following topics:

- Recreation Commission
- Environmental Commission
- Mayor's Wellness Campaign
- Recycling Task Force
- Parking at Governor Livingston

Mrs. Poage reported on the following topics:

- Planning Board
- Grants Committee

Mr. Yellin reported on the following topics:

- Littell-Lord Farmstead
- Veteran’s Memorial Committee
- Relay for Life
- Communications Committee

ADMINISTRATION REPORTS

Mayor Devanney discussed the following topics:

- YMCA Pride Event
- Family Public Safety Day
- Proclamation for 50th Anniversary of Taylor Rental
- Relay for Life
- Rahway Valley Sewage Authority
- Girl Scouts Panel Event
- Bond Debt Service

Ms. Viana provided updates from the following departments:

- Public Works
- Construction
- Engineering
- Wastewater Treatment
- Recreation
- Zoning

Ms. Viana also spoke about the food drive challenge with Scotch Plains.

Approval of Township Council and Administration Reports

Mover: Mr. Bavoso
Second: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE:

Public Hearing and Final Adoption of Ordinance Introduced on June 12, 2019.

The Clerk presented and read:

**BOND ORDINANCE AMENDING BOND ORDINANCE #13-07, AS
SUPPLEMENTED BY BOND ORDINANCE #22-08, OF THE TOWNSHIP OF
BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY,
FINALLY ADOPTED AUGUST 7, 2007, AS SUPPLEMENTED NOVEMBER 5,
2018, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.**

**Township Council Minutes
Public Meeting – June 25, 2019**

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

Mover: Mrs. Poage
Secunder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Ms. Croneberger of 42 Hamilton Terrace spoke about her disappointment in the state of the Littell-Lord Farmstead. The Mayor attempted to inform Ms. Croneberger that this portion of the meeting was strictly for the bond ordinance. Ms. Croneberger continued to express her sadness and describe the current state of the property.

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

Mover: Mrs. Poage
Secunder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

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. Medeiros
Secunder: Mr. Bavoso
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Adopted

APPROVAL OF MINUTES

Approval of Minutes - **Public Meeting – March 5, 2019**

Mover: Mrs. Kingsley
Secunder: Mr. Yellin
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

Approval of Minutes - **Public Meeting – March 19, 2019**

Mover: Mrs. Kingsley
Secunder: Mr. Yellin
Ayes: Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: Mr. Bavoso

Absent: None

Result: Approved

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

Mover: Mr. Yellin
Seconder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

No voices were heard.

Closing of the Hearing on Agenda Items Only

Mover: Mr. Yellin
Seconder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated June 25, 2019 in the amount of \$851,494.21.

Approval of Resolution

Mover: Mr. Bavoso
Seconder: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

2. Resolution authorizing the renewal application for 2019-2020 Alcoholic Beverage License for Connell Hospitality LLC.

Mr. Yellin provided a brief explanation of the resolution.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mr. Bavoso
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None

Absent: None

Result: Approved

3. Resolution authorizing changes to the scope of the Municipal Complex Redevelopment project.

Mrs. Kingsley gave a brief update on the change order and an explanation of the resolution.

Approval of Resolution

Mover: Mrs. Poage

Seconder: Mr. Couto

Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

4. Resolution consenting to the appointments of the Volunteer Members to the Grants Committee.

Mr. Yellin noted a slight change on the resolution related to expiration dates on two member terms.

Mrs. Poage spoke briefly about the committee and read a statement from Ms. Rao on the Committee.

Approval of Resolution

Mover: Mr. Yellin

Seconder: Mrs. Kingsley

Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None

Abstain: None

Absent: None

Result: Approved

5. Resolution authorizing the acceptance of a used 1999 Ford Expedition donated by Anthony Padovano, Jr. to be used by the Township's Volunteer Fire Department in extrication training..

Approval of Resolution

Mover: Mrs. Kingsley

Seconder: Mr. Yellin

Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None

Abstain: None

Absent: None

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.

6. Consent Agenda Resolutions (a-d)

- a. Resolution authorizing a release of a cash bond in the amount of \$500.00 for work performed at 992 Mountain Avenue, Account# S-17-47-388-377.
- b. Resolution authorizing a release of a cash bond in the amount of \$700.00 for work performed at 992 Mountain Avenue, Account# S-17-48-374-044.
- c. Resolution authorizing a release of a cash bond in the amount of \$1,000.00 for work performed at 992 Mountain Avenue, Account# S-17-47-094-790.
- d. Resolution authorizing a tax overpayment to Scott Rushton, 41 Twin Falls Road in the amount of \$2,443.78.

Approval of Consent Agenda Resolutions #6 a-d

Mover: Mr. Couto
Secunder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

- 7. Resolution authorizing an agreement with Aptive Environmental, LLC, regarding the Township code's solicitation regulations.

Mr. Yellin asked whether or not Council should comment on the resolution. Mr. Weber responded.

Approval of Resolution

Mover: Mr. Yellin
Secunder: Mr. Couto
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mrs. Poage
Secunder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

**Township Council Minutes
Public Meeting – June 25, 2019**

Nays: None
Abstain: None
Absent: None

Ms. Viana noted the 3 minute time limit will be enforced for all residents.

Mr. Modelli of 243 Washington Street asked about a \$14,000 expenditure on an internal DPW investigation in which he was mentioned. He asked who decided to spend the money on the investigation which he felt was poorly done. Mayor Devanney and Mr. Bavoso asked questions to clarify the expenditure in question. There was a brief discussion on the topic and Mayor Devanney explained that administration makes decisions for matters of personnel.

Mr. White of 289 Old Tote Road in Mountainside spoke about Fibrodysplasia ossificans progressiva (FOP) which is a rare disease. He spoke about a campaign led by him and his son to raise awareness of the disease. He noted Resolution 48-03 which Berkeley Heights already has on the subject.

Ms. Viana noted the 3 minute time limit.

Mr. White closed asking for a letter of support that he can use in his campaign and there was a brief discussion. Mayor and Council were all in agreement.

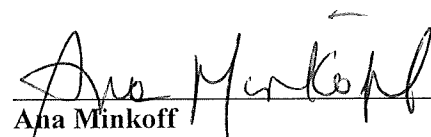
Closing of the Citizens Hearing

Mover: Mrs. Poage
Seconder: Mrs. Kingsley
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Moved by Mrs. Kingsley to adjourn and all were in favor.
(9:26 p.m.)

Approved: July 23, 2019



Ana Minkoff
Township Clerk