

**Township of Berkeley Heights
Union County, New Jersey
February 19, 2019**

XX

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, Star Ledger 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 1, 2019. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

- Peter Bavoso
- Manuel Couto
- Jeanne Kingsley
- Alvaro Medeiros- President
- Susan Poage – Vice President
- Stephen Yellin
- Angie Devanney- Mayor

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER - 7:00 PM**

- II. ROLL CALL**

- III. FLAG SALUTE**

- IV. CONFERENCE SESSION – Promotion- William Fettes - Sergeant**

- V. REGULAR AGENDA**

- VI. TOWNSHIP COUNCIL REPORTS**
 - A. Peter Bavoso**
 - B. Manuel Couto**
 - C. Jeanne Kingsley**
 - D. Alvaro Medeiros- President**
 - E. Susan Poage – Vice President**
 - F. Stephen Yellin**

- VII. ADMINISTRATION REPORTS**
 - Mayor Devanney**
 - Township Administrator – Liza Viana**

VIII. Public Hearing and Final adoption of Ordinance Introduced on February 5, 2019:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of an Extension of the Street Known as Wardle Avenue in the Township of Berkeley Heights. “

EXPLANATORY STATEMENT: This Ordinance authorizes and accepts the dedication of an extension of the street known as Wardle Avenue in the Township of Berkeley Heights

IX. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time. Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

X. NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated February 19, 2019 in the amount of \$276,595.72.
2. Resolution appointing Eugenia Poulos to the position of Township Chief Financial Officer/ Treasurer for a term of four (4) years, to commence as of February 20, 2019.
3. Resolution consenting to the application for a \$2,000.00 grant through the Sustainable Jersey Small Grants Program in support of the Berkeley Heights Vegan Fest 2019.
4. Resolution consenting to the Mayor’s Special Task Force on Recycling, which will research and explore with other communities cost saving measures that ensue the viability and cost effectiveness of the Township recycling program.
- 5. 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.
 - a. Resolution consenting to the release of a cash bond in the amount of \$5,330.00 for work performed at 310 Snyder Avenue.
 - b. Resolution consenting to the release of a cash bond in the amount of \$700.00 for work performed at 82 Richland Drive.

XI. CITIZENS HEARING - 3 minutes per resident

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

XII. EXECUTIVE SESSION-

XIII ADJOURNMENT

Ana Minkoff, Township Clerk

Mayor's Correspondence
January 2019

1. **Victoria Drake, UC Trust Fund Administrator** – fully executed 2018 Kids Rec Trust Grant
2. **TransOptions** – letter introducing their company and enclosing Annual Report
3. **Ronald Weinger** – letter from resident related to negligence of gas line companies in other states and his concerns for our residents
4. **NJCM** – updated agenda for Mayor's Winter Summit
5. **Chris Cotter** – congratulatory note
6. **UC Dept of Human Services Division on Aging & Disability** – The Service Network January issue
7. **Edward Oatman, UC County Manager** – letter explaining shared services agreement w/Essex County Juvenile Detention Center effective March 1, 2019 to house UC juvenile detainees
8. **Jessica Cunningham, Chairperson of UC St Patrick's Day Parage** – invitation to Mayor and Rec Director to attend and participate in Celebrity Bartenders fundraiser
9. **The Rotarian** – Feb 2019 issue
10. **NJLM** – invitation to 27th annual Mayors Legislative Day
11. **NJCM** – 2019 Mayors Winter Summit
12. **Amy Wagner** – UCTAB
13. **Lexis Nexis** – letter requesting information on contracts for online legal research cc: clerk
14. **Victoria Drake, UC Trust Fund Administrator** - fully executed 2018 Greening Union County grant
15. **Court Appointed Special Advocates of UC** – Invitation to Women's Leadership Luncheon "The Power of You in Community"
16. **JCPL** – letter asking for designated town official to be notified when electrical service is discontinued.
17. **Betty Jane Kowalski, UC Freeholder Chair** – letter informing you of resources available to federal employees who may be impacted by government shut down.
18. **Charles Smith, Director Government Affairs, Comcast** – formal acceptance of Renewal of Municipal Consent to Comcast to continue operating in BH
19. **James Coyle, Gateway Chamber of Commerce** – invitation to 30th annual Mayor's Dinner
20. **UC Utilities Authority** – informing you of 2018 year end environmental tonnage grant in amount of \$18,291
21. **Wharton Institute for Performing Arts** – letter requesting permission for Mother's Day 5K cc: Clerk
22. **NJLM** – Congratulatory and welcome letter w/information on the NJLM
23. **Colleen Mahr, Fanwood Mayor and President of NJLM**– letter welcoming you to NJLM
24. **Colleen Mahr, Fanwood Mayor** – letter requesting your support for NJ Bill S2256, legislation that provides financial and technical assistance to business districts in small towns.

EXPLANATORY STATEMENT: This Ordinance authorizes and accepts the dedication of an extension of the street known as Wardle Avenue in the Township of Berkeley Heights

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _ _ _ _ _

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of an Extension of the Street Known as Wardle Avenue in the Township of Berkeley Heights.

WHEREAS, pursuant to N.J.S.A. 40:67-1, *et seq.*, the Township of Berkeley Heights (“Township”) is authorized to accept by ordinance dedications of property for use as public rights-of-way; and

WHEREAS, in connection with the subdivision of property currently known as Lot 7 in Block 2500 into two lots to be known as Lots 7.01 and 7.02, by Luxury Investment Properties, LLC (“Developer”), in the Township pursuant to plans for development which were conditionally approved by the Township Planning Board (“Board”) in May 2018, an existing street known as Wardle Avenue was sought to be extended and to be dedicated by the Developer to the Township; and

WHEREAS, the Wardle Avenue extension was dedicated to the Township by the Developer; however, the dedication has not been officially accepted by the Township; and

WHEREAS, the Township Engineer has inspected the subject subdivision plat entitled “Final Map for Lot 7 Block 2005 484 Plainfield Avenue & Wardle Avenue” prepared by Murphy & Hollows Associates LLC dated May 2, 2018, last revised November 16, 2018, and has confirmed that the subject street extension has been constructed in accordance with the approved Plans and Specifications for this Project and is otherwise in conformance with applicable

Township regulations.

WHEREAS, the Mayor and Township Council find it to be in the best interest of the Township and its citizens to now authorize the acceptance of the dedication of the Wardle Avenue extension.

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

1. Subject to the conditions of the Board's grant of subdivision approval in May 2018, the Township of Berkeley Heights hereby accepts the dedication of an extension of the street known as Wardle Avenue, as set forth more fully on the subdivision plans entitled: "Final Map for Lot 7 Block 2005 484 Plainfield Avenue & Wardle Avenue" prepared by Murphy & Hollows Associates LLC dated May 2, 2018, last revised November 16, 2018, to be utilized as a public street and as part of the public road system of the Township of Berkeley Heights, which street shall continue to be known as Wardle Avenue.
2. The Township Clerk is hereby authorized and directed to publish notice of the adoption of this Ordinance as provided by law and to file a certified copy of this Ordinance in the office of the County Clerk of Union County as provided by law.
3. The Township Administrator, Clerk, Attorney, and other appropriate Township officials are hereby authorized and directed to take all other required actions which may be required to complete the Township's acceptance of the dedication of the street.
4. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
5. This Ordinance is not meant to repeal any provisions of the Code or any other ordinance other than those designated herein, and all ordinances or portions of ordinances which are inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.
6. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same

within ten days after it has been presented to her, then this Ordinance shall be deemed approved.

7. This Ordinance shall take effect upon passage and publication according to law.

INTRODUCED the _____ day of _____, 2019.

ADOPTED the _____ day of _____, 2019.

By: _____
Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2019

**An Ordinance of the Township of Berkeley Heights, County of Union,
State of New Jersey, Authorizing the Acceptance of the Dedication of an
Extension of the Street Known as Wardle Avenue in the Township of
Berkeley Heights.**

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 5, 2019 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on February 19, 2019 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		NAY	ABSTAIN	ABSENT
BAVOSO	✓			
COUTO	✓			
KINGSLEY	✓			
MEDEIROS	✓			
POAGE	✓			
YELLIN	✓			
TIE:				
MAYOR DEVANNEY				

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

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON FEBRUARY 19, 2019:**

**“An Ordinance of the Township of Berkeley Heights, County of
Union, State of New Jersey, Authorizing the Acceptance of the
Dedication of an Extension of the Street Known as Wardle Avenue in
the Township of Berkeley Heights. “**

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 February 19, 2019.

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

Agenda Item #

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 2/19/19, in the amount of \$276,595.72 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

APPROVED this 19th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 2

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights needed to appoint a new Township Chief Financial Officer / Treasurer of the Township of Berkeley Heights; and

WHEREAS, the Township of Berkeley Heights is governed pursuant to the Mayor-Council-Administrator form of government, N.J.S.A. 40:69A-149.1, et seq., of the Option Municipal Charter Law, N.J.S.A. 40:69A-1, et seq. (the "Faulkner Act"); and

WHEREAS, pursuant to N.J.S.A. 40:69A-149.8 and N.J.S.A. 40A:9-140.10, the Mayor nominated Eugenia Poulos to the position of Township Chief Financial Officer / Treasurer for a term of four (4) years, to commence as of February 20, 2019; and

WHEREAS, Eugenia Poulos meets the qualifications and requirements to serve as a municipal finance officer pursuant to N.J.S.A. 40A:9-140.1, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40:69A-149.8, the Mayor's nomination of Eugenia Poulos is subject to the advice and consent of the Township Council; and

WHEREAS, the Township Council desires to consent to the Mayor's nomination.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that the Township Council hereby consents to the Mayor's appointment of Eugenia Poulos to the position of Township Chief Financial Officer / Treasurer for a term of four (4) years, to commence as of February 20, 2019.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the appointee and the Township Clerk; and

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

APPROVED this 19th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

#3

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

RESOLUTION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, reducing heavy red meat consumption leads to reduction in per capita food and land use-related greenhouse gas emissions and going vegetarian could reduce those per capita emissions significantly; and

WHEREAS, the Township of Berkeley Heights, New Jersey strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Berkeley Heights, New Jersey is participating in the Sustainable Jersey Program; and

WHEREAS, Berkeley Heights Vegan Fest 2018 provided educational and health-related benefits for residents of Berkeley Heights; and

WHEREAS, Berkeley Heights Vegan Fest 2019 will similarly provide educational and health related benefits for residents of Berkeley Heights; and

WHEREAS, Berkeley Heights, New Jersey wishes to apply for a \$2,000.00 grant through the Sustainable Jersey Small Grants Program in support of the Berkeley Heights Vegan Fest 2019 (the "Sustainable Jersey Grant").

THEREFORE, the Township Council of Berkeley Heights, New Jersey has determined that the Township of Berkeley Heights, New Jersey should apply for the aforementioned Sustainable Jersey Grant.

THEREFORE, BE IT RESOLVED, that the Township Council of Berkeley Heights, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

APPROVED this 19th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 4

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights recognizes that town-wide recycling is beneficial to the environment; and

WHEREAS, the Township of Berkeley Heights is required by state law to provide for a municipal recycling program; and

WHEREAS, the Township has annually advertised a bid for recycling services and such bids must be advertised for at least 60 days; and

WHEREAS, China, the world's largest importer of recyclable materials, implemented a policy called National Sword and is no longer accepting certain raw materials such as mixed paper from foreign businesses, and has set stringent contamination requirements on other materials such as plastic; and

WHEREAS, this policy has caused a disruption in the global market spiking recycling costs for municipalities across New Jersey; and

WHEREAS, "single stream recycling" the act of combining glass, plastic, paper and cardboard has driven up the cost of recycling; and

WHEREAS, following a public bidding process in which only one respondent submitted a bid, Berkeley Heights Township witnessed 142.9% increase in the recycling budget in 2019; and

WHEREAS, the Mayor and Council of the Township have identified the cost increase as an impetus to create a special Task Force on Recycling; and

WHEREAS, the Mayor, with the concurrence of the Council, from time to time may propose, create and charge, special purpose committees, appoint their members and establish their responsibilities and duties, which committees and appointments shall expire at the end of the then current calendar year unless extended by action of the Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's Special Task Force on Recycling (hereinafter "Recycling Task Force") is hereby created, the purposes, membership and responsibilities of which shall be as follows:

1. **MISSION.** The Recycling Task force shall focus on but not be limited to benchmarking, researching and exploring with other communities cost saving measures that ensure the viability and cost effectiveness of the Township recycling program. The

task force shall also explore other markets for recycling, other public/private recyclables collection and processing entities, as well as the possibility of recycling consortiums with neighboring communities. The Recycling Task Force cannot encumber or expend funds on behalf of the Township. If grant opportunities arise as a result of the Recycling Task Force's reporting, such information shall be provided to the Township Administrator.

2. MEMBERSHIP. The Recycling Task Force shall consist of nine (9) members which shall include:

- a. Mayor;
- b. Council President;
- c. Three (3) members of the Environmental Commission appointed by the Mayor; and
- d. Four (4) members of the public who shall be residents of the Township appointed by the Mayor.

3. RESPONSIBILITIES. The Council President shall preside over the Recycling Task Force and provide regular updates at the Township Council meetings. The Recycling Task Force shall generate a final report of recommendations and present it to the Mayor and Township Council at the first meeting of the Township Council in July 2019, thereby allowing the Township ample time to bid/rebid the recycling contract in advance of the existing contract end date. As determined by the Township Administrator, upon request by the Recycling Task Force and on reasonable notice, the Township will endeavor to make available to the Recycling Task Force any necessary and available Township personnel and resources to assist it in carrying out its purposes and responsibilities as set forth herein.

4. TERM. In accordance with Township Code Section 2.08.100, the Recycling Task Force, and the term of each of its members, shall terminate on December 31, 2019 unless extended by action of the Township Council. Vacancies upon the Recycling Task Force shall be filled in the same manner as set forth in paragraph 2 herein above; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED this 19th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

5a

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

RESOLUTION

WHEREAS, Berkeley Storage Post, was required to post a cash bond, in the amount of \$5,330.00, in connection with work being performed at 310 Snyder Avenue, the Township Engineer has recommended by letter dated February 6, 2019, a full release of the cash bond in the amount of \$5,330.00 Account # S17-47-189-390.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by Berkeley Storage Post, to Hampshire Partners Fund VII, LP, 15 Maple Avenue, Morristown, NJ 07960-9030 in the amount of \$5,330.00, plus \$104.74 in accrued interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to the Township Engineer.

APPROVED this 19th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

5b

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

RESOLUTION

WHEREAS, Daniela & Jonathan Romero, were required to post a cash bond, in the amount of \$700.00, in connection with work being performed at 82 Richland Drive, the Township Engineer has recommended by letter dated February 5, 2019, a full release of the cash bond in the amount of \$700.00, Account # S17-48-594-246.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by Daniela & Jonathan Romero, 82 Richland Drive, Berkeley Heights, in the amount of \$700.00, together with any applicable interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to the Township Engineer.

APPROVED this 19th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk