

February 26, 2018

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, February 26, 2018, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Gingrich, Bacchione, Grosse, Noonan, Guadagno, and Buscio. Also present were Mayor Amato, Administrator Camera, CFO Ebenau, Attorney Staiger, Engineer Dittenhofer and Planner Oris. Council President Byrnes was absent due to surgery.

Township Clerk read the following Open Public Meetings Statement:

Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Law, adequate notice of this meeting has been given. This meeting is posted on the Bulletin board located in the corridor of this building and published in the **Newspapers** on January 5, 2018.

Councilwoman Noonan offered a prayer and Councilman Guadagno led in the *Pledge of Allegiance* at the Caucus Meeting prior to this meeting.

ROLL CALL:

PRESENT: Bacchione, Gingrich, Grosse, Noonan, Guadagno, Buscio

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of the Official Minutes for **January 22, 2018**

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Buscio, approval of the Monthly Reports from **Construction, Fire, Court, Police, Streets & Roads, Assessor, Clerk, Code, Planning/Zoning/BOA, Collector, Golf** and ordered filed.

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resol. #18-106-R re: Bills & Payroll

Bills	\$ 12,780,616.54	Payroll	\$ 1,379,171.42	Total	\$ 14,159,787.96
	Berkeley BOE		\$4,877,421.00		
	CRHS BOE		3,616,807.84		

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-01-OA re: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$9,019,355 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,568,387 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, NEW JERSEY.** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to close the public hearing and adopt Ordinance **#18-01-OA** (to be found in full at the end of the minutes.)

February 26, 2018

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-03-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT", SO AS TO AMEND SECTION 35-101.1 ENTITLED, "DEFINITION" (PLANNED RESIDENTIAL RETIREMENT COMMUNITY (PRRC).** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to close the public hearing and adopt Ordinance **#18-03-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-04-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY ESTABLISHING THE OCCUPANCY LIMITATIONS OF THE TOWNSHIP CODE, SO AS TO REVISE VARIOUS SECTIONS OF CHAPTER XI, ENTITLED "BUILDING AND HOUSING."** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to close the public hearing and adopt Ordinance **#18-04-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-05-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, AMENDING CHAPTER XXV, ENTITLED "MUNICIPAL GOLF COURSE REGULATIONS", SO AS TO AMEND §25-1.3, ENTITLED "GREENS FEES."** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to close the public hearing and adopt Ordinance **#18-05-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

February 26, 2018

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-06-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" (23RD AVENUE).** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to close the public hearing and adopt Ordinance **#18-06-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-07-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, AMENDING VARIOUS SECTIONS OF SECTION 2-4 OF THE TOWNSHIP CODE ENTITLED "COUNCIL MEETINGS."** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, to close the public hearing and adopt Ordinance **#18-07-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-08-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, SO AS TO AMEND 2-52.2, ENTITLED "MEMBERSHIP; CHAIRPERSON" (WATERWAYS ADVISORY COMMISSION).** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to close the public hearing and adopt Ordinance **#18-08-OAB with corrections** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

Council Vice President Grosse announced the time and place of a public hearing on **Ordinance #18-09-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, CHAPTER XVII, ENTITLED "STREETS AND SIDEWALKS."** Council Vice President Grosse read the Ordinance by title, as copies had been made available to the public upon request; it had been posted on the Bulletin Board in Town Hall and published in the newspaper as required by law.

February 26, 2018

Council Vice President Grosse invited anyone in the public who wished to speak for or against the adoption of the Ordinance to be heard. *There being none.*

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, to close the public hearing and adopt Ordinance **#18-09-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#18-10-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF A DEED IN LIEU OF FORECLOSURE FOR BLOCK 333, Lot 1 (TILTON BLVD.)** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Buscio, approving the introduction of Ordinance **#18-11-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE GRANT OF AN EASEMENT ON A PORTION OF BLOCK 824, LOTS 1.03 & 1.04, TO THE COUNTY OF OCEAN IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#18-12-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK: 1539, Lot: 18 (BAYVIEW AVE) ON THE MUNICIPAL TAX MAP TO DAVID & KELLEY BUTLER IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#18-13-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, AMENDING SECTION 26-1.8, ENTITLED "PICNIC AND BEACH FEES"** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#18-14-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK: 513, LOT: 8 (NIXON AVE) ON THE MUNICIPAL TAX MAP TO BRENDON SMITH IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

February 26, 2018

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Buscio, approval of Resol. #18-107-R re: CONSENT AGENDA (*Items 1 - 30*)

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

1. Resol. #18-108-R re: AUTHORIZING A REFUND OF MONIES TO DK SLEDZIK HEATING & AIR CONDITIONING FOR BLOCK: 9.18 , LOT: 20
2. Resol. #18-109-R re: AUTHORIZING A REFUND OF MONIES TO JOSEPH SCARPA BLOCK: 1244.02 , LOT: 7
3. Resol. #18-110-R re: AUTHORIZING A REFUND OF MONIES TO FREDERICK & TRACY DELLAPIETRO FOR BLOCK: 1666, LOT: 18.01
4. Resol. #18-111-R re: AWARDING A CONTRACT FOR VENDING MACHINE SERVICES FOR THE TOWNSHIP OF BERKELEY TO PEPSI COLA
5. Resol. #18-112-R re: AUTHORIZING THE EXECUTION OF A SCHEDULE "C" AGREEMENT WITH COUNTY OF OCEAN FOR 2018
6. Resol. #18-113-R re: OPPOSING A1738
7. Resol. #18-114-R re: REJECTING ALL BIDS FOR THE SNOW PLOW SERVICES
8. Resol. #18-115-R re: APPOINTING A DISCIPLINARY HEARING OFFICER - ROTH D'AQUANNI, LLC
9. Resol. #18-116-R re: AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE TOWNSHIP OF BERKELEY AND THE COUNTY OF OCEAN FY18 CHILD RESTRAINT GRANT PROGRAM
10. Resol. #18-117-R re: APPROVING THE PROPOSED SITE OF AMUSEMENT GAMES FOR THE OCEAN COUNTY FAIR AND WAIVE TOWNSHIP AND CONSTRUCTION FEES
- 11. Removed**
12. Resol. #18-119-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT COMPANY FOR ROAD RECONSTRUCTION AT PELICAN POINT, 23RD AVENUE AND 24TH AVENUE (INCREASE \$48,533.26)
13. Resol. #18-120-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT COMPANY FOR JFK BOULEVARD ROAD RECONSTRUCTION (INCREASE \$40,028.01)
14. Resol. #18-121-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT COMPANY FOR THE GRAVEL ROADWAY IMPROVEMENTS, PHASE XI (INCREASE \$32,516.17)
15. Resol. #18-122-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT CO. FOR THE 2016 ROAD IMPROVEMENT PROGRAM (INCREASE \$27,431.10)
16. Resol. #18-123-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT CO. FOR THE 2017 ROAD IMPROVEMENT PROGRAM (INCREASE \$23,887.27)
17. Resol. #18-124-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR VETERANS PARK FIELD LIGHTING
18. Resol. #18-125-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR DUDLEY PARK RESTROOM CONSTRUCTION
19. Resol. #18-126-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR MALLARD PARK RESTROOM CONSTRUCTION
20. Resol. #18-127-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR GRAVEL ROADS PHASE XII
21. Resol. #18-128-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR IMPROVEMENTS TO BUENA VISA COURT, CAMINO REAL COURT, CAMROSE STREET AND SHEEPSHEAD DRIVE
22. Resol. #18-129-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR TURF FIELD AT VETERANS PARK
23. Resol. #18-130-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR DAVENPORT ROAD TRAFFIC CALMING IMPROVEMENTS

February 26, 2018

24. Resol. #18-131-R re: AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR IMPROVEMENTS TO BLOCK 858, NEW LOTS 33.01 THROUGH 33.08, PINE CREST DEVELOPERS, LLC
25. Resol. #18-132-R re: AUTHORIZING THE RELEASE OF AN ESCROW AGREEMENT FOR A MAJOR SUBDIVISION AT BLOCK 1407 (LOTS 8 & 9) (EAGLE AVENUE)
26. Resol. #18-133-R re: AUTHORIZING THE RELEASE OF A MAINTENANCE GUARANTEE POSTED BY SAINT MAXIMILIAN KOLBE CHURCH FOR IMPROVEMENTS AT BLOCK 130, LOT 1.02
27. Resol. #18-134-R re: AUTHORIZING THE RELEASE OF A SITE IMPROVEMENT PERFORMANCE GUARANTEE POSTED BY WAWA, INC. FOR IMPROVEMENTS AT BLOCK: 837.01, LOT: 1.07 (220 ROUTE 9)
28. Resol. #18-135-R re: APPROVING VOLUNTEER FIRE COMPANY APPLICATION FOR MICHAEL G. CHERNEGO FOR PINEWALD PIONEER FIRE COMPANY
29. Resol. #18-136-R re: AUTHORIZING PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1505-33-004-008 FROM CAYMAN ASSOCIATES LLC TO MJ'S OF BERKELEY LLC
30. Resol. #18-137-R re: APPROVING THE APPLICATION FOR THE 2017 RECYCLING TONNAGE GRANT

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resol. #18-138-R re: REQUESTING LEGISLATIVE MANDATES AND GUIDELINES REGARDING SCHOOL SECURITY

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval approving the introduction of **Ordinance #18-15-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXCHANGE OF CERTAIN LANDS WITHIN THE TOWNSHIP OF BERKELEY, WHEREBY THE TOWNSHIP SHALL ACQUIRE BLOCK 601, LOTS 20 & 21, AND BLOCK 487, LOTS 7 & 9 AND BLOCK 324, LOTS 13 & 14 AS PART OF AN EXCHANGE OF LANDS PURSUANT TO N.J.S.A. 40A:12-16** *(to be found by title at the end of the minutes)*

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Buscio, approval of Resol. #18-139-R re: AUTHORIZING THE TOWNSHIP ADMINISTRATOR AND PROFESSIONALS TO CONTINUE DISCUSSIONS WITH THE DEVELOPER OF VICTORIAN PINES FOR A POTENTIAL LAND SWAP

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resol. #18-140-R re: EXTENDING A LEAVE OF ABSENCE TO PATRICK STESNER THROUGH MARCH 31, 2018

ROLL CALL:

AYE: Bacchione, Gingrich, Noonan, Guadagno, Buscio, Grosse

NAY: None

ABSENT: Byrnes

On motion by Councilwoman Noonan, seconded by Councilman Buscio, to adjourn the meeting.

A voice vote was taken with no **NAYS** heard.

February 26, 2018

Following are the Ordinances and Resolutions adopted by the Township Council and made a part of this meeting.

Beverly M. Carle
Township Clerk

L. Thomas Grosse
Council Vice President