

February 24, 2020

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, February 24, 2020, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Bacchione, Gingrich, Byrnes, Noonan, Guadagno, Grosse and Council President Buscio. Also present were Mayor Amato, Administrator Camera, CFO Ebenau, Chief DiMichele, Attorney Staiger, and Engineer Dittenhoffer.

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 10, 2020.

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, Byrnes, Noonan, Guadagno, Grosse, Buscio

ABSENT: None

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of the Official Minutes for *January 27, 2020*

ROLL CALL:

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

NAY: None

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of the Monthly Reports from:

Assessor, Code, Collector, Construction, Court, Fire, Police, Planning & Zoning, Public Works (Overtime), Sanitation & Recycling, Streets & Roads

ROLL CALL:

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

NAY: None

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resolution #20-104-R re: Bills & Payroll

Bills \$ **6,443,537.58** Payroll \$ **1,470,568.55** Total \$ **7,914,106.13**

ROLL CALL:

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

NAY: None

Council President announced the time and place of a public hearing on **Ordinance #20-03-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 30, LOTS 63 & 64 ON THE MUNICIPAL TAX MAP TO DARYL & CAROL JACKSON IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (FIRST AVENUE; \$8,000.00)** Council President Buscio 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 President 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 Guadagno, to close the public hearing and adopt Ordinance **#20-03-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

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Council President announced the time and place of a public hearing on **Ordinance #20-04-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 703, LOTS 13, 15 & 17 ON THE MUNICIPAL TAX MAP TO JEFFREY R. JERMAN IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (TRENTON AVENUE NORTH; \$21,500.00)** Council President Buscio 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 President 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 Grosse, to close the public hearing and adopt Ordinance **#20-04-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

Council President announced the time and place of a public hearing on **#20-05-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"** Council President Buscio 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 President 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 **#20-05-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

Council President announced the time and place of a public hearing on **#20-06-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DONATION OF PROPERTY TO THE VFW** Council President Buscio 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 President 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 Guadagno, to close the public hearing and adopt Ordinance **#20-06-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

ABSTAIN: Byrnes,

NAY: None

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On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-07-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, SO AS TO AMEND SECTION 7-35.2, ENTITLED "HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES (7 SHEFFIELD DRIVE) (to be found by title at the end of the minutes)**

ROLL CALL:

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

NAY: None

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-08-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" (BANANIER DRIVE) (to be found by title at the end of the minutes)**

ROLL CALL:

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

NAY: None

On motion by Councilwoman Noonan Item # 1 as amended in the Caucus meeting, seconded by Councilman Guadagno, approval of Resolution #20-105-R re: Consent Agenda

ROLL CALL:

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

NAY: Noonan on #12, Grosse on #12

1. Resol. #20-106-R re: AUTHORIZING THE BERKELEY TOWNSHIP ENVIRONMENTAL EDUCATION PROGRAM FOUNDATION AND CENTRAL REGIONAL AUTISM AWARENESS TO USE VETERANS PARK
2. Resol. #20-107-R re: APPROVING COIN TOSS APPLICATION FOR BAYVILLE VOL. FIRE CO. #1 TO BE HELD ON WESTERN BOULEVARD & VETERANS BOULEVARD
May 16 & 17, 2020 Rain Date: May 30 & 31, 2020
August 29 & 30, 2020 Rain Date: September 5 & 6, 2020
3. Resol. #20-108-R re: APPROVING COIN TOSS APPLICATION FOR MANITOU PARK FIRE CO. TO BE HELD ON MULE ROAD AND DAVENPORT ROAD
April 5th (Alternate Date April 19th)
September 27th (Alternate Date October 4th)
4. Resol. #20-109-R re: APPROVING COIN TOSS APPLICATION FOR PINEWALD PIONEER TO BE HELD ON PINEWALD KESWICK ROAD AND DOVER ROAD
April 25, 2020 Rain Date: May 2, 2020
June 13, 2020 Rain Date: June 14, 2020
September 20, 2020 Rain Date: September 26, 2020
5. Resol. #20-110-R re: ENDORSING THE APPOINTMENT OF BRIAN KUBIEL AS FIRE OFFICIAL
6. Resol. #20-111-R re: AUTHORIZING THE TOWNSHIP ENGINEER TO APPLY TO THE STATE OF NEW JERSEY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FOR THE FISCAL YEAR 2020
7. Resol. #20-112-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 9.49 LOT: 70 FOR A TOTALLY DISABLED VETERAN
8. Resol. #20-113-R re: AUTHORIZING A REFUND OF MONIES TO MR. GEORGE HATRAK FOR BLOCK: 1559, LOT: 18
9. Resol. #20-114-R re: AUTHORIZING A REFUND OF MONIES TO SUNRUN INSTALLATION SERVICES, LLC FOR BLOCK 1837.12 /LOT 3
10. Resol. #20-115-R re: AUTHORIZING AN INTERLOCAL (SHARED) SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF BERKELEY AND THE COUNTY OF OCEAN BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES
11. Resol. #20-116-R re: PERMITTING THE NATIONAL MULTIPLE SCLEROSIS SOCIETY TO USE BERKELEY ROADS FOR THE ANNUAL "COAST TO COAST" BIKE RIDE

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12. Resol. #20-117-R re: APPROVING THE PROPOSED SITE OF AMUSEMENT GAMES FOR THE OCEAN COUNTY FAIR AND WAIVE TOWNSHIP AND CONSTRUCTION FEES
13. Resol. #20-118-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 513, LOT 18 (MADISON AVENUE), TO ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2
14. Resol. #20-119-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 513, LOT 20 (MADISON AVENUE), TO ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2
15. Resol. #20-120-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 792, LOTS 9 & 11 (BERKELEY AVENUE), TO ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2
16. Resol. #20-121-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT COMPANY FOR THE 2019 ROADWAY RESURFACING / RECONSTRUCTION OF PUERTO VALLARTA STREET PROJECT
17. Resol. #20-122-R re: AUTHORIZING THE RELEASE OF INSPECTION FEES POSTED BY BYLDAN OAK GROUP, LLC FOR MAJOR SUBDIVISION APPROVAL (COUNTRY WOODS AT BERKELEY) BTC #382
18. Resol. #20-123-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR POLICE STATION DRAINAGE IMPROVEMENTS
19. Resol. #20-124-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR SLOOP CREEK ROAD, BAY BOULEVARD, AND 24TH AVENUE ROADWAY IMPROVEMENTS
20. Resol. #20-125-R re: REJECTING ALL BIDS AND AUTHORIZATION TO RE-BID FOR THE IMPROVEMENTS TO BERKELEY ROADS 2019
21. Resol. #20-126-R re: TRANSFER IN THE APPROPRIATION RESERVES
22. Resol. #20-127-R re: EMERGENCY TEMPORARY APPROPRIATION
23. Resol. #20-128-R re: OPPOSING JCP&L RATE INCREASE
24. Resol. #20-129-R re: AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GENERAL CODE TO CODIFY, PRINT AND ELECTRONICALLY PUBLISH THE ORDINANCES OF THE TOWNSHIP OF BERKELEY

On motion by Councilwoman Noonan, seconded by Councilman Grosse, approving the introduction of Ordinance **#20-09-OA re: BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE MANITOU PARK SCHOOL HOUSE, BY AND IN THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$1,750,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY HISTORIC TRUST IN THE AMOUNT OF \$656,537) AND AUTHORIZING THE ISSUANCE OF \$1,041,393 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF)** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: None

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-10-OA re: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF, AND PAYMENT OF THE PURCHASE PRICE FOR, CERTAIN REAL PROPERTY (INCLUDING REAL PROPERTY COMMONLY KNOWN AS 32 FIFTH LANE) AND IMPROVEMENTS THEREON BY AND IN THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$1,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,665,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: Grosse,

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On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance #20-11-OA re: **AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 1694, Lot 153 FOR \$317,000.00, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1) (CITTA & MOFFITT PROPERTY – FIFTH LANE) *(to be found by title at the end of the minutes)***

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Noonan, Guadagno, Grosse, Buscio
NAY: None

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resolution #20-130-R re: AWARDING ENTERTAINMENT CONTRACT TO LAGUARDIA & ASSOCIATES

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Noonan, Guadagno, Grosse, Buscio
NAY: None

On motion by Councilwoman Noonan, seconded by Councilman Grosse, approval of Resolution #20-131-R re: REQUESTING COUNCILMAN JOHN A. BACCHIONE'S REAPPOINTMENT TO THE NATURAL LANDS TRUST FUND ADVISORY COMMITTEE

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Noonan, Guadagno, Grosse, Buscio
NAY: None

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

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

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

Karen Stallings
Township Deputy Clerk

Keith A. Buscio
Council President