

March 23, 2020

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, March 23, 2020, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present in person were Council Members, Bacchione, Byrnes and Noonan, via teleconference were Council Members Guadagno, Grosse and Council President Buscio. Also present were, Administrator Camera, CFO Ebenau, Attorney Staiger and Engineer Peters via teleconference Mayor Amato and Chief DiMichele. Councilwoman Gingrich was absent

Township Deputy 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 Byrnes led in the Pledge of Allegiance at the Caucus Meeting prior to this meeting.

Prior to this meeting the Council approved that Attorney Staiger would run the meeting.

**ROLL CALL:**

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

ABSENT: Gingrich,

**Item # 3 was removed from the agenda.**

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

***Clerk, Code, Collector, Construction, Fire, Planning/Zoning/BOA, Police, Public Works Overtime, Sanitation/Recycling***

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resolution #20-132 -R re: Bills & Payroll Bills \$ 6,377,761.25 Payroll \$ 1,468,940.51 Total \$ 7,846,701.76 . Note there was an addition to the bill list increasing it \$1450.00 which is reflected in the amounts above.

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

Attorney Staiger announced the time and place of a public hearing on **#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 (SHEFFIELD DRIVE)** Attorney Staiger 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.

Attorney Staiger 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 **#20-07-OAB** *(to be found in full at the end of the minutes.)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

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Attorney Staiger announced the time and place of a public hearing on **#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)** Attorney Staiger 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.

Attorney Staiger 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 **#20-08-OAB** *(to be found in full at the end of the minutes.)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

Attorney Staiger announced the time and place of a public hearing on **#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**

Attorney Staiger 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.

Attorney Staiger 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 Byrnes, to close the public hearing and adopt Ordinance **#20-09-OAB** *(to be found in full at the end of the minutes.)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

Attorney Staiger announced the time and place of a public hearing on **#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** Attorney Staiger 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.

Attorney Staiger 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 **#20-10-OAB** *(to be found in full at the end of the minutes.)*

On the Motion Councilman Byrnes wants to clarify the amount above is not the purchase price.

Attorney Staiger confirmed that there is a public hearing on that later in the meeting.

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

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Attorney Staiger announced the time and place of a public hearing on **#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)**

Attorney Staiger 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.

Attorney Staiger 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 Byrnes, to close the public hearing and adopt Ordinance **#20-11-OAB** *(to be found in full at the end of the minutes.)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-12-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, RENAMING A TOWNSHIP ROAD (DURINO WAY)** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-13-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, RESCINDING ORDINANCE 20-05-OA (RESIDENTIAL PERMIT PARKING; DEAL AVENUE)** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-14-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE SO AS TO AMEND §26-1.23, ENTITLED “USE OF MOTOR VEHICLES ON BEACHES”** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

AYE: Bacchione, Noonan, Guadagno, Grosse, Buscio

NAY: None

ABSTAIN: Byrnes

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-15-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 14-42.6, “PAYMENT FOR EXTRA-DUTY ASSIGNMENTS”** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-16-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 XXVI, ENTITLED “BEACHES AND RECREATIONAL AREAS”, SO AS TO CREATE SECTION 26-4, ENTITLED “COMMEMORATIVE PLAQUE PROGRAM”**

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*(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-17-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 13-1.7 ENTITLED "ADDITIONAL REQUIRED INSPECTIONS AND FEES"** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance **#20-18-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 CHAPTER XII, "PROPERTY MAINTENANCE" §12-3.5 CERTIFICATES OF COMPLIANCE** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approving the introduction of Ordinance amended as discussed in the Caucus meeting **#20-19-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 XXVI, ENTITLED "BEACHES AND RECREATIONAL AREAS", SO AS TO AMEND VARIOUS SECTIONS COMPLIANCE** *(to be found by title at the end of the minutes)*

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resolution **#20-133 -R re: Consent Agenda**

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

1. Resol. #20-134 -R re: Awarding A Contract For The Improvements To Van Buren Avenue To Johnson Baran Corp. In The Amount Of \$131,915.33
2. Resol. #20-135 -R re: Authorizing The Tax Collector To Cancel Taxes As To Block: 518 Lot: 8 For A 100% Disabled Veteran Who Is Entitled To A 50% Deduction Because Of Ownership
3. Resol. #20-136 -R re: Authorizing The Tax Collector To Cancel Taxes As To Block: 1232 Lot: 3 For A Totally Disabled Veteran
4. Resol. #20- 137-R re: Authorizing The Tax Collector To Cancel Taxes As To Block: 4.263 Lot: 23 For A Totally Disabled Veteran
5. Resol. #20- 138-R re: Authorizing The Tax Collector To Cancel Taxes As To Block: 5.01 Lot:41 For A Totally Disabled Veteran
6. Resol. #20-139-R re: Approving A Sidewalk Café Permit To Berkeley Food & Liquors LLC. T/A Ebby's, Located At 2013 Se Central Avenue, Berkeley Township New Jersey.
7. Resol. #20-140-R re: Supporting The Ocean County Natural Lands Trust Acquisition Of Certain Properties Located In Berkeley Township Block: 796, Lots: 25 & 26 (Off Berkeley Avenue - Next To Barnegat Rail Trail)

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8. Resol. #20-141-R re: Authorizing A Shared Service Agreement Between The Township Of Berkeley And The County Of Ocean Prosecutor's Program For FY 2020
9. Resol.20- 142-R re: Authorizing An Interlocal Agreement With Ocean Gate For The Collection Of Delinquent Water Charges
10. Resol. #20-143-R re: Appointing Class I Special Law Enforcement Officers And Authorizing Attendance At The Ocean County Police Academy
11. Resol. #20-144-R re: Authorizing Foreclosure By Summary Proceedings In Rem Tax Sale Certificates
12. Resol. #20-145-R re: Authorizing The Use Of Township Equipment By The Bayville Volunteer Fire Company No. 1
13. Resol. #20-146-R re: Authorizing The Bayville First Aid Squad To Hold Coin Tosses On Municipal Roads
14. Resol. #20-147-R re: Authorization To Advertise For Bids For One (1) 2021 New And Unused Automated Refuse Collection System, Cab And Chassis, 66,000 Lb GVW Minimum Or Equal In Function
15. Resol. #20-148-R re: Authorization To Advertise For Bids For One (1) 2021 New And Unused Set Back Front Axle Tandem Axle Rear Loading Refuse Truck With Plow, Minimum Or Equal In Function
16. Resol. #20-149-R re: Authorization To Advertise For Bids For Beach Chair And Umbrella Rental At White Sands Beach
17. Resol. #20-150-R re: Authorizing Storm Recovery Reserve Funds As Per N.J.S.A. 40A:4-62.1 For Coronavirus Response
18. Resol. 20-151- R re: Authorizing A Jurisdictional Agreement For Highway Maintenance With The NJDOT
19. Resol. 20-152- R re: Supporting Bill A616
20. Resol. 20- 153 R re: Supporting Bill S205
21. Resol. 20-154-R re: Supporting Bill S364
22. Resol. 20- 155- R re: Amending Professional Services Contract For In Rem Foreclosure Attorney
23. Resol. 20- 156- R re: Appointing An Affordable Housing Attorney Mike Jedziniack Of Carluccio, Dimone
24. Resol. 20- 157- R re: Appointing Township Architects Yezzi Associates, LLC and Settembrino Associates
25. Resol.20-158-R re: Proclaiming Berkeley Township's Intent To Complete All Pending Items As Indicated In The Planning Implementation Agenda And To Conserve Habitat Necessary For The Completion Of The Manitou Park Redevelopment Plan Endorsement
26. Resol. 20- 160- R re: Supporting Events Within The Township For Soulsational Festival And Waiving Permit Fees And Authorizing The Use Of Two (2) Golf Carts
27. Resol. 20-161-R re: Approving a Picnic Application

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, approval of Resolution #20-159-R re: Resolution Providing For The Issuance Of Not To Exceed \$10,432,000 General Obligation Bonds, Series 2020, Authorized In And By The Township Of Berkeley, In The County Of Ocean New Jersey

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Byrnes, approval of Resolution 20-162-R re: Use of Township Equipment by Township's Volunteer organizations

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

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On motion by Councilwoman Noonan, seconded by Councilman Byrnes, approval of Resolution #20-163-R re: AUTHORIZING THE AMENDMENT TO THE TOWNSHIP'S PLANS AT MAIN STREET TO RESTRICT THE USE OF POWER BOATS

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Byrnes, approval of Resolution #20-164-R re: REQUESTING HACKENSACK MERIDIAN NETWORK HOSPITALS BE ADDED TO THE VETERANS COMMUNITY CARE PROGRAM NETWORK

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

Mayor Amato asked the Council to consider a resolution Asking Congress to Put aside Partisan Politics and Provide the Necessary relief to small business owners who have been required to close due to the COVID 19 Virus and asking for relief for the employees that have been furloughed due to the virus.

On motion by Councilwoman Noonan, seconded by Councilman Byrnes #20-165-R re: Asking Congress to Put aside Partisan Politics and Provide the Necessary relief to small business owners who have been required to close due to the COVID 19 Virus and asking for relief for the employees that have been furloughed due to the virus.

**ROLL CALL:**

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

NAY: None

ABSENT: Gingrich

On motion by Councilwoman Noonan, seconded by Councilman Bacchione, 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