

December 21, 2020

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, December 21, 2020, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), and Council President Buscio (T). Also present were Mayor Amato (T), Administrator Camera, CFO Ebenau, Deputy Chief Santucci, Attorney Staiger, Engineer Dittenhofer and Planner Oris. Councilman Grosse was absent due to complications from COVID19.

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.

Councilman Bacchione led in the Pledge of Allegiance at the Caucus Meeting prior to this meeting.

ROLL CALL:

PRESENT: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

ABSENT: Grosse

At tonight's Caucus meeting, Councilwoman Gingrich motioned, and Councilman Bacchione seconded to have Councilman Byrnes preside over the meetings as Council President Buscio and Council Vice President Guadagno are calling in for the meeting. There were no objections.

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of the Official Minutes for *November 16, 2020 & November 30, 2020*.

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of the Monthly Reports from ***Clerk, Code, Collector, Construction, Court, Fire, Public Works OT, Sanitation, Streets & Roads*** and ordered filed.

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of Resol. #20-472-R re: Bills & Payroll. Bills ***\$ 2,904,754.02*** Payroll ***\$ 2,346,450.46***
Total ***\$ 5,251,204.82***

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on ***Ordinance #20-42-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1358, LOTS 26 & 28 ON THE MUNICIPAL TAX MAP TO PIOTR JENCZELEWSKI IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (LAUREL STREET - \$5,000.00)***. Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance ***#20-42-OA*** (*to be found in full at the end of the minutes.*)

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ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-43-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1358, LOTS 37 & 39 ON THE MUNICIPAL TAX MAP TO PIOTR JENCZELEWSKI IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (MAPLE STREET - \$2,500.00)**. Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-43-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-44-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND VARIOUS SECTIONS OF CHAPTER 35, ENTITLED "LAND DEVELOPMENT" (STORM WATER)**. Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-44-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-45-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 35-74 ENTITLED "STORMWATER CONTROL – NON-PINELANDS AREA."** Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **(to be found in full at the end of the minutes.)**

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-46-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND VARIOUS SECTIONS OF CHAPTER 35, ENTITLED "LAND DEVELOPMENT."**

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Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-46-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-48-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING AN UPDATED ZONING MAP.**

Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-48-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-49-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEE TITLES, AND ESTABLISHING THE METHOD OF SUCH COMPENSATION.** Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilman Signorile, to close the public hearing and adopt Ordinance **#20-49-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-50-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND VARIOUS SECTIONS OF CHAPTER 26, ENTITLED "BEACH AND RECREATIONAL AREAS"**

Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-50-OAB** *(to be found in full at the end of the minutes.)*

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ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-51-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1674, LOT 25 ON THE MUNICIPAL TAX MAP TO HUNTINGTON ASSOCIATES, LLC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (TRINIDAD AVENUE - \$16,000.00)**. Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilman Signorile, to close the public hearing and adopt Ordinance **#20-51-OAB** (*to be found in full at the end of the minutes.*)

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-52-OA re: BOND ORDINANCE PROVIDING FOR CERTAIN REAL PROPERTY IMPROVEMENTS (INCLUDING ALL OR A PORTION OF REAL PROPERTY COMMONLY KNOWN AS THE FORMER BEACHWOOD MALL SITE) BY AND IN THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-52-OAB** (*to be found in full at the end of the minutes.*)

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes read announced the time and place of a public hearing on **Ordinance #20-53-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF THE COST OF CERTAIN ENVIRONMENTAL IMPROVEMENTS IN THE BEACHWOOD MALL REDEVELOPMENT AREA AND APPROVING AN AGREEMENT IN CONNECTION THEREWITH AND ESTABLISHING A METHOD OF PAYMENT FOR THE COST THEREOF.**

Councilman Byrnes 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.

Councilman Byrnes 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#20-53-OAB** (*to be found in full at the end of the minutes.*)

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ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

Councilman Byrnes asked if any Council member wished to pull an item from the Consent agenda for an individual vote.

On motion by Councilman Bacchione, seconded by Councilman Signorile, approval of Resol. #20-473-R re: Consent Agenda.

ROLL CALL:

AYE: Bacchione, Gingrich, Byrnes, Signorile, Guadagno (T), Buscio (T)

NAY: None

ABSENT: Grosse

1. Resol. #20-474-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 4.21 LOT: 6 FOR A TOTALLY DISABLED VETERAN
2. Resol. #20-475-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 4.279 LOT: 41 FOR A TOTALLY DISABLED VETERAN
3. Resol. #20-476-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 9.44 LOT: 61 FOR A TOTALLY DISABLED VETERAN
4. Resol. #20-477-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 1840.05 LOT: 3 FOR A TOTALLY DISABLED VETERAN
5. Resol. #20-478-R re: AUTHORIZING A REFUND OF MONIES TO DOMINIKA SLIWOWSKI FOR BLOCK: 4.205 LOTS: 44
6. Resol. #20-479-R re: AUTHORIZING A REFUND OF CONSTRUCTION FEES TO GARY GIORDANO FOR BLOCK: 1221.02, LOT: 3
7. Resol. #20-480-R re: AUTHORIZING A REFUND OF CONSTRUCTION FEES TO JCM ELECTRIC FOR BLOCK: 837.02, LOT: 2.02
8. Resol. #20-481-R re: REQUESTING THE BERKELEY TOWNSHIP SEWERAGE AUTHORITY TURN OVER SURPLUS FUNDS TO BE USED IN THE 2020 MUNICIPAL BUDGET
9. Resol. #20-482-R re: AUTHORIZING THE CANCELLATION OF BALANCES OF 5.00 OR LESS ON TAXES AND SPECIAL CHARGES FOR THE TAX YEAR 2020 AND PRIOR UNDER N.J.S.A 40:5-17.1.
10. Resol. #20-483-R re: ESTABLISHING THE AMOUNT OF DEFERRED SCHOOL TAXES FOR THE REGIONAL DISTRICT SCHOOL
11. Resol. #20-484-R re: ESTABLISHING THE AMOUNT OF DEFERRED SCHOOL TAXES FOR THE LOCAL DISTRICT SCHOOL
12. Resol. #20-485-R re: AUTHORIZING REFUND TO AN INDIVIDUAL FOR RECREATION PROGRAMS (Seasonal Beach Badge Angela McVerry)
13. Resol. #20-486-R re: AUTHORIZING AN SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF BERKELEY AND THE COUNTY OF OCEAN PROSECUTOR'S DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM
14. Resol. #20-487-R re: AUTHORIZING AN SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF BERKELEY AND THE COUNTY OF OCEAN PROSECUTOR'S DRUG RECOGNITION EXPERT CALLOUT PROGRAM FOR FY 2020/21
15. Resol. #20-488-R re: AUTHORIZING THE TOWNSHIP'S PARTICIPATION IN THE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) VALUE POINT COOPERATIVE PURCHASING ORGANIZATION
16. Resol. #20-489-R re: AWARDING A CONTRACT TO MUSCO SPORTS LIGHTING, LLC FROM THE NATIONAL COOPERATIVE CONTRACT – SOURCEWELL TO FURNISH AND INSTALL LIGHTING EQUIPMENT AT EASTERN BOULEVARD SOCCER COMPLEX (\$266,062.00)
17. Resol. #20-490-R re: AUTHORIZING A SECOND CHANGE ORDER TO A CONTRACT WITH EARLE ASPHALT COMPANY FOR THE 2018 ROAD PROGRAM (Decrease \$ 3,372.34)
18. Resol. #20-491-R re: RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1505-33-015-007 BERKELEY BEVERAGE INC. AN INACTIVE LICENESE FOR THE 2020/2021 LICENSING TERM
19. Resol. #20-492-R re: APPROVING MANITOU PARK VOLUNTEER FIRE COMPANY APPLICATION FOR TYLER T. NEILSON

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20. Resol. #20-493-R re: APPROVING BAYVILLE VOLUNTEER FIRE COMPANY APPLICATION FOR MAKENZIE VULGARIS
21. Resol. #20-494-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 594 LOT: 1 FOR A 100% DISABLED VETERAN WHO IS ENTITLED TO A 50% DEDUCTION BECAUSE OF OWNERSHIP
22. Resol. #20-495-R re: AUTHORIZING THE EXECUTION OF A SCHEDULE "C" AGREEMENT WITH COUNTY OF OCEAN FOR 2021
23. Resol. #20-496-R re: AUTHORIZING THE OFFERING FOR SALE OF VARIOUS UNDERSIZED PROPERTIES 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
24. Resol. #20-497-R re: AUTHORIZING THE TREASURER/CHIEF FINANCIAL OFFICER TO CANCEL STALE DATED CHECKS
25. Resol. #20-498-R re: CANCELLATION OF CURRENT BUDGET APPROPRIATIONS
26. Resol. #20-499-R re: BUDGET TRANSFER

On motion by Councilman Bacchione, seconded by Councilman Signorile, 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.

Beverly M. Carle
Township Clerk

Keith A. Buscio
Council President