

February 23, 2021 - Tuesday

A Regular Meeting of the Township Council of the Township of Berkeley was held on Tuesday, February 23, 2021, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Bacchione, Gingrich, Byrnes, Signorile, Buscio (T), Grosse (T Caucus) and Council President Guadagno. Also present were Mayor Amato (T), Administrator Camera, CFO Ebenau, Deputy Chief Santucci, Attorney Staiger, Engineer Peters (Caucus) and Planner Oris (Caucus).

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 13, 2021.

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

ROLL CALL:

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

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of the Official Minutes for *January 4, 2021*.

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of the Monthly Reports from **Clerk, Code, Collector, Construction, Fire, Planning/Zoning/BOA, Public Works O/T, Sanitation/Recycling, Streets & Roads** and ordered filed.

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of #21-104-R re: Bills & Payroll. Bills **\$ 7,179,663.18** Payroll **\$ 1,608,100.51** Total **\$8,787,763.69**

BERKELEY TWP SCHOOL TAXES \$2,473,500.00

CENTRAL REGIONAL B.O.E. TAXES \$2,033,228.75

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

Council President announced the time and place of a public hearing on **Ordinance #21-04-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXXV OF THE REVISED GENERAL ORDINANCES OF BERKELEY TOWNSHIP, ENTITLED "LAND DEVELOPMENT", TO REFLECT CORRECTIONS RESULTING FROM RECENT ORDINANCE AMENDMENTS**

Council President Guadagno 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 Councilman Bacchione, seconded by Councilwoman Gingrich, to close the public hearing and adopt Ordinance **#21- 04-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

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On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approving the introduction of Ordinance **#21-05-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 45, LOT 1257; BLOCK 568, LOT 1; BLOCK 572, LOT 38; BLOCK 572, LOT 32; BLOCK 568, LOT 17; BLOCK 571, LOT 26; BLOCK 572, LOT 44; BLOCK 562, LOT 1; BLOCK 572, LOT 26; BLOCK 568, LOT 45; BLOCK 568, LOT 24; BLOCK 568, LOT 11; BLOCK 571, LOT 20; ; BLOCK 572, LOT 1; BLOCK 572, LOT 8; BLOCK 572, LOT 14; BLOCK 572, LOT 20; BLOCK 573, LOT 1; BLOCK 573, LOT 10; and BLOCK 573, LOT 18, FROM O.C.E.A.N., INC., 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, Byrnes, Signorile, Buscio (T), Guadagno

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approving the introduction of Ordinance **#21-06-OA INTRO. 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 (Recreation Hourly Employees)** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approving the introduction of Ordinance **#21-07-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" (STOP INTERSECTION - Georgetown Drive and LeLamentin Drive)** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approving the introduction of Ordinance **#21-08-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A LEASE AGREEMENT WITH BERKELEY TOWNSHIP HISTORICAL SOCIETY, INC. FOR THE PROPERTY LOCATED AT 759 U.S. HIGHWAY #9** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approving the introduction of Ordinance **#21-09-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 RELATED TO STORMWATER CONTROL** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

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On motion by Councilman Bacchione, seconded by Councilman Signorile, approving the introduction of Ordinance **#21-10-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" (No Left Turn)** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilwoman Gingrich, approval of Resol. #21-105-R re: Consent Agenda.

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

1. Resol. #21-106-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR ONE (1) NEW & UNUSED 2021 877 FRONT END LOADER OR EQUAL IN FUNCTION
2. Resol. #21-107-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR REFUSE COLLECTION SYSTEM, AUTOMATED/SEMI-AUTOMATED CONTAINERS, 750-95 GALLON MINIMUM, INJECTION MOLDED, COMB LIFT (MAROON) TWO YEAR CONTRACT, 2021-2022
3. Resol. #21-108-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR INFLATABLE OUTDOOR MOVIE SCREEN SYSTEM
4. Resol. #21-109-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 1403, LOTS 1-20 (BALSAM DRIVE), 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
5. Resol. #21-110-R re: AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH MIDWAY BEACH CONDOMINIUM ASSOCIATION TO PROVIDE BEACH CLEANING IN LIEU OF REIMBURSEMENT
6. Resol. #21-111-R re: AUTHORIZING "PAYS TO PLUG IN" GRANT
7. Resol. #21-112-R re: APPROVING THE MAX CHALLENGE REQUEST TO WAIVE FEES FOR VETERANS PARK PAVILION USE
8. Resol. #21-113-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 1244 LOT: 1.04 (QUALIFIER) C.63 FOR A TOTALLY DISABLED VETERAN
9. Resol. #21-114-R re: AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 4.288 LOT: 44 FOR A TOTALLY DISABLED VETERAN
10. Resol. #21-115-R re: AUTHORIZING THE BAYVILLE VOL. FIRE CO. #1 TO HOLD COIN TOSSES ON MUNICIPAL ROADS
11. Resol. #21-116-R re: AUTHORIZING THE MANITOU PARK VOLUNTEER FIRE COMPANY, TO HOLD A COIN TOSSES ON MUNICIPAL ROADS
12. Resol. #21-117-R re: AUTHORIZING A REFUND OF MONIES TO WILLIAM BAUMANN FOR BLOCK: 1559, LOT: 14
13. Resol. #21-118-R re: AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED BY EARLE ASPHALT COMPANY FOR THE RECONSTRUCTION OF GUADALAJARA DRIVE
14. Resol. #21-119-R re: AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED BY EARLE ASPHALT COMPANY FOR THE RECONSTRUCTION OF KEATS DRIVE & MCKINLEY AVENUE
15. Resol. #21-120-R re: AUTHORIZING THE RELEASE OF A MAINTENANCE GUARANTEE AND INSPECTION FEES POSTED BY NORTHEAST PASSAGE CORP. FOR THE 7-11 CONVENIENCE STORE #1041049 BTC #739
16. Resol. #21-121-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR 2021 NJDOT BUTLER BLVD ROADWAY RECONSTRUCTION
17. Resol. #21-122-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR 2021 NJDOT BUTLER BLVD ROADWAY RECONSTRUCTION
18. Resol. #21-123-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR 23RD AVENUE OUTFALL DECKING

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19. Resol. #21-124-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR MORRIS BOULEVARD ROADWAY IMPROVEMENTS
20. Resol. #21-125-R re: AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE PROSECUTOR/OCEAN COUNTY REGIONAL SWAT TEAM
21. Resol. #21-126-R re: AUTHORIZING FORECLOSURE BY SUMMARY PROCEEDINGS IN REM TAX SALE CERTIFICATES: IN REM 2021-1
22. Resol. #21-127-R re: SUPPORTING THE OCEAN COUNTY NATURAL LANDS TRUST'S REQUEST TO ACQUIRE CERTAIN PROPERTIES LOCATED IN BERKELEY TOWNSHIP BLOCK: 1218, LOTS: 11 AND 11.01 (1.32 Acres Bayview Avenue)
23. Resol. #21-128-R re: SUPPORTING THE OCEAN COUNTY NATURAL LANDS TRUST'S REQUEST TO ACQUIRE CERTAIN PROPERTIES LOCATED IN BERKELEY TOWNSHIP BLOCK: 1606, LOT: 1.05 (.49 Acres Harbor Inn Road)
24. Resol. #21-129-R re: TAX ASSESSOR OR TAX APPEAL ATTORNEY IS HEREBY AUTHORIZED TO ACT AS THE AGENT FOR THE TAXING DISTRICT DURING THE YEAR OF 2021
25. Resol. #21-130-R re: PROHIBITING A LEFT HAND TURN ONTO SOUTHBOUND ROUTE 9 FROM SITE AT BLOCK 882, LOT 2.05
26. Resol. #21-131-R re: EMERGENCY TEMPORARY APPROPRIATION

On motion by Councilman Bacchione, seconded by Councilman Signorile, approval of Resol. #21-132-R re: APPOINTING CONFLICT ATTORNEYS

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilman Byrnes, approval of Resol. #21-133-R re: APPOINTMENTING MEMBERS TO THE MUNICIPAL UTILITIES AUTHORITY

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Bacchione, seconded by Councilman Byrnes, approval of Resol. #21-134-R re: APPOINTING TITLE COMPANIES FOR THE TOWNSHIP OF BERKELEY

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Byrnes, seconded by Councilman Bacchione, approval of Resol. #21-135-R re: AUTHORIZATION TO RECEIVE RFP FOR CAPITOL PROJECT ENGINEERS

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

On motion by Councilman Byrnes, seconded by Councilman Bacchione, approval of Resol. #21-136-R re: AUTHORIZING THE MAYOR AND CLERK TO SIGN ANY AND ALL DOCUMENTS FOR AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIROMENTAL PROTECTION

ROLL CALL:

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

NAY: None

ABSENT: Grosse (T)

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On motion by Councilman Bacchione, seconded by Councilwoman 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

Angelo Guadagno
Council President