

August 22, 2022

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, August 22, 2022, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Bacchione, Gingrich, Byrnes, Signorile, Buscio and Council President Gingrich. Also present were Mayor Amato, Administrator Camera, CFO Ebenau, Chief Santucci, Attorney Staiger, Engineer Hilla and Planner Oris. Councilman Grosse was absent due to illness.

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 Asbury Park Press on January 7, 2022 and Press of Atlantic City on January 10, 2022.

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

ROLL CALL:

PRESENT: Bacchione, Guadagno, Byrnes, Signorile, Buscio, Gingrich

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Buscio, approval of the Official Minutes for *January 3, 2022 & July 25, 2022*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Guadagno, approval of the Monthly Reports from *Assessor, Clerk, Code, Collector, Construction, Court, Fire, Public Works O/T* and ordered filed.

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Buscio, seconded by Councilman Bacchione, approval of Resol. #22-339-R re: Bills & Payroll. *BILLS: \$ 13,811,193.64 PAYROLL: 7/28 \$ 888,340.76 8/11 \$ 920,455.89 TOTAL: \$ 15,619,990.29*

<i>Berkeley Bd of Ed</i>	<i>\$ 2,558,129.00</i>	<i>Central Regional</i>	<i>\$ 2,101,600.83</i>
<i>Ocean County</i>	<i>\$ 6,488,110.15</i>		

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #22-28-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 1108.14, LOT 27, FROM SCOTT & BARBARA KASHORK, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

Council President Gingrich 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 Councilman Guadagno, to close the public hearing and adopt Ordinance **#22-28-OAB** (*to be found in full at the end of the minutes.*)

ROLL CALL:

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

NAY: None

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ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #22-29-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 1108.14, LOT 28, FROM JAMES & ROSEMARY PURRAZELLA, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1) #22- -OA**

Council President Gingrich 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 Buscio, seconded by Councilman Bacchione, to close the public hearing and adopt Ordinance **#22-29-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #22-30-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 10 OF THE BERKELEY TOWNSHIP CODE ENTITLED, "REGISTRATION FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY" SO AS TO AMEND VARIOUS SECTIONS THEREOF**

Council President Gingrich 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 Buscio, seconded by Councilman Bacchione, to close the public hearing and adopt Ordinance **#22-30-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #22-31-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" (SPEED LIMIT Ocean Gate Drive from Mill Creek Drive/Veeder Lane to Ocean Gate Municipal Boundary)**

Council President Gingrich 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, seconded by Councilman, to close the public hearing and adopt Ordinance **#22-31-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #22-32-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING THE POSITION OF DIRECTOR OF STAFF OPERATIONS**

Council President Gingrich 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.

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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 Buscio, seconded by Councilman Bacchione, to close the public hearing and adopt Ordinance **#22-32-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance #22-33-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 14-6.4, "HIRING UPON COMPLETION OF BASIC COURSE FOR POLICE OFFICERS, EXEMPTION FROM CIVIL SERVICE EXAM"**

Council President Gingrich 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, seconded by Councilman, to close the public hearing and adopt Ordinance **#22-33-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Council President announced the time and place of a public hearing on **Ordinance#22-34-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 14-42.5A, "ROADWORK AND TRAFFIC SAFETY EXTRA-DUTY ASSIGNMENTS" #22- -OA**

Council President Gingrich 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 Councilman Buscio, to close the public hearing and adopt Ordinance **#22-34-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Guadagno, approving the introduction of Ordinance **#22-35-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A DETENTION BASIN EASEMENT ON A PORTION OF BLOCK 4.293, LOT 62 AND BLOCK 26, LOTS 984, 985, 986 & 987, IN ACCORDANCE WITH N.J.S.A. 40A:12-5**

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

ROLL CALL:

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

NAY: None

On motion by Councilman Buscio, seconded by Councilman Bacchione, approving the introduction of Ordinance **#22-36-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF AN EASEMENT ON A PORTION OF BLOCK 169.01, LOTS 1 & 2, TO THE BERKELEY TOWNSHIP SEWERAGE AUTHORITY, IN ACCORDANCE WITH N.J.S.A. 40A:12-1 ET SEQ.** *(to be found by title at the end of the minutes)*

ROLL CALL:

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

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NAY: None

ABSENT: Grosse

On motion by Councilman Buscio, seconded by Councilman Bacchione, approving the introduction of Ordinance **#22-37-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF AN EASEMENT ON A PORTION OF BLOCK 169.01, LOTS 2 & 3, TO THE OCEAN COUNTY UTILITIES AUTHORITY, IN ACCORDANCE WITH N.J.S.A. 40A:12-1 ET SEQ.** (to be found by title at the end of the minutes)

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Guadagno, approving the introduction of Ordinance **#22-38-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" (Chelsea & Bayview Avenues)** (to be found by title at the end of the minutes)

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Buscio, seconded by Councilman Bacchione, approving the introduction of Ordinance **#22-39-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF MUNICIPALLY OWNED PROPERTIES SOLD BY AUCTION BY MAX SPANN ON DECEMBER 20, 2021** (to be found by title at the end of the minutes)

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Buscio, seconded by Councilman Signorile, approving the introduction of Ordinance **#22-40-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF BLOCK 882, LOT 89.01, BLOCK 882.01, LOTS 1 & 2, BLOCK 882.16, LOT 44.13 AND BLOCK 883, LOTS 1 & 2 TO THE COUNTY OF OCEAN IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(1)** (to be found by title at the end of the minutes)

ROLL CALL:

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

NAY: None

ABSENT: Grosse

CFO Ebenau read the summary of 2022 Budget.

Council President Gingrich opened the meeting for Public Hearing on the budget. *There being none.*

On motion by Councilman Bacchione, seconded by Councilman Buscio, approval of Resol. #22-296-R re: **Adoption of 2022 Budget**

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Byrnes, approving the introduction of Ordinance **#22-41-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER IV, ENTITLED "POLICE REGULATIONS" SO AS TO CREATE SECTION 4-17.4A** (to be found by title at the end of the minutes)

ROLL CALL:

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

NAY: None

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ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Buscio, approval of Resol. #22-340-R re: Consent Agenda.

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Resol. re: Consent Agenda

1. Resol. #22-341-R re: AWARDING A CONTRACT TO COASTAL SOLUTIONS, LLC
2. Resol. #22-342-R re: AUTHORIZING REFUNDS TO INDIVIDUALS FOR RECREATION PROGRAMS Melissa McTigue Summer Camp \$ 200.00
3. Resol. #22-343-R re: AUTHORIZING REFUNDS TO INDIVIDUALS FOR RECREATION PROGRAMS Kim Lucas Facility Rental \$ 100.00
4. Resol. #22-344-R re: AUTHORIZING THE WAIVER OF CONSTRUCTION DEPARTMENT FEES FOR THE HOLY TEMPLE CHURCH
5. Resol. #22-345-R re: DEDICATING THE BASKETBALL COURTS AT MANITOU PARK AS THE ROBERT L. TAYLOR COMMUNITY BASKETBALL COURTS
6. Resol. #22-346-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH WALLACE BROTHERS, LLC FOR THE NEW CONCESSION STAND AND TOILETS AT VETERANS PARK PROJECT
7. Resol. #22-347-R re: SUPPORTING BILL S2562 (EMT Licensure & Requirements)
8. Resol. #22-348-R re: AMENDING PROFESSIONAL SERVICES CONTRACT FOR CHIEF MUNICIPAL PROSECUTOR TO REVISE THE LIST OF APPROVED PROSECUTORS UNDER THIS CONTRACT
9. Resol. #22-349-R re: AUTHORIZING A REFUND OF MONIES TO D.K. SLEDZIK HEATING AND AIR CONDITIONING FOR BLOCK: 4.284, LOT: 37
10. Resol. #22-350-R re: REAUTHORIZING THE RECEIPT OF PROPOSALS FOR A LOBBYING FIRM
11. Resol. #22-351-R re: AUTHORIZATION TO RE-ADVERTISE FOR BIDS FOR FOOD TRUCK SERVICE
12. Resol. #22-352-R re: AWARDING A TWO (2) YEAR CONTRACT, 2023-2024, FOR RECAP TIRES/SERVICE/REPAIRS TO SERVICE TIRE TRUCK CENTER
13. Resol. #22-353-R re: AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEES AND INSPECTION FEES POSTED BY RUDOLPH RINDERER FOR THE ELBERON AVENUE AND SEABRIGHT AVENUE SUBDIVISION BTC #275
14. Resol. #22-354-R re: REJECTING BIDS RECEIVED FOR THE 2022 BULKHEAD REPLACEMENT AT VARIOUS LOCATIONS PROJECT AND AUTHORIZING THE REBIDDING OF THE PROJECT
15. Resol. #22-355-R re: AWARDING A CONTRACT FOR THE SEABRIGHT AVENUE SLOPE STABILIZATION – PHASE II PROJECT TO T.R. WENIGER, INC. IN THE AMOUNT OF \$259,187.50
16. Resol. #22-356-R re: AWARDING A CONTRACT FOR THE 2022 VARIOUS DRAINAGE PROJECTS – PHASE II TO SEACOAST CONSTRUCTION, INC. IN THE AMOUNT OF \$424,355.53
17. Resol. #22-357-R re: AUTHORIZATION TO ADVERTISE FOR BIDS 2022 CAPITAL IMPROVEMENT PROJECT ELSINORE ST., ENCINITAS DR., RHODES ST, LATOURETTE CT. AND LISMORE DR. (MORGAN ENGINEERING)
18. Resol. #22-358-R re: AUTHORIZATION TO ADVERTISE FOR BIDS 2022 CAPITAL IMPROVEMENT PROJECT SEABROOK AVENUE (VANCLEEF ENGINEERING)
19. Resol. #22-359-R re: AUTHORIZATION TO ADVERTISE FOR BIDS 2022 CAPITAL IMPROVEMENT PROJECT CORNELIUS ST., MONACO CT. AND NEVIS CT. (COLLIERS ENGINEERING)
20. Resol. #22-360-R re: AUTHORIZING PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF LIQUOR LICENSE #1505-44-003-006 FROM HOLDING TIME LLC. A POCKET LICENSE TO BERKELEY RETAIL LLC T/A EZ LIQUORS WITH A LOCATION OF 699 ATLANTIC CITY BOULEVARD BERKELEY TOWNSHIP

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21. Resol. #22-361-R re: APPROVING FIREFIGHTER APPLICATION FROM ANTHONY ALDRICH FOR BAYVILLE FIRE COMPANY
22. Resol. #22-362-R re: APPROVING FIREFIGHTER APPLICATION FROM ALLANAH FISCHER FOR BAYVILLE FIRE COMPANY
23. Resol. #22-363-R re: APPROVING FIREFIGHTER APPLICATION FROM ANTHONY WANDRAS FOR BAYVILLE FIRE COMPANY
24. Resol. #22-364-R re: AWARDING A CONTRACT FOR THE IMPROVEMENTS TO BERKELEY ROADS – 2022 TO EARLE ASPHALT CO. IN THE AMOUNT OF \$678,713.13 – Engineer Najarian

On motion by Councilman Bacchione, seconded by Councilman Buscio, approval of Resol. #22-365-R re: AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PROPERTY OWNER OF BLOCK 1183 LOT 4142 FOR A VEHICULAR ACCESS EASEMENT

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Buscio, approval of Resol. #22-366-R re: AUTHORIZING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE TOWNSHIP SOLAR AND LANDFILL CLOSURE PROJECT

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Bacchione, seconded by Councilman Buscio, approval of Resol. #22-367-R re: EXERCISING THE OPTION TO EXTEND ITS AGREEMENT WITH ATLANTIC GOLF MANAGEMENT

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman, seconded by Councilman , approval of Resol. #22-368-R re: AUTHORIZING THE SIDEBAR AGREEMENT WITH THE BERKELEY TOWNSHIP POLICE DEPARTMENT SUPERIOR OFFICERS ASSOCIATION AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Buscio, seconded by Councilman Signorile, approval of Resol. #22-369-R re: AUTHORIZATION TO ADVERTISE FOR BIDS FOR A MAIN STREET PROJECT

ROLL CALL:

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

NAY: None

ABSENT: Grosse

Councilman Signorile advised of an emergency situation at the Holiday City South Homeowners Association Building where the roof is caving in and requested waiving the permit fees for the repairs.

On motion by Councilman Buscio, seconded by Councilman Bacchione, approving Resol. #22-370-R re: AUTHORIZING THE WAIVER OF CONSTRUCTION DEPARTMENT FEES FOR THE HOLIDAY CITY SOUTH HOMEOWNERS ASSOCIATION

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ROLL CALL:

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

NAY: None

ABSENT: Grosse

On motion by Councilman Signorile, 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.

Beverly M. Carle
Township Clerk

Sophia Gingrich
Council President