

Minutes of December 18, 2023

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, December 18, 2023, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse and Council President Bacchione. Also present were Mayor Amato, Administrator Camera, Chief Santucci, Attorney Staiger, Engineer LeCompte and Planner Oris.).

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 and Press of Atlantic City on March 3 2023.

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

ROLL CALL:

PRESENT: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
ABSENT: None

On motion by Councilman Buscio, seconded by Councilman Grosse, approval of the Official Minutes for *November 20, 2023*

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Buscio, seconded by Councilman Grosse, approval of the Monthly Reports from:

Assessor, Clerk, Code, Collector, Construction, Court, Fire, Police, Public Works O/T, Recreation, Sanitation & Recycling, Streets & Roads

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Grosse, seconded by Councilman Buscio, approval of Resolution #23-478-R re: Bills & Payroll

Bills: \$8,794,752.74 Payroll: \$1,727,876.74 TOTAL: \$10,522,629.48

Inclusive within the Bill List:

Berkeley Board of Education: \$ 2,633,564.00

Central Regional Board of Education: \$ 2,222,500.83

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

Council President announced the time and place of a public hearing on Ordinance #23-42-OA re: **AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF A PORTION OF CUMBERLAND AVENUE BETWEEN HAYES AVENUE AND COOLIDGE ABUTTING BLOCK 480 LOTS 17 & 19 AND 18 & 20. BLOCK 479 LOTS 1& 2, 3 & 4** Council President Bacchione 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 Grosse, to close the public hearing and adopt Ordinance **#23-42-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

3. **Minutes of December 18, 2023**

A Regular Meeting of the Township Council of the Township of Berkeley was held on Monday, December 18, 2023, at the Municipal Building, Pinewald Keswick Road, Bayville, New Jersey immediately following the Caucus Meeting. Present were Council Members Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse and Council President Bacchione. Also present were Mayor Amato, Administrator Camera, Chief Santucci, Attorney Staiger, Engineer LeCompte and Planner Oris.)

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 and Press of Atlantic City on March 3 2023.

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

ROLL CALL:

PRESENT: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
ABSENT: None

On motion by Councilman Buscio, seconded by Councilman Grosse, approval of the Official Minutes for *November 20, 2023*

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Buscio, seconded by Councilman Grosse, approval of the Monthly Reports from:

Assessor, Clerk, Code, Collector, Construction, Court, Fire, Police, Public Works O/T, Recreation, Sanitation & Recycling, Streets & Roads

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Grosse, seconded by Councilman Buscio, approval of Resolution #23-478-R re: Bills & Payroll

Bills: \$8,794,752.74 Payroll: \$1,727,876.74 TOTAL: \$10,522,629.48

Inclusive within the Bill List:

**Berkeley Board of Education: \$ 2,633,564.00
Central Regional Board of Education: \$ 2,222,500.83**

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

Council President announced the time and place of a public hearing on **Ordinance #23-42-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF A PORTION OF CUMBERLAND AVENUE BETWEEN HAYES AVENUE AND COOLIDGE ABUTTING BLOCK 480 LOTS 17 & 19 AND 18 & 20. BLOCK 479 LOTS 1& 2, 3 & 4** Council President Bacchione 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 Grosse, to close the public hearing and adopt Ordinance **#23-42-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

Minutes of December 18, 2023

ABSENT: None
Abstain: None

Council President announced the time and place of a public hearing on **Ordinance #23-43-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 (ALC INVESTMENT TRUST) BLOCK 1392, LOTS 1, 2-4, 6, 8, 10, 18, 20, 22 & 24-BAY BLVD)** Council President Bacchione 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 Byrnes, seconded by Councilman Grosse, to close the public hearing and adopt Ordinance **#23-43-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

Council President announced the time and place of a public hearing on **Ordinance #23-44-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 1013, LOT 2, FROM NICHOL/PAYNE, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)** Council President Bacchione 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 Byrnes, seconded by Councilman Grosse, to close the public hearing and adopt Ordinance **#23-44-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

Council President announced the time and place of a public hearing on **Ordinance #23-45-OA re: ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A SPECIAL EMERGENCY FOR THE CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING FROM THE LAYOFF OR RETIREMENT OF TOWNSHIP EMPLOYEES IN ACCORDANCE WITH N.J.S.A. 40A:4-53.** Council President Bacchione 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 Guadagno, seconded by Councilman Byrnes, to close the public hearing and adopt Ordinance **#23-45-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

Council President announced the time and place of a public hearing on **Ordinance #23-46-OA re: AN 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** Council President Bacchione read the Ordinance by title, as copies had been made available to the public upon request; it had been posted

Minutes of December 18, 2023

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 Grosse, to close the public hearing and adopt Ordinance **#23-46-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: None

Abstain: None

Council President announced the time and place of a public hearing on Ordinance **#23-47-OA** re: **ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1000, LOTS 9-22 ON THE MUNICIPAL TAX MAP TO JOSEPH GERVASINI IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (WHEATON AVENUE; \$45,000.00)** Council President Bacchione 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 Signorile, seconded by Councilman Grosse, to close the public hearing and adopt Ordinance **#23-47-OAB** *(to be found in full at the end of the minutes.)*

ROLL CALL:

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

NAY: None

ABSENT: None

Abstain: None

On motion by Councilman Gingrich, seconded by Councilman Guadagno, approval of Resolution **#23-479-R** re: Consent Agenda

ROLL CALL:

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

NAY: None

ABSENT: None

Abstain: None

1. Resol. #23-480-R re: **AUTHORIZING A DONATION OF \$300,000 TO HABITAT FOR HUMANITY FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE CONSTRUCTION OF AN AFFORDABLE UNIT AT MANITOU PARK**
2. Resol. #23-481-R re: **CANCELLATION OF BALANCES OF 5.00 OR LESS ON TAXES AND SPECIAL CHARGES FOR THE TAX YEAR 2023 AND PRIOR UNDER N.J.S.A 40:5-17.1.**
3. Resol. #23-482-R re: **AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 973.02 LOT: 19 FOR A TOTALLY DISABLED VETERAN**
4. Resol. #23-483-R re: **AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 9.34 LOT: 36 FOR A WIDOW OF A TOTALLY DISABLED VETERAN**
5. Resol. #23-484-R re: **AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 9.64LOT: 28 FOR A WIDOW OF A TOTALLY DISABLED VETERAN**
6. Resol. #23-485-R re: **AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK: 4.142 LOT: 28 FOR A WIDOW OF A TOTALLY DISABLED VETERAN**
7. Resol. #23-486-R re: **ESTABLISHING THE AMOUNT OF DEFERRED SCHOOL TAXES FOR THE LOCAL DISTRICT SCHOOL**
8. Resol. #23-487-R re: **ESTABLISHING THE AMOUNT OF DEFERRED SCHOOL TAXES FOR THE REGIONAL DISTRICT SCHOOL**
9. Resol. #23-488-R re: **AUTHORIZING A REFUND OF TRANSFER OF TITLE MONIES TO VARO ENTERPRISES FOR BLOCK: 4.199 LOTS: 3**
10. Resol. #23-489-R re: **CANCEL CAPITAL APPROPRIATION BALANCES FOR COMPLETED PROJECTS**

Minutes of December 18, 2023

11. Resol. #23-490-R re: AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE COUNTY OF OCEAN FOR PARTICIPATION IN THE OCEAN COUNTY NARCOTICS STRIKE FORCE
12. Resol. #23-491-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 30, LOT 927.01 (FIRST 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
13. Resol. #23-492-R re: AUTHORIZING THE OFFERING FOR SALE OF BLOCK 315, LOT 17 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 (CONTINENTAL AVE)
14. Resol. #23-493-R re: URGING THE LEGISLATURE TO ADOPT BUDGET AND LEVY CAP EXEMPTIONS FOR PROPERTY/CASUALTY INSURANCE AND CLAIMS
15. Resol. #23-494-R re: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2023 BUDGET PURSUANT OF N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) FROM THE NJ DCA FOR LEAD GRANT ASSISTANCE PROGRAM IN THE AMOUNT OF \$34,400.00
16. Resol. #23-495-R re: RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE 2023 BUDGET PURSUANT OF N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) FROM THE NATIONAL OPIOID SETTLEMENT PROCEEDS IN THE AMOUNT OF \$25,501.17
17. Resol. #23-496-R re: AUTHORIZING THE PLANTING OF TREES AND WAIVING OF ANY PERMIT FEES ASSOCIATED FOR THE GREAT AMERICANS ORGANIZATION AT THE SERGEANT JOHN A. LYONS MEORIAL PARK, 24th AVENUE SOUTH SEASIDE PARK
18. Resol. #23-497-R re: AUTHORIZING APPLICATION FOR THE 2024 OCEAN COUNTY TOURISM PROMOTIONAL MATCHING GRANT PROGRAM
19. Resol. #23-498-R re: AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH SHORE TOP CONSTRUCTION CORP. FOR THE WHISPERING PINES WITH SHORE TOP CONSTRUCTION CORP. FOR THE WHISPERING PINES (Decrease)
20. Resol. #23-499-R re: AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED BY SHORE TOP CONSTRUCTION CORP. FOR THE WHISPERING PINES PICKLE BALL COURT PROJECT.
21. Resol. #23-500-R re: RESOLUTION COMMENDING CARMEN F. AMATO, JR 32+ YEARS OF PUBLIC SERVICE AT THE LOCAL LEVEL
22. Resol. #23-501-R re: RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS
23. Resol. #23-502-R re: DECLARING AN EMERGENCY PURSUANT TO N.J.S.A 40:69A-181(B) AND DIRECTING IMMEDIATE IMPLEMENTATION OF ORDINANCE #23-44-OAB
24. Resol. #23-503-R re: RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE OCEAN COUNTY PROSECUTORS OFFICE FOR BILLBOARD SIGNS

On motion by Councilman Buscio, seconded by Councilman Grosse, approval of Resolution 23-504-R re: OPPOSING THE ADOPTION OF FEASIBILITY STUDY PREPARED FOR SEASIDE HEIGHTS BOARD OF EDUCATION TO WITHDRAW FROM CENTRAL REGIONAL SCHOOL DISTRICT

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Grosse, seconded by Councilman Buscio, approval of Resolution 23-505-R re: AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PROPERTY OWNERS OF BLOCK 1547 LOT 31.02 FOR THE PURCHASE OF PROPERTY

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

Minutes of December 18, 2023

On motion by Councilman Byrnes, seconded by Councilman Buscio, approval of
**Resolution 23-506-R re: AUTHORIZING AN EXTENDED LEAVE OF AN EMPLOYEE FOR A PERIOD OF
ONE YEAR**

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Grosse, seconded by Councilman Byrnes, approval of
Resolution 23-507-R re: Authorizing the Release of a Performance Bond

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Byrnes, seconded by Councilman Buscio, approval of
**Resolution 23-508-R re: AUTHORIZATION TO ADVERTISE AND RECEIVE BIDS 2023 – MILL AND
OVERLAY PHASE 2–HARDING AVENUE, MARQUIS STREET, PICASSO COURT, SHORE BOULEVARD
AND SYLVAN BOULEVARD ENTRANCE**

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Byrnes, seconded by Councilman Buscio, approval of
**Resolution 23-509-R re: AUTHORIZING THE ADVERTISEMENT AND RECEIPT OF REQUEST FOR
PROPOSALS FOR 2024 PROFESSIONAL SERVICES. Mount Laurel Attorney and Psychologist**

ROLL CALL:

AYE: Gingrich, Guadagno, Byrnes, Signorile, Buscio, Grosse, Bacchione
NAY: None
ABSENT: None
Abstain: None

On motion by Councilman Buscio, 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.



Karen Stallings
Township Clerk



Keith Buscio
Council Vice President