

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
PUBLIC MEETING HELD JANUARY 8, 2013**

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**CALL TO ORDER**

At 7:01 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger and filing a copy with the Clerk at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley, Mr. Hall and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator Amey Upchurch and Acting Township Clerk Ana Minkoff.

**EXECUTIVE SESSION – Contract Negotiations – Lone Pine Traffic Light  
Attorney-Client Privilege/Litigation – Foregger v. Berkeley Heights**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:  
**(7:01 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

Moved by Mr. Hall to go out of Executive Session, seconded by Mr. Woodruff and upon roll call vote:  
**(8:00 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported there is an opening for a position on the Environmental Commission. Mr. Delia asked if we are done with the chipping program. He said there are a few isolated spots that have been there for a while.

Mayor Bruno asked Bob Bocchino to look into those areas for chipping.

Mr. Delia spoke about Passaic River and the trees and branches and he is hoping that we can do something about it. He feels it is a manpower issue and should not have anything to do with money.

Mayor Bruno responded it will include money because the men do have to get paid. It will have to be included in the budget.

A discussion continued among the Mayor and Council. The discussion also involved a suggestion by Mr. Hall to clean-up the brooks in town that border people's properties.

Mr. Hall asked Bob Bocchino to get an estimate together to clean-up the brooks. Mr. Hall suggested having this item as a side bar to the budget presentation for consideration.

Mr. Delia spoke in length about the deer problem and requesting the County to eliminate the deer in our County parks. Mr. Delia said the Environmental Commission is in support of this.

A lengthy discussion continued on the deer population and requesting the County to eliminate the deer from County parks. Mayor Bruno said we would contact Dan Bernier and see if this can be done in Berkeley Heights.

Mr. Pastore reported he is working on a spreadsheet for the salary ordinance. He is also working on some other ideas as well. Mr. Pastore would like to have a salary ordinance ready for the next meeting. Mr. Pastore said he met with the Township Engineer to look at the department structure and he will shadow some people so a structure can be put together.

Mr. Pirone had nothing to report.

Mr. Woodruff gave an update report on the status of the BAC proposal and what the Township is doing with respect to the referendum. Mr. Woodruff explained further the town's position and said everything is with the court.

Mrs. Kingsley had nothing to report.

Mr. Hall spoke about having a traffic light at the intersection of Locust and Snyder Avenue. Mr. Hall asked Chief Mathis what his recommendation is and if we should look into this.

Chief Mathis said we are looking into striping and signage before looking into a traffic light.

Bob Bocchino explained they will be striping first.

Mr. Hall asked the Township Council to re-consider the snow ordinance. Mr. Hall spoke in length about the issues that have come up with introducing the snow ordinance. Mr. Hall asked the Council if they still had issues with introducing the snow ordinance. Mr. Hall said he will attempt to add the snow ordinance to the next meeting agenda.

Amey Upchurch, Township Administrator reported she will meet with the department heads on January 14<sup>th</sup> to review last year's budget as well as goals and objectives for this year.

Mayor Bruno spoke about the 2013 budget and said we need to stay as close to the 2% cap as we can. He added this year we will also have full payment on the pension which is approximately \$220,000 more than last year. Mayor Bruno also reported he visited the Veterans Hospital with our VFW post. We want to make this year special for our Veterans starting with Memorial Day and ending with Veterans Day. Mayor Bruno said he would like to get the Beautification Committee working on American Flags in the downtown. Mayor Bruno also noted that November 8<sup>th</sup> is Berkeley Heights Day the day we incorporated.

Moved by Mrs. Kingsley to accept and approve the Township Council Reports, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

## **HEARING ON THE AGENDA ITEMS ONLY**

Moved by Mr. Woodruff to open the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

Carol Matula of 5 Hastings Road referred to resolution #2 for the tax settlement with EGL Company and she asked what will this mean for our taxes.

Mayor Bruno responded the refund is a credit in the amount of \$7,256.00 in 2012.

Mrs. Matula asked if an input was received from the people across the street from Lone Pine Drive.

Mayor Bruno responded we did receive input. Approximately 50% of the people are in favor of these plans.

Hearing no voices, moved by Mr. Woodruff to close the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

## **NEW BUSINESS- RESOLUTIONS OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

### **RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated January 8, 2013 in the amount of \$89,378.56.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

**Mr. Pastore introduced the following resolution:**

2. Resolution authorizing the Stipulation of Settlement with E.G.L. Company located at 100 Industrial Road.

Moved by Mr. Pastore to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: Mr. Delia  
Abstain: None  
Absent: None

**Mr. Pirone introduced the following resolution:**

3. Resolution appointing Brown & Brown as the Local Risk Management Consultant.

Moved by Mr. Pirone to approve resolution #3, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

**Mr. Hall introduced the following resolution:**

4. Resolution authorizing the Township's membership in the Garden State Municipal Joint Insurance Fund.

Moved by Mr. Hall to approve resolution #4, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

- (5)
  - a. Resolution authorizing the Tax Collector to refund the following 2012 tax overpayments:

1. AFR/Hilltop Community Bank	535 Springfield Avenue	\$377.63
2. Convenient Closing Services	19 Washington Avenue	\$982.16
  - b. Resolution authorizing the Tax Collector to cancel credit/debits for 2012 under \$10.00 each.

Moved by Mr. Pastore to approve Consent Agenda resolution items #5a-b, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

**CITIZENS HEARING**

Moved by Mr. Hall to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

Stephen Yelling of 130 Dogwood Lane referred to the Executive Session item Tom Foregger v. Berkeley Heights and asked if the Township could make any statements on this.

Mayor Bruno responded this is pending litigation.

Mr. Yellin said he noticed we have not been video taping the meetings.

Mr. Pastore said we will actually be putting three cameras in this meeting room.

Mr. Woodruff told Mr. Yellin that with regard to his questions regarding the Executive Session litigation, the town cannot speak about it but the plaintiff can speak about it if he wishes.

Hearing no voices, moved by Mr. Hall to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None

## **ADJOURNMENT**

Moved by Mrs. Kingsley to adjourn, seconded by Mr. Hall and upon roll call vote:

**(8:39 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: None