

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
PUBLIC MEETING HELD JANUARY 22, 2013**

CALL TO ORDER

At 7:02 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 Tom Scrivo, Township Administrator Amey Upchurch and Acting Township Clerk Ana Minkoff.

**EXECUTIVE SESSION – Contract Negotiations – Lone Pine Traffic Light
Contract Negotiations – YMCA Land Lease
Contractual Negotiations – Little Flower Church**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(7:04 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:
(8:20 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.

CONFERENCE SESSION

Department of Engineering

Mrs. Upchurch said Mr. Bocchino has met with Mr. Pastore and Mrs. Kingsley to discuss improving the Engineering Department staffing. She added one of the ideas is to fill the position of the Assistant to the Director of Public Works position. Mrs. Upchurch gave the Township Council a list of what this person would take care of.

A discussion continued in length among the Mayor and Township Council regarding the position, salary and duties of this position. Mr. Bocchino answered questions from the Mayor and Township Council.

Mayor Bruno spoke about the need for two inspectors also. There is a need for a plumbing inspector and a building inspector. Using BIU for inspections is causing the Township to lose money because they keep 100%.

There was a discussion among the Mayor and Council about hiring two inspectors and the salary for these inspectors.

Salary Ordinance Discussion

There was discussion among the Mayor and Township Council on the proposed amendments to the minimum/maximum salary ordinance. There was discussion on introducing this ordinance as drafted.

Budget Line Item Discussion

Michel Marceau, CFO spoke about the budget and the budget line items. He also spoke about some changes he would like to make with regard to the budget and the departments.

TOWNSHIP COUNCIL REPORTS

Mr. Delia had nothing to report.

Mr. Pastore had nothing to report

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report.

Mrs. Kingsley had nothing to report.

Mr. Hall had nothing to report.

Mrs. Upchurch reported there will be a meeting held on March 14th for the seniors with JCP & L and NJ American Water Company with regard to assistance for the seniors. There will also be links on our website for this information.

Mayor Bruno reported January 27th is the 40th anniversary of the end of the Vietnam War and he was invited along with Mrs. Kingsley to visit Lyons Hospital and help to serve lunch to the veterans. He has also asked the downtown businesses to do something special for those veterans. He would also like to see Springfield Avenue and Plainfield Avenue lined with American flags for the Memorial Day Parade. Mayor Bruno also asked the residents to sponsor a flag for this purpose. He spoke further about the sponsorship of the flags.

Moved by Mrs. Kingsley to accept and approve the Township Council Reports, 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

HEARING ON THE AGENDA ITEMS ONLY

Moved by Mr. Pastore to open the Hearing on the Agenda Items Only, 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

Tom Foregger of 14 Dorsett Road asked who is the Township negotiating with for Lone Pine Drive.

Mayor Bruno explained the negotiations were regarding accepting the donation of a light.

Mr. Foregger said if the Township gives 3% raises they will not be able to stick with the 2% budget increase. Mr. Foregger also made remarks and suggestions regarding the proposed snow ordinance.

Carol Matula of 5 Hastings Road also made comments on the proposed snow ordinance. She feels there needs to be more guidance for the residents so they can comply with the law.

Mr. Woodruff said to some extent we need to trust our Police Department to exercise good judgment. Mr. Woodruff continued to explain further regarding the Police enforcement.

A lengthy discussion continued.

Joan Luciano asked what happened to common sense on the part of people

Steve of 35 Sycamore Avenue said the proposed changes to the snow ordinance is better. He reviewed the ordinance and made comments and recommendations to the proposed ordinance.

Hearing no voices, moved by Mr. Pastore to close the Hearing on the Agenda Items Only, 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

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 22, 2013 in the amount of \$589,420.79.

Moved by Mr. Delia to approve resolution #1, 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. Woodruff introduced the following resolution:

2. Resolution authorizing the Township Attorney to provide a defense for Ana Minkoff, Acting Township Clerk in connection with the litigation entitled Foregger v. Township of Berkeley Heights.

Moved by Mr. Woodruff to approve resolution #2, 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

Mr. Pastore introduced the following resolution:

3. Resolution authorizing a contract with the City of Rahway for Local Public Health Services.

Moved by Mr. Pastore to approve resolution #3, 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

Mr. Hall introduced the following resolution:

4. Resolution awarding a 1 year contract to Carmeuse Lime, Inc., to provide Calcium Hydroxide Hydrated Lime to the Water Pollution Control Plant.

Moved by Mr. Hall to approve resolution #4, 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

Mr. Delia introduced the following resolution:

5. Resolution awarding a 1 year contract to Accurate Waste Removal Service, Inc., to provide Liquid Sludge Hauling for the Water Pollution Control Plant.

Moved by Mr. Delia to approve resolution #5, 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. Woodruff introduced the following resolution:

6. Resolution awarding a 1 year contract to General Chemical, to provide Aluminum Sulfate for the Water Pollution Control Plant.

Moved by Mr. Woodruff to approve resolution #6, 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

Mr. Pastore introduced the following resolution:

7. Resolution awarding a 1 year contract to Garden State Laboratories, Inc. to provide Outside Laboratory Services in an amount not to exceed \$14,432.00.

Moved by Mr. Pastore to approve resolution #7, 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

Mr. Hall introduced the following resolution:

8. Resolution authorizing Amey Upchurch as Fund Commissioner and Barbara Russo as Alternate Fund Commissioner for the Garden State Municipal Joint Insurance Fund.

Moved by Mr. Hall to approve resolution #8, 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:

- (9)
 - a. Resolution authorizing the Tax Collector to refund the following 2012 tax overpayments:
 1. Marc C. & Sharon Angelos 81 Timber Drive \$2,778.08
 - b. Resolution authorizing the application of Ori Sternberg, for a blue light permit.
 - c. Resolution authorizing the application of Samantha Lloyd, for a blue light permit.
 - d. Resolution removing Kevin Conduis from the active Volunteer Fire Dept. roster.
 - e. Resolution authorizing release of street opening permit to G&S Bodnar LLC, 230 Sherman Avenue, Berkeley Heights, in the amount of \$700.00.

- f. Resolution authorizing release of street opening permit to Joseph & Camille Vicari, 118 Kline Boulevard, Berkeley Heights, in the amount of \$700.00.
- g. Resolution authorizing release of street opening permit to Manuel Catarino, 63 Southview Drive, Berkeley Heights in the amount of \$700.00.

Moved by Mr. Pastore to approve Consent Agenda resolutions #9a-g, 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

ORDINANCES

INTRODUCTION OF ORDINANCE

Public Hearing and Final Adoption scheduled for February 5, 2013:

The Clerk presented and read:

(1)“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 10.24 ENTITLED ‘SNOW EMERGENCIES’ OF TITLE 10 ENTITLED ‘VEHICLES AND TRAFFIC’ TO RENAME CHAPTER 10.24 TO ‘PARKING RESTRICTIONS DURING SNOW ACCUMULATIONS’ AND TO AMEND SAME TO ESTABLISH PARKING REGULATIONS DURING SNOW ACCUMULATIONS”
 (Explanation: This ordinance amends and updates Chapter 10.24 of the Code of the Township of Berkeley Heights to establish parking regulations during snow accumulations.)

Moved by Mr. Hall that the ordinance as read by the Township Clerk is offered on first reading and the date of 2/5/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and carried.

Mr. Delia pointed out as discussed last year some vehicles are being parked by the subzone and the owners are using the train. They are parked there for a long period of time. The snow ordinance may affect these people. Mr. Delia said the Police use their discretion on every law and he is sure they will also use their discretion with the snow ordinance. He feels this ordinance is a good tool that we need in town.

Mr. Pirone said he will be voting no for this ordinance. This causes a problem for those that park on the street and leave town for a few hours and when they get back they find their car has been towed. He also believes the streets are designed to enable people to park and traverse the street without there being a problem. He feels it causes an undue burden for residents and businesses with guests visiting during the winter.

Upon roll call vote:

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

The Clerk presented and read:

(2)“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 2.94 ENTITLED “DOWNTOWN BEAUTIFCATION COMMITTEE” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO AMEND THE MEMBERSHIP REQUIREMENTS OF THE COMMITTEE.’ (Explanation: This ordinance amends and updates the membership requirements of the Downtown Beautification Committee in Chapter 2.94 of the Township’s Administrative Code.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 2/5/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, 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

CITIZENS HEARING

Moved by Mr. Woodruff to open the Citizens Hearing, 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

Carol Matula of 5 Hastings Road said she saw DPW picking up logs on a Saturday and she said she thought the town was only picking up branches. She also asked why is the DPW working on Saturday and we are paying overtime. Mrs. Matula commented on the snow ordinance with regard to Police discretion.

Mr. Bocchino said if the logs are from town trees they are being picked up. He also said most of this work will be reimbursed by FEMA due to the storm that we had.

Lisa of 10 Orion Place spoke about a problem her daughter had with regard to the Summit Police and an accident that she had. She continued with her comments regarding the snow ordinance and she feels this needs to be balanced.

Tom Foregger of 14 Dorsett Road said some Pine trees disappeared from Snyder Avenue Park and he asked what happened to them.

Tom Barton, Recreation Director responded some were storm damaged and some were taken down for the fencing.

A discussion followed on the trees that were removed.

Stephen Yellin of 130 Dogwood Lane spoke about the snow ordinance and asked if anyone has ever been arrested for violation of the snow ordinance. Mr. Yellin said he has gone to Deena's Café and he thinks it is great and he is glad they are there.

Chief Mathis said the Police Department exercises good common sense and discretion and if not they must deal with him. He wanted to reassure the residents of Berkeley Heights that if this ordinance is passed the Police Department will exercise good discretion and not be targeting people.

A discussion continued.

Mr. Hall explained the Township must adopt a master plan and this is done by the Planning Board. He spoke about having a sub-committee consisting of various committees in town such as the Beautification Committee, seniors, recreation, Suburban Chamber of Commerce etc. to have an idea of what the themes and priorities should be so we can present that to the Planning Board.

Mayor Bruno said we will introduce an ordinance at the next meeting to appoint this sub-committee.

Moved by Mr. Woodruff to close the Citizens Hearing, 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

ADJOURNMENT

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

(10:01 p.m.)

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