

**MINUTES OF THE TOWNSHIP COUNCIL
TOWNSHIP OF BERKELEY HEIGHTS
EXECUTIVE SESSION HELD ON FEBRUARY 5, 2013**

CALL TO ORDER

Mayor Bruno called the Executive Session to order at 7:07 p.m.

ROLL CALL

Present - Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone, Mr. Woodruff, and Mayor Bruno were present.

Absent – None

Also Present – Township Administrator Amey Upchurch, Township Attorney Joseph Sordillo, and Acting Clerk Ana Minkoff.

- EXECUTIVE SESSION –**
- 1. Attorney-Client Privilege/Litigation Passaic River**
 - 2. Contract Negotiations – Lone Pine Traffic Light**
 - 3. Contract Negotiations – Little Flower Church**
 - 4. Personnel – Amey Upchurch**

Contract Negotiations – Little Flower Church

Also present Michael Cresitello- Planning Board Attorney

Mr. Hall stated that he would like to have something executed in June, regarding the land swap negotiations.

Michael Cresitello discussed the redevelopment and prepared an outline that discussed the benefits of redevelopment over rezoning. The Redevelopment plan starts with the Governing Body, a resolution will need to be adopted. Identify the block and lots refer to Planning Board, they will conduct a preliminary investigation. The Planning Board will direct the Planner to conduct a study. There will be a report provided to the Planning Board and the Planner would be present to explain. If the Council agrees with the Planning Board, they will have to vote on a resolution. The adoption of the plan will become a Zoning Ordinance; the plan can be prepared by the Council or the Planning Board.

It was suggested that the Council prepare the plan, once the plan is formalized it goes back to the Planning Board and they then have 45 days to review. The plan gets adopted by ordinance and then an RFP is prepared. There was a discussion on a PILOT program (payment in lieu of taxes) tax free for 30 years and taxes are not shared with the county or Board of Education.

Mr. Hall stated that the priorities for the Council are to adopt a Resolution at the next Council meeting.

Mr. Pastore asked what the cost of all this would be.

Attorney-Client Privilege/Litigation Passaic River

Mr. Sordillo stated that if we settle with the state, the state would indemnify the parties. The cost would be \$95,000.00 for municipalities, it would take the Township out of this litigation and indemnify except for federal claims. This may not be the end of it on the federal side. We may be covered by the insurance company and the Council needs to consent, we have until March 23rd.

He not certain as to the position of the insurance company, it may affect rates, he will have the answers at the next meeting.

Mr. Woodruff asked if it is possible to get an agreement to not cross claim against other municipalities.

Contract Negotiations – Lone Pine Traffic Light

Mr. Hall stated that Mike Mistretta and Kevin Page will meet tomorrow to discuss an agreement as to the design. Mr. Page has not provided any documents for review. Mike Mistretta cancelled a prior meeting with Kevin Page since he had no documents to review in advance, he will only present any documents that he can professionally sign off on, he has nothing to analyze as of now and does not believe that Kevin Page can sign off on documents.

Mrs. Kingsley stated that she has spoken to Kevin Page, and she has seen the drawing and has also seen emails, she is perplexed, as to why this is not done.

Mr. Pastore asked why Mike Mistretta would cancel the meeting.

Mr. Woodruff asked if there was an email trail that indicated that Mr. Page has not responded.

Mayor Bruno stated that he thought this would have been resolved, and he was not aware of the meeting being cancelled.

Mr. Woodruff asked what the next step was.

Mr. Hall stated that he thought this was very political and that people were taking sides.

A discussion continued among the council.

Mr. Sordillo stated that the Township has no authority to make Benham's move the gas pumps. We can only ticket if they violate the right of way. He will reach out to Mike Mistretta tomorrow.

Personnel – Aney Upchurch

Mr. Woodruff stated that he has an email trail. He asked Mrs. Upchurch if she was aware of the paragraph having to do with sick days. He asked what her intent was.

Mrs. Upchurch stated that she was planning on doing it and she assumed that it would go from the Payroll clerk to Barbara Russo.

Mr. Woodruff asked if she agreed that paragraph number (7) did not allow for it and had she read it.

Mrs. Upchurch stated that she had not applied it to herself.

Mr. Woodruff stated that Barbara Russo was the time keeper.

Mrs. Upchurch stated that she had not flicked the switch.

Mr. Woodruff asked if she had looked at the W2 form and then noticed it.

Mrs. Upchurch stated that it occurred on January 31. She spoke to the CFO and the Payroll Clerk on February 1 at around 8:40 a.m..

She stated that she told Barbara Russo that she knew about the mistake and the Mayor disciplined her in a letter.

Mr. Woodruff asked if there is a written policy that Barbara Russo is the time keeper.

Mrs. Upchurch stated that she did not know that it went through Barbara Russo.

Mr. Hall stated that as the Chief Executive of the town, it strikes him odd, that she did not make sure that all the checks and balances were in place.

Mrs. Upchurch stated that she did not tell the Payroll Clerk to pay it out and that she does not look at her pay stub.

Mr. Hall stated that he thought this was sloppy, and that when you are in charge you set policy. He thinks that a formal policy needs to be instituted.

Mrs. Upchurch left the room.

Mr. Pirone asked how this is different than what occurred with Tracy Tedesco.

Mr. Sordillo stated that this is different; with the prior CFO she was cutting checks to herself, with Amey assuming her word is correct she made a correction right away, different situation.

Mr. Woodruff stated that it is not unreasonable to ask to calculate, she is sort of asking. Craig's inquiry motivated this, and it was the day before.

Mr. Pastore stated that Barbara Russo thought that it was a mistake and she looked at the budget figure with Ana Minkoff.

Mrs. Kinsley stated that she also noticed the figure and spoke to the CFO and asked for details on Friday at 12:00.

Mr. Woodruff stated that he is not comfortable and he would like to speak with Barbara Russo.

Mayor Bruno stated that he got a call from Amey on Friday; I called Kevin and told him that I would document it. I spoke to Virginia and she gave me a copy of the email. I informed Amey and she paid it back before Barbara Russo spoke to her.

Mr. Woodruff stated that he would like to Rice Barbara Russo and Virginia Nesbitt

A discussion continued among the Council members.

It was decided that they would speak to the other employees at the next Council meeting.

Adjourned 8:48 p.m.

Approved: August 18, 2015.


Ana Minkoff, Township Clerk

