

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
PUBLIC MEETING HELD FEBRUARY 5, 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 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 – Attorney Client Privilege – Passaic River Litigation  
Contract Negotiations – Lone Pine Traffic Light  
Contractual Negotiations – Little Flower Church  
Personnel – Amey Upchurch**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:  
**(7:06 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:  
**(8:48 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**

**Salary Ordinance Discussion**

There was discussion on the salary ordinance as drafted and changes and revisions that were made to it. The ordinance was to be changed according to the revisions discussed by the Township Council and introduced at the next meeting.

## **Personnel Manual Discussion**

Mayor Bruno said a draft of the Personnel Manual has been distributed to the Council for their review and comments. He asked for feedback from the Council and after all amendments have been made it can be then put on an agenda for approval.

## **TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported the train commuters only seem to park on the side that the train stops on. He added they are not using the opposite side of the tracks even though we have the new paved lot. Mr. Delia suggested we add more signage for the commuters to use that empty lot.

Mayor Bruno said NJ Transit put up a fence and that is probably the reason the commuters do not come around to the other side. He also said we have oversold permits for that lot. He doesn't know what the answer is. People do not want to walk.

Mr. Pastore had nothing to report

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report.

Mrs. Kingsley reported on the Beautification Committee. She added there is money left over from the funds raised for the Holiday banners and we are looking into a banner that can be put up for the rest of the year as well as flags. We are looking into setting up a trust for beautification efforts. Mrs. Kingsley also reported she went to Lyons Hospital along with the Mayor to serve pizza to the veterans, it was a very rewarding experience.

Mr. Hall had nothing to report.

Mrs. Upchurch had nothing to report.

Mayor Bruno thanked the Fire Department and Rescue Squad for their efforts in the ice rescue of two people that were turtle hunting. Mayor Bruno also reported he will be attending the Mayor's Legislative day in Trenton with the Governor as a guest. Mayor Bruno also reported he met with the Suburban Chamber of Commerce regarding the first annual Berkeley Heights Street Fair. Mayor Bruno also spoke about attending Lyons Hospital to serve pizza to the veterans. He also said it was a very rewarding experience. Mayor Bruno also spoke about having American flags put up in the downtown and raising money for these 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. 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

Carol Matula of 5 Hastings Road referred to resolution #2 for the Stipulation of tax Settlement and she asked if we have a dollar figure.

Mayor Bruno responded in 2011 it will be \$2,202.05 and in 2012 it will be \$6,250.44 for a total of \$12,452.54.

Mrs. Matula referred to the Executive Session and asked how much time was spent on each topic that was discussed.

Mr. Delia responded Little Flower was discussed up to 7:37 p.m., Passaic River was 7:37-7:45 p.m., Lone Pine Drive was 7:45-8:07 p.m. and Mrs. Upchurch was 8:07-8:47 p.m.

Mrs. Matula continued to ask questions regarding the Executive Session.

Joseph Sordillo, Township Attorney responded to Mrs. Matula's questions.

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

## PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON JANUARY 22, 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 to open the public hearing on the ordinance as read by the Township Clerk, 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

Tom Foregger of 14 Dorsett Road referred to sections of the snow ordinance and made comments. He also asked questions regarding snow coverage, signs and enforcement.

Township Attorney, Joseph Sordillo responded to Mr. Foregger's questions.

Mr. Foregger continued to ask questions regarding the snow ordinance.

A discussion continued.

Stephen Yellin of 130 Dogwood Lane thanked the Township Council on getting the snow ordinance accomplished. It is an issue of common sense; you don't allow the abuse of authority in any democratic system.

Carol Matula of 5 Hastings Road expressed her concern over the standards that the DPW and the Police will use with regard to the snow ordinance. She continued with her remarks and comments regarding this ordinance and feels it is wrong.

Hearing no voices, moved by Mr. Hall to close the public hearing on the ordinance as read by the Township Clerk, 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

Moved by Mr. Hall that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage 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. 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 to open the public hearing on the ordinance as read by the Township Clerk, 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

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, 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

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage 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

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

**RESOLUTIONS**

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

1. Resolution approving Bill List dated February 5, 2013 in the amount of \$596,744.39

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. Pirone introduced the following resolution:**

2. Resolution authorizing the Stipulation of Settlement with Victory Station, 273 Snyder Avenue, Block 703, Lot 7.

Moved by Mr. Pirone to approve resolution #2, seconded by Mr. Pastore 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. Delia introduced the following resolution:**

3. Resolution authorizing the waiving of permit fees for Westminster Presbyterian Church and Nursery School, located at 725 Mountain Avenue.

Moved by Mr. Delia to approve resolution #3, 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:**

- (4)
  - a. Resolution removing Flavio Loaiza from the active Volunteer Fire Department roster.

Moved by Mr. Pastore to approve Consent Agenda resolution #4a, 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 19, 2013:**

The Clerk presented and read:

**(1)“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2012-2013 TERM.”** (Explanation: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall by the Senior Citizens Organization of Berkeley Heights for the 2012-2013 term.)

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk is offered on first reading and the date of 2/19/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Hall and carried.

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. Pirone to open 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

Carol Matula of 5 Hastings Road referred to the lease with Mt. Carmel and she asked if the amount is the total or do we share the amount. She also asked if the Township is paying half.

Mayor Bruno responded the Township is paying \$7,600.00.

Moved by Mr. Pirone to close 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

## **ADJOURNMENT**

Moved by Mr. Pastore to adjourn, seconded by Mr. Woodruff and upon roll call vote:  
**(9:58 p.m.)**

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