

CONFIDENTIAL

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

CALL TO ORDER

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

ROLL CALL

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

Absent – None

Also Present – Township Administrator Amey Upchurch, Township Attorney Joseph Sordillo, and Deputy Clerk Linda Santillo

- EXECUTIVE SESSION – 1. Attorney-Client Privilege/Litigation - Berkeley Heights v. Committee of Petitioners**
- 2. Contract Negotiations – Lone Pine Traffic Light**
 - 3. Contract Negotiations – YMCA Land Lease**
 - 4. Attorney-Client Privilege/Litigation – BAC vs. Berkeley Heights**

Lone Pine Traffic Light – Also present Michael Mistretta

Michael Mistretta said he met with CVS regarding plans for the Lone Pine Traffic Light. Gary Dean, Engineer suggested putting in island at the turn.

Benhams has pre-existing non conforming uses, if sold, cannot expand. Piece of property becomes Township's. Can only purchase gas station lot as is.

County will go with brick stamped pavers for a crosswalk.

Michael Mistretta cannot support a design that does not allow truck movement.

No left turn movement coming out of Benhams. A sign will be put up for no left turn.

Can put in walkway and landscaping to dress up.

Michael Mistretta discussed the March 5, 2013 memorandum from Harbor Consultants regarding issues with the Lone Pine Drive Improvements. He discussed the issues with the Township Council and who would be responsible for or pay for each item.

Michael Mistretta also put in a path from Washington Avenue to downtown in case the Council wanted it.

Executive Session – 3/5/13

YMCA Land lease

Joseph Sordillo spoke about YMCA land lease agreement and said lease agreement and option lease agreement for same term. The longest period lease can be for is 75 years. Maximum term in lease is 50 years initially and renewal option for 25 years. They want a 50 year lease with a renewal option for 50 years.

Mr. Hall said if they find contaminants we have to pay for assessment and clean-up.

Mr. Woodruff said say “no” to that.

BAC vs. Berkeley Heights

Joseph Sordillo explained we won the denial to amend the sewer contract. The court agreed we did not breach the contract. They can appeal the decision. It may not be finished. On the petition ordinance the Judge does not want to make a decision yet. She wants it to go to the vote. It is a big decision and the Judge did not want to decide. The 40-60 day deadline starts on Monday.

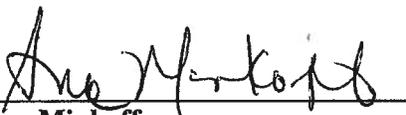
Joseph Sordillo said we can ask the Judge to reconsider due to the timing of the election and ask to have it done with the Primary election because of the cost to the public.

A discussion continued among the Mayor and Township Council.

Joseph Sordillo will look into “Motion for Consideration” due to timing of election and financial hardship. New facts not presented on the original motion. Can file an interlocking appeal. Joseph Sordillo said Judge will make a decision after the election.

Adjourned at 8:05 p.m.

Approved: December 3, 2013



Ana Minkoff
Township Clerk