

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD APRIL 23, 2013**

---

**CALL TO ORDER**

At 7:05 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 and Acting Township Clerk Ana Minkoff.

**EXECUTIVE SESSION – Attorney-Client Privilege/Litigation – Carol Matula v. Berkeley Heights**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:06 p.m.)**

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

Moved by Mr. Hall to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:19 p.m.)**

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

**FLAG SALUTE**

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

**CONFERENCE SESSION**

**Discussion on Parking Ordinance**

Mayor Bruno explained there will be discussion on a draft copy of the parking ordinance. He went on to say there have been complaints from residents regarding parking on the streets in the vicinity of the high school. Mayor Bruno went on to talk about the procedure in this regard and the Police involvement.

Conference Session involved discussion on introducing an ordinance for no parking on the involved streets.

**Township Council Minutes**  
**Public Meeting – April 23, 2013**

There was discussion among the Township Council members on the parking and the introduction of the parking ordinance. Chief Mathis also spoke about the ordinance and feels that he will need to review it further before introduction. Chief Mathis gave a little history on this parking problem and spoke in length about the parking situation.

After lengthy discussion the Township Council did not want to introduce an ordinance to amend the parking in the area surrounding the high school before further review.

Mayor Bruno opened up the discussion on this matter to the public for their comments.

Michael Burke wanted to clarify a few points as to why the parking situation changed this year at the high school. He spoke about a letter from the Principal on the high school website. He spoke about changes to the parking policy at the high school for the students and he said this policy doesn't allow any juniors to park in the high school parking lot.

Mrs. Kingsley pointed out the policy was enacted because this senior class is so large there was no room for the juniors. There were only limited spots available and a lottery became necessary. The policy will be revisited based on class size next year.

Mr. Burke continued in length with his comments and feels there is a public safety issue involved.

Noel Genco of 31 Sussex Road spoke about having 15 cars parked on his road even with the restriction of no parking in the cul-de-sac. He said he has even had as much as 25 vehicles parked on his road. Mr. Genco went on with his comments regarding the parking. He spoke about his concerns with safety and some kids not legally driving.

Cesar Ticas of 42 Sussex Road is concerned with safety issues for his small children with the kids parking on the street. He also has seen over 60 open spots at Governor Livingston.

Gary Peters of 39 Sussex Road spoke about a contractor not being able to park on Sussex because of these cars that are parked there. He also spoke about some of the kids driving over 25 mph. Mr. Peters continued with his comments regarding the parking.

Sean Wetterer of 23 Sussex Road spoke about the safety issues. He said he has witnessed a skate board traveling up the roads in the area. He spoke about the difficulty of even getting out of his driveway. He said he appreciates the Council's consideration in this matter.

Mr. Pastore asked if anyone has brought this matter up with the school board.

Mr. Wetterer said his wife has spent time with Sgt. Dietch trying to pursue this issue. She has also addressed the issue with the school director.

A discussion continued on the school involvement in this problem.

Chief Mathis said Sgt Dietch is working with the high school on this matter.

**Township Council Minutes**  
**Public Meeting – April 23, 2013**

Discussion again continued with the Township Council members asking questions regarding this parking problem.

Amy Wagner of Bristol Court said she is a parent of a student who did not receive a parking permit. Mrs. Wagner went on to talk about her difficulties with her daughter not having a parking permit. She also spoke about having to deal with all kinds of issues where ever you are living in town. Mrs. Wagner continued with her comments and also spoke about restricted parking areas in town.

A resident did not give her name or address and she spoke about the roads and restrictions during certain hours. She spoke about the streets that she traveled and their restrictions. She suggested Sussex Road should have the same signs and restrictions as all the other streets.

Tom Foregger of 14 Dorsett Road said this is an economics problem and you need to apply economics techniques. It is a simple supply and demand problem. You have to raise the price of the permit until supply and demand come into balance.

Mr. Hall responded we are not empowered to determine the permit policy and the pricing of them.

A discussion continued on Mr. Foregger's comments.

A resident from 42 Sussex Road spoke about the safety issues and the small children in the neighborhood. She spoke about her child being dropped off by the school bus and her safety concerns with that. She bought her home in a cul-de-sac and she doesn't want her kids exposed to some things that go on there.

Mr. Hall said he is sympathetic to all of the opinions in the room regarding this parking issue. There is clearly a change in policy by the Board of Education which may or may not have triggered this parking problem. The school is separate and we have to respect what they do. Mr. Hall supports the Chief's recommendation that we continue to site these issues and further investigate to try to understand what the issues are. We can come back with more information and revisit the parking ordinance at a later point. Mr. Hall continued with his comments in length.

Mr. Woodruff said school ends very soon and we will see if this problem continues to be an issue. He is willing to see what happens at the end of the year. If it is not taken care at that point, Sussex Road should then not be treated any differently. Mr. Woodruff suggested we let this year go by and see what happens next fall. The Council ultimately will determine what the parking regulations for streets are.

Mr. Pirone would still like Chief Mathis and Sgt Dietch to continue looking at the parking problem. Looking at the policy they have and working with the high school to see whether it is structured the right way. It will come back to the Council to treat the Sussex cul-de-sac the same as the other streets in the area. He doesn't want the whole process put on hold he wants the Police to continued their investigation.

Mayor Bruno said he feels for the residents on the cul-de-sac. When you live on a cul-de-sac you live on it for a reason. It nice and quiet and you don't anticipate you are going to have traffic problems. Mayor Bruno asked the Chief to use stringent enforcement with the young drivers.

**Township Council Minutes  
Public Meeting – April 23, 2013**

Chief Mathis responded the Police Department is aware of this problem and they are enforcing the law.

A lengthy discussion continued.

**APPROVAL OF MINUTES**

Moved by Mr. Pirone to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

**Work Meeting – October 9, 2012  
Public Meeting – October 23, 2012**

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

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia had nothing to report.

Mr. Pastore had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff said he asked the Township Clerk for information on the amount of OPRA requests that are received by the Township Clerk. He is getting a sense that our personnel are spending a lot of time on these requests. His concern is the time it is taking our Clerk to do these requests and whether we need to hire another individual in that location. Mr. Woodruff said the information he received regarding the opra requests was from 2012 and approximately 33-36 requests are received per month. Our Clerk is spending almost a week of her time responding to these requests which takes her away from other important matters. Mr. Woodruff thinks we should look into this and see if we need to hire someone else to help out with the opra requests.

A discussion continued among the Mayor and Township Council on whether we need to hire another person part time to help out with these opra requests.

Mrs. Kingsley asked if we have a summary of the tax appeals for the year.

Mayor Bruno said we will have a summary of the tax appeals for the next meeting.

Mr. Hall reported the League of Women Voters is sponsoring a debate with regard to the BAC issue at Columbia School. This is a critical issue and we want as much information conveyed to the residents as possible. Due to a conflict we would need to authorize \$500.00 to have this debate televised.

There was discussion among the Township Council on authorizing an expenditure of \$500.00 to have this debate televised for the residents. They decided they wanted to do so.

Moved by Mr. Pirone to authorized \$500.00 to be used to televise the League of Women Voters debate on BAC, seconded by Mrs. Kingsley and upon roll call vote:

**Township Council Minutes  
Public Meeting – April 23, 2013**

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

Mr. Hall said the televising will be scheduled to run continually starting Monday for the residents. Mr. Hall spoke about conversations with the Mayor and the Chief of Police regarding reallocating funds in the capital budget for a backup generator which is a priority. The Chief would delay the purchase of a police vehicle and also engineering would forgo the purchase of a DPW vehicle for this purpose.

A discussion continued among the Mayor and Township Council on reallocating money from the capital budget for purchasing the backup generator. Discussion also continued on the necessary type of backup generator.

Mayor Bruno reported he will not be able to attend the League of Women Voter's debate because he will be attending the NJ Mayor's Conference. Mayor Bruno spoke about the BAC and their programs. He said his issue is not with BAC but where the building will be going. Mayor Bruno spoke in length about all of the issues that would impact the residents of Berkeley Heights. He also spoke in length about the issues that would impact the Berkeley Heights Sewer Plant. Mayor Bruno said May 7<sup>th</sup> is the date of this Special Election for the residents to vote on the BAC issue. Mayor Bruno also spoke about the need to address the salary ordinance and make amendments to some positions at the next meeting.

Moved by Mr. Pastore 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 AGENDA ITEMS ONLY**

Moved by Mr. Woodruff to open 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

Tom Foregger of 14 Dorsett Road referred to resolution #4 and pointed out a typo error in the amount listed.

Hearing no voices, moved by Mr. Woodruff 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

**Township Council Minutes  
Public Meeting – April 23, 2013**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES:  
INTRODUCED ON APRIL 9, 2013:**

The Clerk presented and read:

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY  
OF UNION, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2013, TO  
EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”**

Moved by Mr. Hall to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Woodruff and carried.

Carol Matula of 5 Hastings Road feels that we should not adopt this ordinance and we should learn to live within the guidelines adopted by the state. We should not have the potential to spend any more.

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 Mr. Hall to close 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

Moved by Mr. Woodruff 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. 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

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

**RESOLUTIONS**

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

1. Resolution approving Bill List dated April 23, 2013 in the amount of \$403,714.56.

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

**Township Council Minutes  
Public Meeting – April 23, 2013**

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

**Mrs. Kingsley introduced the following resolution:**

2. Resolution authorizing a Shared Services Agreement with the Borough of Madison for Shared Information Technology Services.

Moved by Mrs. Kingsley to approve resolution #2, 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

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

3. Resolution authorizing award of bid for the 2012 Bobcat Model CT440 Compact Tractor in the amount of \$37,811.00 to Equiptech LLC dba Bobcat of Central Jersey, 45 Route 22 East, Green Brook, NJ 08812.

Moved by Mr. Woodruff to approve resolution #3, seconded by Mr. Hall and carried.

Mr. Delia said he is proposing to vote “no” on this resolution and ask that this item be re-bid. Mr. Delia went on to explain his reasons and spoke about the Bobcat model in length. He feels we will not get our money worth with the model awarded in the bid.

A lengthy discussion continued on the bid. The Township Council asked questions regarding the bid. Bob Bocchino, Director of Public Works explained the bid specs. Don Cochario of the DPW also spoke about the Bobcat bid and the specs.

Upon roll call vote:

Ayes: Mr. Woodruff and Mr. Hall  
Nays: Mr. Delia, Mr. Pastore, Mr. Pirone and Mrs. Kingsley  
Abstain: None  
Absent: None  
Resolution Failed – Vote 4 - No and 2 – Yes

Mr. Delia said at this time he would like to review the bids and have the Council go over the bid before it goes out. He feels the Council should be able to review the bids before they go out so we don't have this issue again.

A lengthy discussion continued among the Mayor and Township Council on the bid and the bid specs.

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

**Township Council Minutes  
Public Meeting – April 23, 2013**

4. Resolution authorizing award of bid for the Garage Doors at the DPW Garage, in the amount of \$25,555.00 to Allmark Door Co. LLC, 15 Stern Avenue, Springfield, NJ 07081.

Moved by Mr. Pirone to approve resolution #4, 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

**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 resolution:**

**(5)**

- a. Resolution authorizing the release of Tree Performance Bonds in the amounts \$92,600.00 to Connell East, LLC, 200 Connell Drive, Berkeley Heights, NJ.

Moved by Mr. Pastore to approve Consent Agenda resolution #5a, 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

**CITIZENS HEARING**

Moved by Mr. Delia 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

Carol Matula of 5 Hastings Road referred to the draft of the parking ordinance and said she has a similar situation with parking on Ferndale. She suggested when the town has any special events that parking should be restricted to one side of the street.

Joan Luciano of Mountain Avenue spoke about some confusion regarding the \$750.00 that was included in the budget for the senior bus. She said she was told it was approved by the CFO but she was told by Mr. Barton that it was not approved.

Mayor Bruno said it was approved by the Mayor and Council and he will check into the confusion.

**Township Council Minutes  
Public Meeting – April 23, 2013**

Vincent Turturiello of Passaic Avenue spoke about a paper road adjacent to his property. He is asking the Township Council to pass an ordinance to vacate that piece of land and the property given to the adjacent property owners. He is putting in a pool and this paper street will affect his property.

Joseph Sordillo, Township Attorney will look into the matter and provide guidance on the options available to the town.

A discussion continued with Joseph Sordillo explaining the options for the Council.

The Council also asked Mr. Turturiello questions regarding his property and what he is requesting.

Mr. Hall asked Mr. Turturiello for the opportunity to research this matter and said the Council will get back to him.

Robert McManus of 1105 Mountain Avenue invited the Township Council members to participate in the dunk tank at the Rubber Ducky Festival on June 1<sup>st</sup>. Mr. McManus commented about the bid for the garage doors at the DPW. He is sorry nobody approached his company for their opinion on these doors and he feels the town will probably have to replace them again in 10 years.

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, 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

**ADJOURNMENT**

Moved by Mr. Hall to adjourn, seconded by Mr. Pastore and upon roll call vote:  
**(9:11 p.m.)**

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

**Approved: July 23, 2013**

**Ana Minkoff  
Township Clerk**