

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MAY 8, 2013**

CALL TO ORDER

At 7:07 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 – Contract Negotiations – Lease with Casablanca 17 LLC

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:10 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. Pastore and upon roll call vote:
(7:35 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

Mayor Bruno spoke about a newspaper article from the Union County Local Source he was given by a resident. Mayor Bruno spoke about the article regarding the Union County budget. He went on to detail some of the items listed in this article regarding the Union County spending. Mayor Bruno feels it is time to have open public meetings on this and take action. Mayor Bruno continued in length.

The discussion continued in length among the Mayor and Council on the County spending.

Mayor Bruno said a portion of the Council meetings from now on will be dedicated to the County secession to inform the residents.

2013 MUNICIPAL BUDGET ADOPTION

Public Hearing and Final Adoption on 2013 Municipal Budget as Introduced on April 9, 2013.

Mayor Bruno read the resolution to adopt the 2013 Municipal Budget as Introduced.

Moved by Mr. Pirone to open the public hearing on the 2013 Municipal Budget Adoption, 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 said the salaries for the Police have increased by 4.77% and said this exceeds the 3% limit that was imposed on other departments. Mr. Foregger gave some statistics on a budget appropriation for a new Police hire for a half year. He requested to eliminate the excess salary amount and not to expand the department at all. Mr. Foregger continued in length with his remarks regarding expansion of the Police Department.

Mayor Bruno said the Police salary contractually is a 3% increase and went on to explain the difference Mr. Foregger was speaking about. He added in the Police budget was also salary for one half year for an officer.

Hearing no voices, moved by Mr. Pirone to close the public hearing on the 2013 Municipal Budget Adoption, 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. Hall to approve the resolution to adopt the 2013 Municipal Budget, 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

APPROVAL OF MINUTES

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

Special Meeting – November 13, 2012 Work Meeting – November 20, 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 reported he attended the Rescue Squad meeting last night. He asked for an update on the Rescue Squad clothing bin contract. Mr. Pirone also spoke about having the DPW come to Rescue Squad to see what needs to be done and added to the list of maintenance for all municipal buildings.

Mayor Bruno responded Bob Bocchino will take a look at what maintenance needs to be done with the Rescue Squad building. He also said he has the clothing bin contract and will get that to the Rescue Squad.

Mr. Woodruff had nothing to report.

Mrs. Kingsley reported the new town banners have been put up along Springfield Avenue and they look fabulous. She added additional banners have been ordered and all of Springfield Avenue will be done as well. The goal is to have 125 banners hung and we are still looking for donations for those flags.

Mr. Hall thanked Mike Marceau and all of the departments for their participation and contribution to the budget process. Mr. Hall recognized Mr. Marceau for his contribution in the budget process. This was his first year working with the Mayor, Council and the departments. His contribution was significant. Mr. Hall spoke about the Special Election held on May 7th. Mr. Hall felt the outcome of the election was good. The entire town came out and voted and he feels it sent a strong message to the Governing Body.

Mayor Bruno also thanked Mike Marceau for his efforts on the budget. He said this budget has gone very smoothly this year. He spoke further in length about the ease of the budget process. Mayor Bruno spoke about the special election in length and said both sides were passionate about this issue and it was done pretty respectfully. Mayor Bruno reported he visited the second grade class at Mountain Park School last week and spoke about citizenship. He said the kids had great questions.

Moved by Mr. Pirone 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 AGENDA ITEMS ONLY

Moved by Mrs. Kingsley 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

A resident spoke about the secession and said the Council has a lot on paper with regard to the secession and asked why the Township Council is dragging their feet.

Mr. Woodruff responded the secession must go to a vote and the vote is at the General Election in November. We are trying to give the public an opportunity to tell the Council what they think and why. He said people will have questions on what happens with the county parks. He added we need to be able to respond to the residents. We can't do anything affirmatively until November. Between now and then it is the obligation of this Council to answer any questions.

A discussion continued on the secession and the question being put on the ballot. The discussion also involved informing the public of the findings and the input from the residents.

Mr. Foregger said since the County has a lot of debt are we responsible for a portion of that debt if we secede from Union County.

Mr. Hall said we would have to look into that matter to see if we are responsible for this debt as well.

Mr. Woodruff spoke about a law article that pertains to the secession. Mr. Woodruff said he will make copies of this article available. Mr. Woodruff explained what was in the article further.

A discussion continued

John Bury of Kenilworth spoke about the County of Union and the money they spend. He spoke about certain Union County employees and the pay and benefits they receive. He spoke in length about the unnecessary expenditures by Union County.

The discussion again continued on the money being spent by the County of Union. Discussion also involved the golf course run by the County and the Musicfest.

Hearing no voices, moved by Mrs. Kingsley to close the Hearing on the Agenda Items Only, 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 May 8, 2013 in the amount of \$692,658.80.

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 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 #2, seconded by Mr. Hall and carried.

Mayor Bruno pointed out the reason this resolution is back on the agenda is because at the last meeting this was voted down. There are some criteria and legal issues with refusing the lowest bid for an item. The criteria wasn't stated when people voted and legally you must have the official reason why it is being voted down.

Mr. Pastore asked if the Council must re-vote on the resolution or just state the reason.

Joseph Sordillo, Township Attorney said you don't actually need to re-vote because there has been a vote. Mr. Sordillo explained further you must state the reason you voted against this bid.

There was a discussion and the Council members were asked the reason for their vote.

Mr. Delia explained he would like to significantly change some specs on the vehicle and also go with a State Contract. At least re-bid the equipment with different options and that would be significant to change this bid. Mr. Delia also explained what type of vehicle and options he would like to go out to bid on.

Mr. Hall asked the Township Attorney to define a significant change.

Mr. Sordillo responded it is going to differ for each project you go out to bid for. There is not one thing that is going to be significant.

There was a lengthy discussion on what is a significant change. The discussion also involved the air conditioning and heat options being put into the equipment.

Mr. Delia spoke about a contractor's grade tractor versus agricultural grade tractors. He suggested a commercial grade be purchased and explained further. Mr. Delia also did not want air conditioning in the tractor because it adds a significant cost to the vehicle.

A discussion continued. Mr. Bocchino explained the equipment specs.

Mayor Bruno feels the equipment should have air conditioning and heat in it and explained further. He suggested if this equipment is only for seasonal use then we should just rent the equipment instead of purchasing it.

Mr. Delia continued with his comments regarding the equipment in length.

The discussion continued among the Mayor and Township Council regarding this equipment and if there is a significant change to the equipment.

Mr. Pirone said he is changing his vote on the purchase of this equipment. He doesn't feel the few thousand dollars is worth the difference if we can buy the machine this year and it actually goes to do the work to alleviate the flooding problem we have with the streams. Mr. Pirone feels as a Council if they put up impediments to purchasing the equipment and do not clean the streams when they are dry this summer the residents will be upset with them.

Mr. Sordillo said you cannot change the vote from the last meeting but if a new vote is called it is a re-vote on this issue based on the information that has been provided. Everyone can recast their votes at that point.

Mrs. Kingsley said last meeting she voted based on the specs in the contract. She hoped the Council would come to an agreement on some specs. She has no issue with the air conditioning being put into the tractor. Mrs. Kingsley feels we are not getting any closer and we cannot afford to not purchase this equipment, so we can clean the rivers and streams. She will be changing her vote.

Mr. Pastore said he will not change his vote.

Mayor Bruno said he does not have the expertise to re-bid this equipment. This is what our professionals feel they need in the equipment.

Mr. Hall recommended that we call a vote.

Joseph Sordillo said we did have a motion and a second but just to clarify we were discussing the votes. We have new positions and he recommends the Council re-introduce this resolution and call a vote.

Moved by Mr. Hall to re-introduce resolution #2 for approval, seconded by Mr. Woodruff and upon roll call vote:

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

There was confusion and discussion on the re-introduction of this resolution and a re-vote was taken.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Woodruff and upon roll call vote:

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

Mr. Hall introduced the following resolution:

ADDITION:

3. Resolution authorizing the appointment of Linda Lordi Cavanaugh as Township Administrator effective June 5, 2013.

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

Mayor Bruno introduced Linda Lordi Cavanaugh as the new Township Administrator.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: Mr. Pastore
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 David Falk, 214 Washington Street, from the active Fire Department roster.
 - b. Resolution adding Andrew Ippolito, 45 Rogers Place, to the Junior Fire Division.
 - c. Resolution removing Austin Amiano, 236 Lincoln Street, from the active Fire Department roster.
 - d. Resolution removing Paul Imbimbo, 153 Washington Street, from the active Fire Department roster.
 - e. Resolution removing Matt Plocinski, 17 Eaton Court, from the active Berkeley Heights Fire Department roster.
 - f. Resolution appointing Matt Allegra, 31 Roosevelt Avenue, to the Junior Division of the Berkeley Heights Volunteer Fire Department.
 - g. Resolution removing Jon Ritchie, 155 Garfield Street, from the active roster of the Berkeley Heights Fire Department.
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Resolution removing Armondo Vargas, 311 Plainfield Avenue, from the active roster of the Berkeley Heights Junior Fire Division.
 - h. Resolution removing Al Sauchelli, 13 Grandview Avenue, from the active roster of the Berkeley Heights Fire Department.
 - i. Resolution authorizing the Tax Collector to refund the following 2012 tax overpayments:
 1. Marshall & Ann DeCristofaro 11 Park Edge \$147.78
 - j. Resolution authorizing a block party for 52-80 Burlington Road, on Saturday, June 29, 2013 from 2:00-10:00 p.m. with a rain date of June 30, 2013.

Moved by Mr. Pastore to approve Consent Agenda resolutions 4a-j, 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 May 21, 2013:

The Clerk presented and read:

“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS.” Explanation: (This Ordinance amends the Township’s current Salary Ordinance).

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 5/21/13 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 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 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

Gerald Kuzmik of Eaton Court suggested the possibility of direct pay of taxes from your bank account. He asked that a resolution be passed. He also asked if there is a charge for such services.

Mike Marceau, CFO said we are currently looking into having this done. You would still have to go into your account and initiate the payment. Mr. Marceau said the Township would have to contract with the vendor and there would probably be charges for the service. Mr. Marceau explained further in length.

A discussion continued with Mr. Kuzmik asking questions regarding this matter.

Mayor Bruno said we will look into this possibility of offering this service but any charges would be passed on to the person using this service.

Hearing no voices, 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. Pirone to adjourn, seconded by Mr. Woodruff and upon roll call vote:
(8:59 p.m.)

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

Approved: August 20, 2013