

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JUNE 11, 2013**

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**CALL TO ORDER**

At 7:04 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, Mr. Hall and Mayor Bruno answered present. Mrs. Kingsley arrived at 7:04 p.m. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Acting Township Clerk Ana Minkoff.

**FLAG SALUTE**

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

**SPECIAL PRESENTATION – 2012 Senior Citizen Person of the Year – Jerry Gold**

Mayor Bruno read a Proclamation into the record, congratulated Jerry Gold on receiving this award and presented him with a plaque.

Mr. Gold thanked everyone for this honor.

**EXECUTIVE SESSION – Contract Negotiations – Lease with Casablanca 17 LLC  
Contract Negotiations – Mt. Carmel**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff 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. Woodruff and upon roll call vote:  
**(7:41 p.m.)**

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

**CONFERENCE SESSION**

**Stream Cleaning Discussion – Jorge Casacuberta**

Assistant Director of Public Works, Jorge Casacuberta gave a presentation on the planned 2013 stream cleaning. Mr. Casacuberta gave a slide presentation and gave handouts for the residents showing the planned cleanup and described what was going to be done. Mr. Casacuberta talked about how the clean-up would be handled.

The discussion continued on the clean-up with the Mayor and Township Council asking questions. There was discussion on the clean-up probably being a multi-year project and having a budget to provide for this clean-up.

Mr. Casacuberta would come back with an update for the Township Council on the progress of the clean-up.

### **SPECIAL PRESENTATION – Berkeley Heights Blue Thunder – Soccer State Cup Champions**

Mayor Bruno read a Proclamation into the record and congratulated the team members on their accomplishments.

### **CONFERENCE SESSION**

#### **Environmental Commission – Community Garden**

Richard Leister and Len Berkowitz of the Environmental Commission spoke about exploring the possibilities of having a community garden in Berkeley Heights. They want to ask the residents if they would like to have a community garden. They would also want someone to lead the effort. This is part of the Sustainable Jersey and there may be funding available for it. The Environmental Commission will have a booth at the street fair to get an idea of the interest from the residents on having a community garden.

The Mayor and Township Council asked questions on the community garden and how it would operate.

#### **Union County Secession**

Mayor Bruno spoke about the Union County secession. He said there have been articles regarding Berkeley Heights in the Union County newspaper regarding our interest in the secession. Mayor Bruno said we are climbing a tough hill but that will not stop us from trying. Mayor Bruno spoke about the Union County taxes in comparison to Morris County and Somerset County. Mayor Bruno would like the Township Council to consider putting a resolution on the agenda for the next Council meeting to have the question regarding the secession from Union County put on the ballot in November for the residents to vote on.

Mr. Woodruff spoke about the secession from Union County. Mr. Woodruff also spoke about Union County being very happy that they did not cut service or lay anyone off at the County, but they raised taxes. We can't keep raising taxes on our residents. We need to do what we need to do to protect the interest of the residents of Berkeley Heights. We have to take a shot.

Mayor Bruno asked Township Attorney, Joseph Sordillo to draft a resolution for the next meeting to put the question for the secession from Union County on the ballot in November.

### **APPROVAL OF MINUTES**

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

**Public Meeting – January 22, 2013**

**Public Meeting – February 5, 2013**

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 said there was a letter received regarding the paving of Glenside Road. He was happy this is going to be taken care of.

Mayor Bruno responded a grant was received to re-pave Glenside Road. Bob Bocchino applied for this grant.

Mr. Delia is proposing to address the fuel pump usage and suggested recording information into a notebook with a plastic box. He would donate these items. It is no cost to the town and a simple solution.

Mayor Bruno said Mr. Delia can work with Mrs. Cavanaugh and Bob Bocchino to get this done.

Mr. Delia also proposed having a time clock installed for our employees. This is not an expensive item and we should have an accurate record of when employees come and go.

There was a discussion among the Mayor and Township Council on the need and installation of a time clock and the costs for it. There was also discussion on budgeting for a time clock. The discussion also involved the need for a time clock for accountability along with a supervisor, with even salaried employees. Discussion also brought up the need for accountability for the building inspectors that are part-time employees. The Council asked the Township Administrator to review the policy.

Linda Cavanaugh, Township Administrator asked with regard to the time clock she requested the Township Council give her a little more time to work on it. She would like to meet with the different departments and come up with some recommendations. This issue is somewhat complicated even with employee morale. She will then come back to the Township Council with recommendations.

Mr. Delia continued with his remarks regarding the need for a time clock.

Mr. Pastore had nothing to report.

Mr. Pirone said he had the privilege of being a chaperone for 12 girls for the Relay for Life this past weekend. Relay for Life raises money for cancer research for a cure and they raised \$318,000 this year. Mr. Pirone was approached by residents of Twin Falls Road who complained about a section of the wall on 78 that has been missing for about two years after a car hit it. They have concerns because the wall was replaced with a fence which they feel is not adequate. Mr. Pirone reached out to the Mayor and Administrator to be sure that is on the list for the NJDOT to look into.

Mayor Bruno mentioned a NJDOT website where people can report these kinds of things.

Mr. Woodruff had nothing to report.

Mrs. Kingsley had nothing to report.

Mr. Hall congratulated Ana Minkoff on obtaining her license and is now the Township Clerk. He also welcomed Mrs. Cavanaugh and Mr. Casacueberta to the Township. Mr. Hall reported he attended the

Planning Board meeting and the discussion involved the requirement of post lights but they don't all seem to work. Mr. Hall asked the Director of Public Works to make sure that the lights are working. Mr. Hall also spoke about receiving a letter from residents of Sussex Road regarding a parking situation by the high school. The Police Department has been asked to monitor this situation. Mr. Hall asked that the Mayor and Administrator meet with Superintendent of schools to review the parking policy to better understand the situation and then meet with the Police Chief. We can then determine what the correct action is after all reviews are done.

Linda Cavanaugh, Township Administrator reported she has met with the department heads and she will then focus on the job descriptions for non-collective bargaining jobs. She had a positive meeting regarding the dispatch that took place today and it was very productive and helpful. Mrs. Cavanaugh reported we accepted the resignation of Jim Hopkins, Fire Official and the Mayor met with the Fire Chief to come up with a solution. We will make a review of the Fire Official position and then come back to the Council with a better understanding of the bureau and any recommendations. Mrs. Cavanaugh reported Barbara Russo has been working with the Borough of Madison for our IT services.

Mayor Bruno reported he attended the Patriots Game along with the VFW who took some disabled vets from Lyons Hospital to the game. He said it was a very interesting evening. Mayor Bruno also attended the Rubber Ducky Race which was very successful for the Suburban Chamber of Commerce. Mayor Bruno also reported he met with the dispatch to discuss some large items they need to purchase. Mayor Bruno congratulated Ana Minkoff on passing the State test and she is now the Township Clerk.

Moved by Mr. Pirone that the Township Council Reports be accepted and approved, 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

#### **HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Delia 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 asked what is Casablanca 17 LLC.

Mayor Bruno responded they are the tenants that operate the train station concession.

Carol Matula referred to resolution #9 and asked when they realized they needed this power source and could they not wait to go out to bid for this item.

Mayor Bruno responded this has come up since it was installed. It is like a surge protector that protects the equipment from the thunder storms. We thought what we had was adequate but it was not. Mayor Bruno said we got quotes for this and the money is being used from a PSE &G grant.

Jerry Kuzmik of Eaton Court commented on the stream clean-up. Mr. Kuzmik also commented on the employee accountability and the need for management to supervise. Mr. Kuzmik asked if we are getting any response from the County or State relating to the clean-up of Passaic River.

Mayor Bruno responded he contacted the County and the State and he will be meeting with representatives. Mayor Bruno also said the clean-up may be part of the Passaic Valley funding through the open space trust fund.

Mr. Hall added the DEP, Engineering Department, Union County and a representative from the Open Space Fund will also be present at the meeting to try to figure out a way to address this issue.

A discussion continued on this meeting.

Mr. Kuzmik continued with the remarks regarding the stream clean-up.

Discussion again continued and Mr. Kuzmik asked more questions and the Mayor and Council responded.

Tom Foregger of 14 Dorsett Road spoke about the stream clean-up and the days needed to do this clean-up. He doesn't feel they will be able to make it in the time they said. Mr. Foregger said he works for a large company and they do not have time clocks there for the employees. **(Some of Mr. Foregger's comments could not be understood in the CD)**

Hearing no voices, moved by Mr. Delia to close 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

#### **PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON MAY 8, 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 (Ordinance #4-2013), as amended by (Ordinance # 6-2011) to update and add the salary ranges for the various positions.)

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

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. 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. 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

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

**RESOLUTIONS**

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

1. Resolution approving Bill List dated June 11, 2013 in the amount of \$598,170.90.

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 renewal of Alcoholic Beverage Licenses for a period of (1) year expiring June 30, 2014.

Moved by Mr. Woodruff 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

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

3. Resolution authorizing the advertising and award the concession for the sale of advertisement space on the faces of the Township's downtown clock.

Moved by Mrs. Kingsley to approve resolution #3, seconded by Mr. Pastore and carried.

Mrs. Kingsley explained the Beautification Committee will be putting this clock in the park by the train station. They will be soliciting donations for plaques on the face of the clock to corporations and businesses. Mayor Bruno added this be at no cost to the Township. The electrical and foundation work is being donated and donations will be solicited for plaques on this clock.

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. Pastore introduced the following resolution:**

4. Resolution authorizing a (5) year contract with Passaic Valley Sewerage Commission for the amount of \$290,160.00 for sludge removal.

Moved by Mr. Pastore to approve resolution #4, 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:**

5. Resolution consenting to the expansion of use of the Leased Premises at Circle View Avenue, Block 3401 Lot 49 to permit the collocation for Metro Network Services, LLC, pursuant to the terms and conditions of the Lease Agreement.

Moved by Mr. Pirone to approve resolution #5, 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. Hall introduced the following resolution:**

6. Resolution consenting to the appointment of Ana Minkoff as Township Clerk.

Moved by Mr. Hall to approve resolution #6, 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

**PULLED:**

Resolution authorizing Our Lady of Mt. Carmel Society to hold their annual Carnival and parade from July 12<sup>th</sup>- July 16, 2013.

**ADDITION:**

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

7. Resolution authorizing the appointment of John DeMassi as Alternate Public Defender.

Moved by Mr. Delia to approve resolution #7, 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

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

8. Resolution appointing Michael Wittenberg, John Henry Barr, and Larry Centanni as Attorney's authorized to act as Municipal Prosecutors for the year 2013.

Moved by Mr. Pirone to approve resolution #8, 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. Pastore introduced the following resolution:**

9. Resolution authorizing a contract with Interstate Electric, LLC, for the purchase and installation of an uninterrupted power source for the dispatch center in an amount not to exceed \$28,700.00.

Moved by Mr. Pastore to approve resolution #9, 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

**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. Woodruff introduced the following resolutions:**

**(10)**

- a. Resolution authorizing the Tax Collector to refund the following 2013 tax overpayment:
  1. Juan M. & Megan Fajardo 49 Hunterdon Blvd. \$3,483.67
- b. Resolution authorizing the Smith Chiropractic Center, 5K Charity Road Race & Fitness Walk on September 22, 2013.
- c. Resolution removing Chris Schulze, 1133 Plainfield Avenue, from the Volunteer Fire Department active duty roster.

Moved by Mr. Woodruff to approve Consent Agenda resolutions #10a-c, 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 Mrs. Kingsley 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 asked for the status of the hotel on Lone Pine Drive.

Mayor Bruno responded he has not update on the hotel. They are looking for another hotel source.

Jerry Kuzmik of Eaton Court asked if the clock will be powered by a solar system. Is there is a need for a resolution to a power company. He is concerned with the operation of this clock once it is installed.

Mayor Bruno responded he doesn't know how much power the clock will take but he will find out. He added the face of the clock will be sold every five years and that money will be dedicated for the clock.

Mr. Kuzmik also asked about maintenance for this clock.

Mayor Bruno responded there is a maintenance agreement for that with the company that it is purchased from.

A discussion continued on the clock.

Hearing no voices, moved by Mrs. Kingsley to close 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

### **ADJOURNMENT**

Moved by Mr. Pirone to adjourn, seconded by Mr. Woodruff and upon roll call vote:  
**(9:42 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**