

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD AUGUST 20, 2013**

CALL TO ORDER

At 7:00 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. Pirone, Mr. Woodruff, Mrs. Kingsley, Mr. Hall and Mayor Bruno answered present. Mr. Pastore was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**EXECUTIVE SESSION - Contract Negotiation – Off-Duty Police Services - Connell
Attorney/Client Privilege – Department of Public Works
Attorney/Client Privilege – BAC v. Berkeley Heights**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(7:01 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. Woodruff and upon roll call vote:
(8:16 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.

APPROVAL OF MINUTES

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

Public Meeting – May 8, 2013
Public Meeting – May 21, 2013
Public Meeting – June 11, 2013
Public Meeting – June 25, 2013

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

TOWNSHIP COUNCIL REPORTS

Mr. Delia had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report.

Mrs. Kingsley had nothing to report.

Mr. Hall had nothing to report.

Linda Cavanaugh, Township Administrator gave an update on the progress of the installation of the cameras for the DPW. She added she has set up a meeting for early next week with the IT Team to coordinate the process between the cameras and the storage of the videos. We expect to move on the purchase of the cameras shortly thereafter. Mrs. Cavanaugh also gave an update on the stream cleaning and spoke about the new winch that was used on a resident's property. She read a letter from that resident complimenting Jorge Casacuberta and his team on the work they did regarding his property.

Jorge Casacuberta, Assistant Director of Public Works gave an update on the stream cleaning. He gave a handout to the Township Council highlighting the areas that have been done. Jorge spoke about some areas that needed to be addressed and hoped to have them done before October. He also spoke about the upcoming plans and areas that will be done.

Mrs. Cavanaugh added we are meeting with the State and the County very shortly to discuss the Passaic River clean-up and the potential for a blue way along the river bank. Mrs. Cavanaugh said she met with Mike Ambrose, the new Fire Official and Mike Marceau and spoke the changes Mr. Ambrose has recommended for Fire Prevention. Mrs. Cavanaugh also met this evening with representatives of the Berkeley Heights Volunteer Rescue Squad regarding the dispatch and going forward. Mrs. Cavanaugh reported we will be looking at the policies and procedures manual and hopefully have a final form for the Council to review. Mrs. Cavanaugh met with Bob Bocchino regarding fuel monitoring and DPW vehicle maintenance.

Michel Marceau, CFO gave an update on the audit. He spoke to representatives from the State DCA. He said he received a draft of the Audit from the Auditors and he anticipates a resolution will be put on the agenda for the September 10th meeting.

Mayor Bruno reported there is a meeting with the County and State on Thursday regarding the Passaic River clean-up. Mayor Bruno also reported he received communication from Assemblyman Branmick regarding the listing in money magazine rating Berkeley Heights as the 6th best town in the United States to live. This is a great achievement and we should be very proud.

Moved by Mrs. Kingsley to accept and approve the Township Council Reports, seconded by Mr. Hall and upon roll call vote:

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

HEARING ON THE AGENDA ITEMS ONLY

Moved by Mr. Pirone to open the Hearing on the Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

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

Hearing no voices, moved by Mr. Pirone to close the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

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

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON JUNE 25, 2013:

The Clerk presented and read:

(1) “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$846,907 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$804,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”.

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

Mr. Delia had questions on the final adoption of this ordinance.

Mayor Bruno explained this ordinance had to be re-adopted.

Upon roll call vote:

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

Mr. Pirone asked if this is final adoption of this ordinance.

Ana Minkoff, Township Clerk explained the ordinance had to be re-adopted because it was advertised incorrectly.

Joseph Sordillo explained this ordinance has been re-advertised correctly and the public hearing is today. The ordinance was introduced, noticed and advertised for a public hearing and there was problem with it so it was re-noticed and re-advertised for a new public hearing today. There have been no changes to the ordinance from the original introduction.

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

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED
ON AUGUST 6, 2013:**

The Clerk presented and read:

**(2) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF
UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH THE SUMMIT
AREA YMCA”.**

Moved by Mrs. Kingsley 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. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore

Carol Matula of 5 Hastings Road asked if any members of the Township Council are members of the YMCA or have given a gift to them.

Mr. Hall responded he is a member of the YMCA and he has never given a give to them.

Mayor Bruno said he is not a member of the YMCA and Mr. Mr. Woodruff also said he is not a member of the YMCA.

Mrs. Kingsley said she is not a member of the YMCA but her family has given gifts.

Mr. Pirone said he is not a member of the YMCA and has never given gifts to them.

Mr. Delia said he is not a member of the YMCA and has never given gifts to them.

Mrs. Matula was concerned with a conflict of interest.

Mr. Hall explained he is just a user of their services. He referred to legal counsel on this.

Joseph Sordillo, Township Attorney responded there is no conflict of interest and Mr. Hall does not have to recuse himself on this ordinance. There is no legal requirement.

Tom Foregger of 14 Dorsett Road feels the lease agreement with the YMCA is unclear. Mr. Foregger read a prepared statement regarding the lease with the YMCA into the record. He asked that a copy of this statement be attached to the permanent minutes. Mr. Foregger continued with his remarks regarding the lease agreement.

Stephen Yellin of 130 Dogwood Lane asked if the property is wetlands and can it be built on. **(It was difficult to understand all of Mr. Yellin's remarks in the CD)**

Mayor Bruno responded yes it is wetlands and you can build on it but it is difficult but it can be done. Mayor Bruno explained further.

Mr. Yellin also asked if there will be testing done on that land.

Mr. Hall responded they will begin that process. Mr. Hall explained further in more detail.

A discussion continued on the lease agreement and also being able to build on that property.

Kevin Hearst said he has some reservations. There will be a substantial change for the neighborhood and he is concerned with the traffic. Mr. Hearst continued in length with his comments. **(It was difficult to understand all of Mr. Hearst's remarks in the CD)**

Joseph Sordillo, Township Attorney pointed out for the public this lease agreement does not grant the YMCA full approval to build or construct. The YMCA must still go before the Planning Board for subdivision and site approval. If this lease goes forward, at that time, any traffic issues or concerns can be brought up.

Ted Romankow of Bristol Court does agree with Mr. Foregger and he also questions this lease. He doesn't feel that Berkeley Heights has that much land that we can afford to lease or sell land. Mr. Romankow feels the land may be very valuable and feels that location would be ideal for a town hall and police department. Mr. Romankow continued with his remarks in length regarding the lease with the YMCA and the land in question.

Hearing no voices, moved by Mrs. Kingsley 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. Pirone, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and carried.

Mr. Pirone said in October of 2010 there was a discussion on whether or not to lease the property to the YMCA. He said at the time the price was a dollar and he said no. Mr. Pirone feels the Council has negotiated a good price with the YMCA, something that is in the benefit of the town. Mr. Pirone said it is a good amount of money for something that is sitting idle in the town for a very long time. He continued with his remarks regarding the money from the lease and what it could be used towards.

Mr. Hall said the YMCA is a unique organization and he doesn't feel it should be viewed in purely dollars and cents. We have to look at what the YMCA is contributing or offering to the community. A lot of people can more afford to go there and they offer a lot of services affordable to the community. Mr. Hall continued with his comments in length. He supports this and the YMCA coming to Berkeley Heights. If you consider the economics as well as the commitment to our community such as the seniors he felt it made a lot of sense.

Mayor Bruno said the lease is based on a commercial lease. We want the YMCA in Berkeley Heights. We want to have the facility that they want to build in Berkeley Heights. Mayor Bruno spoke about comments that were made regarding the land being used for a town hall and police department. He also spoke about the land swap with Little Flower and if that should go through all town facilities would be situated in one location and become a new center of town. The YMCA would be just across the street as well. Mayor Bruno continued with his comments in length.

Upon roll call vote:

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

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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated August 20, 2013 in the amount of \$486,318.28.

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

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

Mr. Pirone introduced the following resolution:

2. Resolution authorizing a "Greening Union County "grant agreement with County of Union.

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

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

Mr. Woodruff introduced the following resolution:

3. Resolution authorizing a tax settlement with Nisivoccia Enterprises, Block 208 lot 1, 10 Summit Avenue.

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

Mayor Bruno said on this tax settlement the 2011 credit will be \$18,283.50, the 2012 credit will be \$18,426.30 and the 2013 credit will be \$18,875.10.

Upon roll call vote:

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

ADDITIONS

Mrs. Kingsley introduced the following resolution:

4. Resolution appointing Matt Plocinski to the Berkeley Heights Volunteer Fire Department active roster.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Woodruff and upon roll call vote:

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

Mr. Hall introduced the following resolution:

5. Resolution appointing Chris Schulze to the Berkeley Heights Volunteer Fire Department active roster.

Moved by Mr. Hall to approve resolution #5, seconded by Mr. Woodruff and upon roll call vote:

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

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.

Mrs. Kingsley introduced the following resolutions:

- (6)
 - a. Resolution authorizing a block party on Ridge Drive on September 7, 2013 from 12:00 pm – 10:00 pm.

b. Resolution authorizing a block party on Saw Mill Drive on September 14, 2013 from 5:00 pm- 10:00 pm.

c. Resolution supporting the Drive Sober or Get Pulled Over 2013 Statewide Crackdown.

Moved by Mrs. Kingsley to approve Consent Agenda resolutions #6a-c, seconded by Mr. Woodruff and carried.

Mr. Pirone said he would like to add resolution #6d to the list. The resolution and information is identical to resolution #6a except that the address is Baker Avenue.

Mayor Bruno asked if there were any objections with introducing this resolution.

The Council members had no objections.

ADDITION FROM DAIS:

d. Resolution authorizing a block party on Baker Avenue on September 7, 2013 from 12:00 p.m.- 10:00 p.m.

Moved by Mrs. Kingsley to approve Consent Agenda resolutions #6a-d, seconded by Mr. Woodruff and upon roll call vote:

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

CITIZENS HEARING

Moved by Mr. Delia to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

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

Mrs. Luciano said someone had seen a sign about Walgreen's being open until midnight and she asked if there are any restrictions on the hours.

There was a discussion among the Township Council on the hours of operation that are allowed. Mr. Hall said he will look into the matter and get back to Mrs. Luciano.

Tom Foregger of 14 Dorsett Road referred to a presentation that was made by Mr. Scrivo on October 9, 2013 regarding resolutions and ordinances. Each ordinance or resolution should be done in writing not orally.

Joseph Sordillo, Township Attorney responded that resolutions will be reduced to a writing but they can be introduced orally on the floor and adopted. Ordinances all have to be in writing because they have to be published and presented for public hearing.

The discussion continued with Mr. Foregger asking questions regarding the statue. The Township Attorney responded to his questions.

Stephen Yellin of 130 Dogwood Lane said Mr. Sordillo is correct about this. Mr. Yellin went on to talk about a similar situation at a meeting in the past.

A discussion again continued.

Ted Romankow of Bristol Court asked if the property by the Fire Department was assessed to determine the value of it before entering into the lease with YMCA.

Mayor Bruno said not to his knowledge.

Mr. Romankow asked if there is any reason why it was not assessed.

Mayor Bruno responded he thought the land has been looked at and was not buildable at that point. Mayor Bruno went on to explain further.

Mr. Romankow feels this is a big mistake not to assess it. He feels in the future when leasing or trading property you should look at the values before it is done.

A lengthy discussion continued.

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

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

ADJOURNMENT

Moved by Mr. Woodruff to adjourn, seconded by Mr. Hall and upon roll call vote:

(9:08 p.m.)

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

Approved: September 10, 2013