

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD SEPTEMBER 10, 2013**

CALL TO ORDER

At 7:00 p.m. Council President Hall 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 and Mr. Hall answered present. Mayor Bruno was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

EXECUTIVE SESSION – Attorney/Client Privilege – Department of Public Works

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:

(7:03 p.m.)

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Woodruff and upon roll call vote:

(7:43 p.m.)

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

FLAG SALUTE

Council President Hall asked everyone to stand as he led the Flag Salute.

CONFERENCE SESSION

Mr. Hall said there are two merchants in town who would like to talk about a road condition at the intersection of Snyder Avenue/Hamilton Avenue.

Tom Bicarella of Scientific Models and George Mahaffey of the Knox Company whose businesses are located at the corner of Snyder Avenue and Hamilton Avenue spoke about the numerous accidents that have occurred at that intersection and they have been witnesses to. They encouraged the Township Council to do something about this problem before it is too late. If there is nothing they can do he asked

at the very least an engineering study be done at that intersection, as a first step. He also said there is a lot of foot traffic at that area and it is very hazardous.

Mr. Hall asked Sgt. Dietch if he had an information on that intersection

Sgt. Dietch said he has received phone calls regarding accidents as well. He said there have been approximately 30 accidents over the past five years. Sgt. Dietch went on to talk about the accidents in length. He said some improvements have been done. He does agree with the gentlemen that spoke that a study should be done by a traffic engineer. This way we could come up with a plan. Sgt. Dietch said there is a lot of congestion in that area.

A discussion continued among the Township Council. Sgt. Dietch answered questions from the Township Council regarding the intersection, traffic and accidents.

There was discussion among the Township Council on having a traffic study done.

Joseph Sordillo, Township Attorney said the Township Council can authorize finding a traffic engineer. An engineer would have to be obtained as well as prices before the work can be authorized to be done.

Bob Bocchino, Director of Public Works said it is his understanding a study was done several years ago. He will try to find that report and contact that engineer with regard to this work.

Mr. Hall asked Mr. Bocchino to work with the Township Administrator before the next meeting to get everything together for the Township Council. They can maybe formally approve an engineering study based on Mr. Bocchino's findings and recommendation at the next meeting.

A discussion followed on not using the engineering firm that did the last study based on the fact that the criteria may have changed since that time.

APPROVAL OF MINUTES

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

Public Meeting – July 9, 2013
Public Meeting – July 23, 2013
Public Meeting – August 6, 2013
Public Meeting – August 20, 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 reported we received a \$20,000 grant for dead tree removal along the roadways. Steve Schuchman will be coming Friday to access which trees need to be addressed first and need the most priority. Mr. Delia said there was discussion at the Environmental Commission last night regarding missing benches in Peppertown Park. He said some of the benches are gone. A Peppertown Park Fund was mentioned at the Environmental Commission meeting and if they can be replaced through this fund they should be replaced.

Bob Bocchino, Township Engineer responded from his understanding the benches were donated privately and they were removed because they were broken and became unsafe. Mr. Bocchino said he will check on the possibility of there being a Peppertown Park fund.

A discussion continued on the Peppertown Park benches.

Mr. Delia also spoke about a safety issue with the gates for the train by Peppertown Park. Mr. Delia reported the VFW will be having their pig roast on Saturday. Mr. Delia also spoke about the damaged weather vane on the top of town hall that was taken down and he was hoping to have it fixed and put back up. He offered to repair the weather vane.

Bob Bocchino, Township Engineer said the DPW took the weather vane down. He will take a look at it and see if it can be repaired.

Mr. Hall explained about a year ago the Environmental Commission through a grant did a canopy study of the town. As part of the study, there was a review of the condition of the trees in the right of way. Mr. Hall spoke about numerous diseased trees in the right of way that need to be removed before winter for safety purposes. We hope to come up with a short list of trees that are priorities and then move on to the other trees using the grant money.

Mr. Pastore had nothing to report.

Mr. Pirone had nothing to report

Mr. Woodruff had nothing to report.

Mrs. Kingsley reported on the flags and banners that were damaged from the tornado. They will be repaired and replaced by the DPW.

Mr. Hall wanted to discuss the topic of the need for a Developer's Agreement with the Council since the subject has come up in the past. Depending on the magnitude of an application many times a Developer's Agreement is required. Mr. Hall asked Joseph Sordillo, Township Attorney to give us some background as to what the current ordinance reads and the potential recommendations to modify it.

Joseph Sordillo, Township Attorney went on to give some background on our current ordinance regarding Developers Agreements. He explained in length in any major sub-division and major site plan applications the Developer's Agreement is required. Mr. Sordillo went on in detail to explain. Mr. Sordillo after explaining the requirements of having a Developers Agreement recommended we should amend our ordinance to keep the obligation and put it at the discretion of the boards.

Mr. Hall recommended to the Council to authorize Joseph Sordillo to modify the language of the ordinance. The use of that document would be consistent with the actual practices of the boards.

A discussion continued among the Township Council regarding the Developers Agreement. The Township Attorney responded to the Council's questions regarding this matter.

Linda Cavanaugh, Township Administrator spoke about the energy discussion from the last meeting and said she is trying to make arrangements for a presentation at the next meeting. Mrs. Cavanaugh updated the Council on the cameras for the DPW and said she is coordinating efforts with our IT company. Mrs. Cavanaugh also met with the Rescue Squad regarding some issues they were having and said Leonard Lance's office was able to help them with one issue regarding the FCC. Mrs. Cavanaugh reported on the Passaic River clean-up and said New Providence and Summit are on board with our efforts and said she is trying to set up a meeting with everyone. Mrs. Cavanaugh went on to talk about progress on the stream cleaning and what has been accomplished. She also said the DPW has been working very well with the

residents involved. Mrs. Cavanaugh reminded the Council and public of the 9-11 ceremonies scheduled for 8:30 a.m. and said Assemblyman Bramnick will be attending as well.

Mr. Hall reported on the Passaic River clean-up. Mr. Hall spoke about a meeting on August 22nd he attended with the DEP and the Union County Parks Department. He said it was a very constructive meeting and spoke about what was discussed at the meeting in length. Mr. Hall also spoke about having New Providence and Summit attend the next meeting that will be held. Mr. Hall also said he spoke to a resident regarding the bulk pick-up and they are hoping that we will continue this program in the future. Mr. Hall said it is very important to him that once we start this stream clean-up that we include this in the budget process. The bulk pick-up is important but we do not want to discount the importance of this ongoing maintenance of the brooks in town.

Moved by Mr. Woodruff to accept and approve the Township Council Reports, 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 Mrs. Kingsley to open the Hearing on the Agenda Items Only, seconded by Mrs. 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 Mrs. Kingsley 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

NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated September 10, 2013 in the amount of \$486,492.03.

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 the execution of a Hold Harmless Agreement with the County of Union to allow the use of the composting facility.

Moved by Mr. Woodruff to approve resolution #2, seconded by Mr. Pirone 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 resolutions:

- (3)
- a. Resolution authorizing a block party on Sycamore Avenue on September 14, 2013 from 4:00-10:00 pm.
 - b. Resolution authorizing a block party on Rutgers Avenue on September 21, 2013 from 2:00 pm-8:00 pm.
 - c. Resolution authorizing a block party on Berkshire Drive on September 14, 2013 from 3:00 p.m to 8:00 p.m.
 - d. Resolution appointing Dustin Ulen, 483 Mountain Avenue, Gillette, to the Junior Fire Division.
 - e. Resolution appointing Matt Ward, 11 Raleigh Court, Berkeley Heights N.J. to the Junior Fire Division.
 - f. Resolution removing Owen Tansey, 95 Cambridge Drive, Berkeley Heights, NJ from the active duty roster of the Berkeley Heights Fire Department.
 - g. Resolution authorizing the Tax Collector to refund the following 2013 tax overpayment:

| | | |
|-----------------------------------|-----------------------|----------|
| 1. Chadd & Karen Salamone | 10 River Bend Rd. | \$335.07 |
| 2. Marilyn Feldman | 417 Mountain Avenue | \$724.44 |
| 3. Joshua & Heidi Friedlander | 41 Timothy Field Rd. | \$23.63 |
| 4. Kevin McKeigue & Lisa Krop | 40 Timothy Field Road | \$256.43 |
| 5. D.J. Camerson & Joanee Bonacee | 62 Middle Way | \$730.26 |
| 6. Tao Wang & Jenny J. Gao | 25 Swenson Circle | \$200.09 |
| 7. Serafim & Olga Efstratitou | 1127 Mountain Ave. | \$360.00 |
 - h. Resolution declaring September 20, 2013 “POW/MIA Remembrance Day”.

ADDITIONS:

- i. Resolution authorizing a block party at Orchard Lane, on Saturday, September 21, 2013

from 1:00 p.m.-10:00 p.m., with a rain date of September 28, 2013.

j. Resolution appointing Antonio Vargas, 419 Plainfield Avenue, to the active roster of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve Consent Agenda resolution #3a-j, 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

Tom Foregger of 14 Dorsett Road spoke about the discussion at the last meeting regarding introducing resolutions and ordinances in the written form. Mr. Foregger cited a statute that applied to this for the Township Attorney to look at.

Gerald Kuzmik of Eaton Court said there was a presentation made regarding the Passaic River clean-up. He asked if there is going to be any time table as to when action will be taken versus a lot of words. He asked if the conversation will be carried on for the next three to five years. He wanted a response and action.

Mr. Hall responded it is difficult to give a time frame for when the project will be completed. The scope of the project is still being defined. At the close of the first meeting, the DEP, County and the Engineering Department actually walked the Passaic River in Berkeley Heights. They discussed operationally what is required to actually start cleaning up the River system immediately. The town is actively involved with the State and the County addressing these issues currently. There is progress taking place. Mr. Hall continued in length with his response and spoke about long range plans.

A lengthy discussion continued. Mr. Kuzmik continued with his questions and remarks regarding a time table and the Township Council responded to his questions.

Mrs. Cavanaugh also spoke about scheduling a meeting with all of the involved parties in the Passaic River clean-up within the next few weeks to look at the River to define the project. At that point the team will be in a position to move forward. Part of that discussion is to determine what resources are needed to complete the project.

Mr. Kuzmik continued with his remarks.

Stephen Yellin of 130 Dogwood Lane brought to the Council's attention that Judge Macarelli of Berkeley Heights has passed away.

Chief Mathis spoke about block parties being held in town. Chief Mathis also spoke about the need for an ordinance in place for regulations of block parties. Chief Mathis talked about the requirements for

emergencies that should be made for holding these block parties. Chief Mathis provided a copy of an ordinance from another town as a sample that had an application and standards for block parties that everyone has to meet. It is a great template to use for our Township Attorney and Council to review and determine what we want to do in Berkeley Heights. He pointed out there is also a hold harmless agreement in this ordinance and he recommended we should consider having one as well.

Joseph Sordillo, Township Attorney responded he has an ordinance that he prepared a while ago for block parties and street closings but it was never presented to the Council. He will start to work on a draft for the Council to be re-addressed.

A discussion continued on the block parties and regulations.

Richard Futter of 87 Berkshire Drive spoke about the block party on the agenda for approval for Berkshire Drive. Mr. Futter talked about their being a holiday on September 14th when this block party is scheduled for. Mr. Futter feels that the group holding this event should allow access to the road to the residents and guests on that road in light of the holiday that weekend.

Mr. Woodruff responded Chief Mathis had spoken about this unique circumstance because this street is a cul-de-sac and there is a lack of an egress on this road. Mr. Woodruff said he believes Chief Mathis is aware of this situation and would speak to the group holding the block party regarding access to the street to the other neighbors.

A discussion continued on the block party and how the group would be informed of these requirements.

John Carlini of Eaton Court extended his appreciation for all the progress that is being made on the stream clean-up.

Mr. Hall responded to Mr. Carlini regarding the clean-up and spoke about the challenges regarding this project.

Mr. Carlini continued with his remarks regarding the stream clean-up.

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. Hall to adjourn, seconded by Mr. Woodruff and upon roll call vote:
(8:45 p.m.)

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

Approved: September 24, 2013