

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD NOVEMBER 18, 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. Pastore, Mr. Pirone, Mr. Woodruff, Mrs. Kingsley, Mr. Hall and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff

FLAG SALUTE

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

CONFERENCE SESSION – Communications Committee - Presentation

Nick Schiavo of the Communications Committee gave a presentation on the camera system to record public meetings. Mr. Schiavo said focus was on price and quality and said the amount was budgeted for. The goal is to have the meetings filmed by 2014. Mr. Schiavo continued with his presentation and then answered questions from the Mayor and Township Council regarding the system.

A discussion continued.

Mayor Bruno left the dais for a phone call. Mr. Hall Council President took over the meeting during his absence.

APPROVAL OF MINUTES

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

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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 thanked Stephanie Bakos and anyone else involved with the Rotary Club for the pancake breakfast held on Saturday. He said the breakfast was good and well received. Mr. Delia gave an update on the community garden. He said the response has been very good. Seventy five residents are interested

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and there are a number of residents who volunteered to maintain the garden. He said we are hoping it will be totally self sustaining between grants and donations.

A lengthy discussion continued. Mr. Delia explained the operation of the garden in more detail.

Mayor Bruno returned to the dais.

Mr. Pastore congratulated Mr. Pirone and Mr. Delia on the election. Mr. Pastore reported he attended the Veterans Day proceedings at the VFW and said it was a very nice event. Mr. Pastore also reported Santa's visit is scheduled for December 7th from 10:00 a.m.-1:00 p.m. with the Tree Lighting at 5:00 p.m.

Mr. Pirone had nothing to report.

Mr. Woodruff spoke about the discussion at the last meeting with Chief Mathis regarding the placement of officers. He thanked Chief Mathis for providing a copy of an agreement from Westfield and their School Board. This information is important and hopefully it will help to get some dialogue with the School Board and so we can come to an agreement to share the costs. Mr. Woodruff spoke about being approached by a former elected official with regards to how we are going to address the paving issue of the bricks at Peppertown Park.

Mrs. Kingsley responded the Township Administrator Linda Cavanaugh will address that matter.

Mrs. Kingsley reported she was given a scholarship to attend the National Federation for Women in Government in Washington DC from Wednesday thru Friday.

Mr. Hall said a resident had requested that the Council consider changing the ordinances to allow right turn on red at the intersection of Snyder Avenue and Mountain Avenue. Mr. Hall explained there had been signs put up to restrict this.

There was a discussion among the Township Council on this and agreement to look into this matter.

Mr. Hall recommended that Mrs. Cavanaugh follow up with Sgt Dietch to explore the possibilities.

Linda Cavanaugh, Township Administrator spoke about the trip hazards at Memorial Park. She has spoken to Mr. Bocchino and Mr. Casacuberta and was told as soon as leaf collection is completed a temporary repair will be done. It will be done before the Christmas Tree Lighting. Mrs. Cavanaugh reported to date 285 tons of asphalt have been used. She reported on the costs for this work and she gave an update on the paving that has been done. Mrs. Cavanaugh gave a report on the progress of the stream clean-up. She also spoke about the resolution on the agenda tonight in support of the Passaic River Basin Project and the grant available for it. Mrs. Cavanaugh reported the specs for the new DPW truck will be available shortly. She also reported on the cameras for the DPW and said the cameras should be installed within the next few weeks. Mrs. Cavanaugh also reported on the traffic study proposals for the light at Snyder Avenue. Mrs. Cavanaugh said she is working with Mike Marceau on the budget and the preliminary budget meetings with the departments started today.

Mrs. Kingsley asked Mrs. Cavanaugh if the flags are scheduled to be taken down.

Mrs. Cavanaugh said there was supposed to be some work done on the flags but she doesn't know if they have been actually scheduled to be taken down.

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Mr. Bocchino added there may be some safety issues for working by the power lines with the bucket truck.

Mrs. Cavanaugh said Mrs. Russo is checking with the JIF on that matter and we are trying to get the issue resolved.

A discussion continued on the safety issues regarding the use of the bucket truck.

Mayor Bruno reported he also attended the Veterans Day ceremonies at the VFW and said they put on a nice event. Mayor Bruno also reported the Garden of Eden market place has signed a lease to open at Heritage Square in Berkeley Heights in February sometime. Mayor Bruno said he has been asked what is the next step in the secession. Mayor Bruno explained the legislative process is next and he went on to explain the process. The Mayor has already spoken to Senator Kean and he will endorse this for us.

Moved by Mr. Delia 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 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

Tom Foregger of 14 Dorsett Road referred to resolution #3 and asked why is a new resolution needed.

Joseph Sordillo, Township Attorney responded there was a recent amendment of the redevelopment statute that requires when the Township sends a piece of property to be investigated by the Planning Board it has to designate whether it is subject to eminent domain or not and this must be done in a resolution.

Mr. Foregger continued with his questions.

Mr. Sordillo responded to Mr. Foregger's questions.

A lengthy discussion continued.

Mr. Foregger referred to the ordinance for the Drug Free School Zones and referred to the involvement of the Chief. Mr. Foregger also spoke about the map being done by the County.

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Mayor Bruno responded the Chief is the main contact between the schools in regards to the drug free school zone. This is why he is the main contact. It is an enforcement policy.

Joseph Sordillo, Township Attorney clarified the map is done by the County and we want to have it reviewed by the Township Attorney as well as Chief of Police just to make sure for enforcement purposes and to have everything in order before it gets accepted to any future amendments.

A lengthy discussion continued on the drug free school zones with the Mayor and Township Council. Mr. Foregger continued with his remarks. Mr. Woodruff also asked Lt. DiPasquale some questions regarding the enforcement of the regulations with regard to the drug free school zones.

Discussion again continued in length on the Drug Free School Zones.

Hearing no voices, moved by Mrs. Kingsley 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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES
INTRODUCED ON September 24, 2013:**

The Clerk presented and read:

(1) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP LAND USE ORDINANCE TO ESTABLISH AND AMEND THE REGULATIONS GOVERNING THE REQUIREMENTS FOR DEVELOPER'S AGREEMENTS IN CONNECTION WITH LAND USE APPROVALS."

(Explanation: This ordinance amends the Township's Land Use Ordinances to modify and amend the requirements for Developer's Agreements in connection with land use approvals.)

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 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

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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. 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 November 18, 2013 in the amount of \$391,140.32.

Moved by Mr. Delia to approve resolution #1, 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:

2. Resolution authorizing the submission of a grant application to the Department of Environmental Protection for de-snagging and shoal dredging in the Passaic River Basin.

Moved by Mr. Hall 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

Joseph Sordillo, Township Attorney pointed out a typo error that was brought to his attention where the public law is listed as 2003 and it should read 2013. He notified the Clerk and is it being corrected on the official copy of the resolution.

Mr. Pirone introduced the following resolution:

3. Resolution authorizing the Planning Board to undertake a preliminary investigation of the Municipal property as a Non-Condemnation Redevelopment Area.

Moved by Mr. Pirone to approve resolution #3, seconded by Mrs. Kingsley and upon roll call vote:

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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:

4. Resolution authorizing Thomas Bocko to make an application to the Department of Environmental Protection for a \$20,000.00, tree maintenance and removals grant.

Moved by Mr. Woodruff to approve resolution #4, 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. Pastore introduced the following resolution:

5. Resolution authorizing the submission of the Municipal Alliance grant for calendar year 2014 in the amount of \$14,123.00.

Moved by Mr. Pastore to approve resolution #5, 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 the Tax Collector to refund the following 2013 tax overpayment:

1. Herman J. Ertlmaier	45 Watchung Blvd.	\$250.00
2. Nisivoccia Enterprises, Inc.	10 Summit Avenue	\$36,709.80

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

Public Hearing and Final Adoption scheduled for December 3, 2013:

The Clerk presented and read:

(1) "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 BERKELEY HEIGHTS."

(Explanation: This ordinance amends the Township's current Salary Ordinance.)

Moved by Mr. Hall that the ordinance as read by the Township Clerk is offered on first reading and the date of 12/3/13 is set as the date of public hearing and the Township Clerk is directed to advertise it in the Courier News, 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

Mayor Bruno pointed out that this ordinance is being amended for one position the Superintendent of Wastewater. He went on to explain what we were offering in our salary ordinance for that position is making it difficult to fill that position. Mayor Bruno explained further.

The Clerk presented and read:

(2) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 9.24 ENTITLED "DRUG-FREE SCHOOL ZONES" OF TITLE 9 ENTITLED "PUBLIC PEACE AND WELFARE" OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO AMEND AND UPDATE THE TOWNSHIP'S ADOPTION OF A DRUG-FREE SCHOOL ZONE." (Explanation: This Ordinance amends and updates the Township's adoption and regulation of Drug-Free School Zones.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 12/3/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. 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

The Clerk presented and read:

(3) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING, CHAPTER 2.138 ENTITLED "AWARDING OF PUBLIC CONTRACTS" OF TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL" OF THE CODE OF THE

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**TOWNSHIP OF BERKELEY HEIGHTS TO AMEND AND UPDATE THE
TOWNSHIP’S REGULATIONS ON THE AWARD OF PUBLIC CONTRACTS”.**

“(Explanation: This Ordinance amends and updates the Township’s regulation on awarding public contracts based on campaign contributions pursuant to New Jersey’s Pay-to-Play law.

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk is offered on first reading and the date of 12/3/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. 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

The Clerk presented and read:

(4) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2013-2014 TERM.” (Explanation: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall.)

Moved by Mr. Pastore that the ordinance as read by the Township Clerk is offered on first reading and the date of 12/3/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. 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

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

Tom Foregger of 14 Dorsett Road commented on the right turn at the Snyder Avenue and Mountain Avenue intersection and he spoke about a study that was previously done.

Mayor Bruno said it is the turn going East on Mountain Avenue to Horseshoe Road.

A discussion continued.

Gerald Kuzmick of Eaton Court referred to resolution #2 and asked if the towns that are backing out of the Passaic River Basin Project should be extracted from the resolution.

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Mrs. Cavanaugh responded as of right now they are part of the grant but they may be backing out. She feels it is appropriate to pass the resolution the way it reads because right now they have passed a resolution and they are a party to it. They are reconsidering if they want their names on the grant or not.

Mr. Kuzmick continued with his questions regarding the grant and the work to be done and Mrs. Cavanaugh responded to his questions.

The discussion continued in length.

Mr. Kuzmick spoke about the street sweeper in the capital budget. He said the streets are not currently being swept and all of the garbage is going down the storm drains. Mr. Kuzmick feels the public should be urged to clean the leaves from the sewer grates since we do not have a street sweeper yet.

Mayor Bruno responded to Mr. Kuzmick's remarks regarding cleaning the storm sewer grates.

Hearing no voices, moved by Mr. Pirone 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. Delia to adjourn, seconded by Mr. Woodruff and upon roll call vote:
(9:22 p.m.)

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

Approved: December 3, 2013