

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD FEBRUARY 11, 2014**

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

PROCLAMATION – Chief Anthony Padovano, Jr.

Mayor Bruno read a Proclamation into the record and presented a plaque to Fire Chief Padovano because he is stepping down as Fire Chief.

Chief Tony Padovano thanked everyone for all of their support.

(7:12 p.m.) - Mayor Bruno Suspended the meeting for coffee and cake in honor of Chief Padovano

(7:38 p.m.) – Public meeting resumed.

FLAG SALUTE

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

TOWNSHIP COUNCIL REPORTS

Mr. Delia had nothing to report.

Mr. Pastore 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.

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Mrs. Cavanaugh reported in detail on the usage of salt for the roads and the big expense it has been with the bad weather. She added we have been doing our best to obtain salt and have been supplementing the salt with sand to extend its use as much as possible. Mrs. Cavanaugh also reported Casablanca, LLC has changed principles and will now be a Spanish BBQ. Mrs. Cavanaugh also reported on the Clock project. She said the ad for the emergency generator project has been advertised. Mrs. Cavanaugh reported she has been working with the Rescue Squad on coordinating insurance coverage as well as having the DPW perform some maintenance on their vehicles. She also called the Summit Medical Group regarding ambulance coverage. Mrs. Cavanaugh reported the RFP for Township Planner has also been posted. Mrs. Cavanaugh spoke about the snow parking ordinance and the enforcement that has been taking place.

Mr. Pirone asked about the advertising for the emergency generator project and said he hopes we are not just counting on people to see the ad.

Mrs. Cavanaugh explained this is actually a bid and we have the specs. This has been advertised for anyone to bid on. We anticipate receiving several different bids.

Mayor Bruno reported he received a sample resolution from the NJ Conference of Mayors addressing the sunset of the 2% cap in April. Mayor Bruno went on to explain further and said after discussion we will have a resolution on the next agenda for the Township Council approval. Mayor Bruno spoke in length about the snow parking ordinance and the enforcement by the Police Department since its approval.

There was a lengthy discussion on the sunset of the 2% cap on arbitration and if we could pass our own resolution.

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

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

HEARING ON AGENDA ITEMS ONLY

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

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

Mayor Bruno said the ordinance for introduction that is on the agenda is being pulled.

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Carol Matula of 5 Hastings Road referred to resolution #3 for shared IT services. She said we are only going through about 20 hours per month but they are going to be overseeing the backup system. She asked how do we get charged for that?

Mrs. Cavanaugh responded when they say they are overseeing they are only stepping in if we have a problem in Berkeley Heights. She explained further if they have someone that is monitoring the system all of the time we are not billed for that.

Stephen Yellin of 130 Dogwood Lane referred to resolution #4c and asked what is a tree bond?

Ana Minkoff, Township Clerk responded this request was received from the Zoning Officer and has to do with various trees removed on the property in question.

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

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff
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 February 11, 2014 in the amount of \$606,695.73.

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

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

Mr. Hall introduced the following resolution:

2. Resolution authorizing an Interlocal Agreement with the Township of Millburn and the Township of Livingston for the provision of animal control services for the Township.

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

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

Mr. Woodruff introduced the following resolution:

3. Resolution authorizing a Shared Services Agreement with the Borough of Madison for the provision of IT Services for the Township.

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

Ayes: Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mr. Woodruff
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 resolution:

- (4)
- a. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:
 1. Gerald & Janet Reilly 28 Evergreen Drive \$859.30
 - b. Resolution authorizing the issuance of a Tax Sale Certificate #13-00004T, in the amount of \$40,021.13 to US Bank CUST Pro Cap III, LLC for Block #1104, Lot #10 located at 36 Rutgers Avenue, Berkeley Heights, NJ.
 - c. Resolution authorizing a release of a tree bond in the amount of \$6,200.00 to Jason Joly, 60 Orion Road, Berkeley Heights.

Moved by Mr. Pastore to approve Consent Agenda resolutions #4a-c, seconded by Mrs. Kingsley and upon roll call vote:

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

INTRODUCTION OF ORDINANCE

Public Hearing and Final Adoption scheduled for February 25, 2014:

ORDINANCE PULLED

“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP ADMINISTRATIVE CODE AND LAND USE ORDINANCE TO ESTABLISH AND AMEND THE REQUIREMENTS FOR REVIEW OF LAND USE APPLICATIONS IN THE TOWNSHIP DOWNTOWN AREA”. (Explanation: This ordinance amends the Township Code and Land use Ordinances to modify and amend the requirements for review of land use applications in the Township downtown area by the Downtown Beautification Committee.)

CITIZENS HEARING

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

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

Carol Matula of 5 Hastings Road spoke about an ordinance that we have in our code regarding the clearing of snow from the sidewalks after a snow fall. She went on to say her husband complained about some properties that have not been cleared of the snow. She feels this ordinance needs to be enforced as well as the other ordinance for parking during snow storms.

Mayor Bruno responded he will pass this information on to the Police Chief.

Mrs. Matula also commented on the 2% cap for municipal budgets. She suggested maybe they could suggest that Union County also have a 2% cap on their budget.

A discussion continued.

Tom Foregger of 14 Dorsett Road asked if the 2% cap being referred to is the expenditure or tax cap?

Mayor Bruno responded it is the 2% expenditure cap.

Mr. Foregger spoke about the tax equalization that is done by the County.

A discussion continued.

Gerald Kuzmik of Eaton Court asked if the 2014 budget has been passed at this point.

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Mrs. Kingsley responded no there are still budget meetings taking place.

Mr. Kuzmik asked what is the progress on the river cleaning and the land swap at this point. He asked if there are any projections or conclusions as to what is going to take place.

Mayor Bruno responded there are no conclusions on the land swap at this point, negotiations are still ongoing. He also said with regard to the stream cleaning Engineering has not presented their budget on the clean-up of the river and once that happens we will have a proposed figure for it.

Mr. Kuzmik continued with his questions regarding the stream clean-up

A discussion continued on the progress of the stream clean-up and also on the budget for it. The discussion also involved the street sweeper.

Stephen Yellin of 130 Dogwood Lane asked for an update on the secession.

Mayor Bruno responded it is now in the hands of the legislative district to propose it to the legislature.

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

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

ADJOURNMENT

Moved by Mr. Pirone to adjourn, seconded by Mr. Hall and upon roll call vote:
(8:08 p.m.)

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

Approved: April 22, 2014