

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD FEBRUARY 25, 2014**

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**CALL TO ORDER**

At 7:01 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, Mr. Pirone, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**EXECUTIVE SESSION – 1. Contract Negotiations/Land Acquisition-Little Flower Church  
2. Attorney/Client Privilege-Litigation-BAC v. Berkeley Heights**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:03 p.m.)**

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:53 p.m.)**

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

**FLAG SALUTE**

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

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported Len Berkowitz was awarded Sustainability Hero for 2014. He will receive an award when he returns from Florida. Mr. Delia also reported the Governor will be speaking in Stirling tomorrow and he hopes to attend.

Mr. Hall had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff reported Adrienne Trivella, Transportation Coordinator for the Board of Education asked him to make special reference to both Sgt. Deitch and Lance Ruban and express how helpful they have

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been anytime she has needed their assistance. Mr. Woodruff said he has many residents ask about the bulk pick-up. He added the Council did make a promise to address this issue this year and they will do so. Mr. Woodruff said for the future we need to look at this on a year by year basis as to what is the best cost effectiveness that can be achieved.

Mr. Pastore had nothing to report.

Mrs. Kingsley reported the Beautification Committee has been meeting quite frequently. The clock project is moving ahead and the faces have all been sold. We are actively selling the plaques now and we are approximately 50% sold. Mrs. Kingsley also reported the committee has been working on standards for the downtown and they are going to be submitting them to the town planner as soon as he is hired.

Mrs. Cavanaugh reported Mrs. Russo contacted our JIF and they confirmed they do training. She added they will offer training to the Council people, best practices encourage this. Mrs. Cavanaugh also reported we may be eligible for some or all of our random drug testing costs. We are also looking to see if we can get the testing done for a little less expensive. Mrs. Cavanaugh reported we are working on the right turn on red on Springfield Avenue and Mountain Avenue but these are county roads and we need to coordinate with the county engineer first. Mrs. Cavanaugh reported a proclamation is being prepared for Len Berkowitz and will be presented to him when he returns from Florida. Mrs. Cavanaugh said 2 or 3 contractors were hired for snow removal.

Mayor Bruno reported the Governor will be in Long Hill Township tomorrow. He said these town hall meetings are very entertaining. Mayor Bruno asked Mr. Bocchino where we stand with our salt supply.

Mr. Bocchino responded 40 tons of salt was delivered to us. The county has a small delivery today that is actually the county's salt.

A discussion continued on the salt supply.

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. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
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. Hall and upon roll call vote:

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

Tom Foregger of 14 Dorsett Road asked how many RFP's were received for the Town Planner.

Mrs. Cavanaugh responded two.

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Mr. Foregger asked how much time was spent on the Executive Session items.

Mr. Delia responded to Mr. Foregger's questions regarding the Executive Session items.

Mr. Foregger asked why was resolution #4 pulled.

Mrs. Cavanaugh responded there was information that needed to be confirmed and she went on to explain further. She said it will be put on the next agenda.

Carol Matula of 5 Hastings Road asked what are we going to be paying Mr. Mistretta as Town Planner.

Mayor Bruno responded that there were two RFP's received for Town Planner and no one has been hired yet. The RFP's must be reviewed first before a decision is made.

Mrs. Matula continued with her questions regarding the RFP for planner.

Mrs. Cavanaugh responded to Mrs. Matula's questions.

Mrs. Matula spoke about the Rescue Squad and the shared services for vehicle repairs. She also spoke about repairs to the Rescue Squad building.

Mayor Bruno responded to the questions regarding the Rescue Squad and a discussion continued.

Mrs. Matula referred to resolution #3 for the tax settlement and asked how this would impact the revenue.

Mayor Bruno responded a credit for the year 2010 for \$16,442.70, a credit for the year 2011 for \$10,755.00 and for 2012 and 2013 there is no credit.

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

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley  
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 25, 2014 in the amount of \$246,435.28.

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

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

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

2. Resolution authorizing a Shared Services Agreement with the Rescue Squad for the provision of repair and maintenance services for the Rescue Squad vehicles.

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

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

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

3. Resolution authorizing a tax settlement with Station Court, LLC, 230-250 Sherman Avenue South, Block 702 Lot 9.

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

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

**PULLED**

4. **Resolution authorizing a Professional Services Agreement with Paul Beisser, MAI,CRE, and Value Research Group. LLC, for the professional appraisal services in connection with the Township’s development of a new municipal complex as a result of a potential land swap with Little Flower Church.**

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

5. Resolution authorizing a contract for the Water Pollution with Garden State Laboratories, 410 Hillside Avenue, Hillside, NJ, 07205, for “Outside Laboratory Services” for the Water Pollution Control Plant, in the amount of \$13,648.00.

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

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

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

6. Resolution authorizing a change order for Garden State in the amount of \$868.00.

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

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

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

7. Resolution urging the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset.

Moved by Mrs. Kingsley to approve resolution #7, seconded by Mr. Woodruff and upon roll call vote:

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

- a. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:
  1. Peter Golomb 141 Forest Avenue \$519.09
  2. Anthony T. & Geraldine Fernandez 39 Hastings Road \$408.46
  3. Lillian Court Assoc. 368 Mountain Ave. \$2,623.04
  4. Lillian Court Assoc. 378 Mountain Ave. \$1,445.03
  5. Bette Hanstein 32 Brook Street \$772.92
- b. Resolution authorizing a release of a cash bond for street opening permit #2970, in the amount of \$700.00 to Jonell Associates, 144 Garfield Street, Berkeley Heights, N.J.
- c. Resolution authorizing a release of a cash bond, for driveway completion, for 1 Lillian Court, in the amount of 900.00
- d. Resolution authorizing a release of a cash bond, for driveway completion, for 2 Lillian Court, in the amount of \$1,500.00.
- e. Resolution authorizing cash bond in the amount of \$8,022.71, which represents a reduction of a Performance Guarantee for Berkeley Station (Sherman Avenue). Block 702, Lot 10.
- f. Resolution authorizing the appointment of Ricardo Motalvan, 27 Bolton Blvd., Berkeley Heights to the Berkeley Heights Fire Dept. active roster.
- g. Resolution authorizing Kevin Camngelo, 307 Chaucer Drive, Berkeley Heights, to the active roster of the Berkeley Heights Fire Department.
- h. Resolution authorizing a blue light application for Allie Deegan, a member of the Rescue Squad.

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Moved by Mr. Pastore to approve Consent Agenda resolutions #8a-h, seconded by Mrs. Kingsley and upon roll call vote:

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

**CITIZENS HEARING**

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

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

Camille Aragona of 56 Chaucer Drive said the DPW did a good job with the snow removal, they did a lot of work with the vehicles that they have. Years ago we had outside contractors with the large vehicles. She said there is one thing, Memorial Field and Peppertown Park sidewalks were not cleared of the snow. Mrs. Aragona said this is not acceptable for the school children and she said she called people in town in authority and they never received her message. We want the town to be safe for our children. She asked if this can be addressed.

Mayor Bruno responded this matter will be addressed.

A lengthy discussion continued on the snow removal and enforcement of the code regarding snow.

Hearing no voices, moved by Mr. Hall to close the Citizens hearing, seconded by Mrs. Kingsley and upon roll call vote:

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

**ADJOURNMENT**

Moved by Mr. Pastore to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(8:23 p.m.)**

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

**Approved: April 22, 2014**