

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

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 – Contract Negotiations/Land Acquisition-Little Flower Church

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:02 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:
(8:07 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.

APPROVAL OF MINUTES

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

Re-Organization Meeting – January 1, 2014

Upon roll call vote:

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

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Moved by Mr. Pastore to approve the following Township Council Minutes, seconded by Mrs. Kingsley and upon roll call vote:

Public Meeting – January 7, 2014

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

TOWNSHIP COUNCIL REPORTS

Mr. Delia spoke about the energy discussion that was held a few meetings ago regarding third party electric providers. He spoke about articles in the newspaper regarding the increased fees that customers are not aware of. Mr. Delia feels this may be something we need to think twice about. Mr. Delia said he was on Sussex Road and the parking from the high school has become bad. He said the residents have been complaining and maybe this is something we need to address.

Mr. Hall had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff reported he received a package in the mail from a condo association regarding problems they are having with potholes. Mr. Woodruff said he spoke to Mr. Bocchino who addressed the matter with the condo association and helped to explain the agreement to them.

Mr. Pastore reported the Recreation Commission has started a field care committee who will address the baseball fields and maintain them. They will be meeting with the Board of Education, PAL and Recreation on Thursday night. Recreation will again be applying for a Kids Recreation Trust Matching Grant which can be used to work on some of the fields. Mr. Pastore reported Recreation has started planning for the Memorial Day Parade. Mr. Pastore also reported the Communications Committee is having some issues with the camera project.

Mr. Woodruff asked Mr. Barton about a study that was done by the Recreation Commission concerning fields a few years ago.

Mr. Barton responded that was when we put in for a larger grant and replaced the backstops at Woodruff School and Mountain Park. He explained further.

A discussion continued on the fields.

Mrs. Kingsley reported the Beautification Committee has completed all of the draft work for signage and colors for the downtown. Once a planner has been hired, we can get the ordinances drafted. Mrs. Kingsley also reported the clock is in production and hopefully we will have it delivered to us within 60 days. The Beautification Committee is trying to sell the remaining plaques on the clock.

Mrs. Cavanaugh reported the Passaic River clean-up team received \$300,000.00 from the NJDEP for river clean-up. We will be sending a letter to Amy Wagner and the County to thank them for their leadership with this project. We will be looking at submitting other grant applications as well. Mrs. Cavanaugh spoke about the training sessions for the Council and employees available through JIF. Mrs.

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Cavanaugh reported on a water main break at Columbia Park. She also reported we are revamping the alcohol and drug testing program and we will be changing the vendor. She added we will also be receiving some reimbursement back from the JIF. Mrs. Cavanaugh reported on the DPW programs and activities that are going on. She also spoke about the asphalt report and figures that Jorge Casacuberta has given to her.

Mayor Bruno spoke about the significant snow fall that we have had this year. He also said the stream clean-up has helped because the areas that usually flood have not so far. Mayor Bruno also spoke about the bulk pick-up with regard to the budget. He said he pledged last year that we would have it done this year. However, the residents should make sure they put out anything they can this year for bulk pick-up. Mayor Bruno reported he attended the senior's luncheon today. He also reported the County of Union is having a free scrap metal pick-up on Saturday.

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. Pastore 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 referred to the three resolutions for contracts that are on the agenda. He obtained the certificate of the availability of funds for them and he spoke about what was on them. Mr. Foregger said you do not have the money and you should wait until the money is available. He feels some of the Council has a conflict of interest and should not be involved in this decision. He doesn't want the town to do any more studies or spending money. Just wait until they have the money, clearance and decision from the court.

Joseph Sordillo, Township Attorney advised the Mayor and Council not to respond to anything regarding the pending litigation because it is still ongoing. He clarified on the appeal that we were successful in defending the lawsuit before the trial court.

Mr. Foregger continued with his comments.

A discussion continued.

Carol Matula of 5 Hastings Road said she supports Mr. Foregger's decision and she also has comments on these three resolutions. She feels the appraiser has already been paid and she doesn't know why we need to obtain additional appraisal services.

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Joseph Sordillo, Township Attorney responded to Mrs. Matula's questions. He explained the bidding law and how it applied to these services.

Mrs. Matula continued with her questions and comments regarding the appraisal services. She also commented on the other resolutions in question.

A discussion again continued.

Stephen Yellin of 130 Dogwood Lane referred to resolution #6 and said he is glad to see the BAC matter come to an end. He asked for an explanation of the terms of the settlement agreement.

Joseph Sordillo, Township Attorney explained the settlement agreement in detail.

Hearing no voices, moved by Mr. Pastore 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 March 11, 2014 in the amount of \$229,534.65.

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

Mr. Hall introduced the following resolution:

2. 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.

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

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

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Mr. Pirone introduced the following resolution:

3. Resolution authorizing a Professional Services Agreement with Arthur A. Linfante, MAI, CRE, and Value Research Group. LLC, for general professional appraisal services for the Township.

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

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

Mr. Woodruff introduced the following resolution:

4. Resolution authorizing a Professional Services Agreement with Michael Mistretta N.J.P.P.; and Harbor Consultants for general professional planning services.

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

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

Mrs. Kingsley introduced the following resolution:

5. Resolution authorizing the renewal and extension of the Professional Services Agreement with Michael J. Mistretta, N.J.P.P., L.L.A., and Harbor Consultants, Inc., for the professional planning services in connection with the Township's potential redevelopment of the existing municipal complex.

Moved by Mrs. Kingsley to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

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

Mr. Pastore introduced the following resolution:

6. Resolution authorizing a settlement of the Litigation with the BAC Center of Excellence.

Moved by Mr. Pastore to approve resolution #6, 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:

7. Resolution authorizing a transfer within the 2013 Municipal Budget and Reserves.

Moved by Mr. Pirone to approve resolution #7, seconded by Mr. Pastore and carried.

Mr. Delia referred to the transfer of \$50,000.00 from the gasoline account and asked for an explanation.

Michel Marceau, CFO explained the transfer from the gasoline account.

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. Woodruff introduced the following resolution:

8. Resolution authorizing the Township Tax Attorney to file an appeal of the 2014 property tax assessment of the Connell Property to seek an increased assessment to reflect the true value of the property.

Moved by Mr. Woodruff to approve resolution #8, 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

Mrs. Kingsley introduced the following resolution:

9. Resolution consenting to the Professional Services Agreement with James J. Ramentol, AIA, and GRA Architects, Inc., for professional architectural 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. (**AMENDING RESOLUTION #43-2014**)

Moved by Mrs. Kingsley to approve resolution #9, seconded by Mr. Pirone and upon roll call vote:

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

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Mr. Pastore introduced the following resolutions:

(10)

- a. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:
 - 1. Michael & Denise Kleppinger 80 Knoll Court \$4,117.37
 - 2. Michael & Suzanne Chiefa 92 Orchard Lane \$845.68
- b. Resolution removing Brett Siksnius, 45 Inwood Avenue, from the Fire Department active duty roster.
- c. Resolution removing Brian Nigro, 44 Daugherty Avenue, Gillette from the Fire Department active duty roster.
- d. Resolution removing Jeremy Santamaria, 473 Springfield Avenue, from the Fire Department active duty roster.
- e. Resolution removing Joseph Colder, 153 Chaucer Drive, from the Fire Department active duty roster.
- f. Resolution removing Thomas Balsamo, 40 Lancelot Drive, from the Fire Department active duty roster.
- g. Resolution consenting to the YMCA Mother's Day 5K Run, on May 11, 2014.
- h. Resolution consenting to the Amber Pizzo Memorial 5K Run, on July 13, 2014.

Moved by Mr. Pastore to approve Consent Agenda Resolutions #10a-h, 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

CITIZENS HEARING

Moved by Mr. Hall to open 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

Nelson Stauber of 125 Park Avenue thanked the Township Council for paving Park Avenue. He said after looking at the list of roads to be paved up until 2017 Sherman Avenue is not listed. He asked if it will ever be paved?

Bob Bocchino, Township Engineer responded the list of roads to be paved will be amended and Sherman Avenue will be looked at.

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Mr. Stauber also said parking on both sides of Sherman Avenue by Delicious Heights should not be allowed because a lot of trucks do come through there. He also said the trees by Delicious Heights also blocks the view of the vehicles coming out of the Stop and Shop.

Mayor Bruno responded that area is supposed to be redeveloped. That problem should be taken care of. He also said he would speak to the owners of Delicious Heights regarding the trees.

Stephen Yellin of 130 Dogwood Lane asked Mr. Delia why he abstained on the resolutions that he did.

Mr. Delia responded he listened to Mr. Foregger and Mrs. Matula's comments. It made him uncomfortable and he didn't feel it was right to vote for something that is coming out of the capital budget that we passed.

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. Woodruff to adjourn, seconded by Mr. Pastore and upon roll call vote:
(8:47 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