

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD APRIL 8, 2014**

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. 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.

FLAG SALUTE

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

CONFERENCE SESSION – Community Garden Presentation

Mr. Delia said Christina Lewis was unable to attend the meeting tonight and he would give the presentation on the Community Garden. Mr. Delia gave a presentation on the Community Garden. Mr. Delia explained what Ms. Lewis has been doing with regard to the Community Garden.

A lengthy discussion continued among the Mayor and Township Council on the Community Garden. Mayor Bruno said Ms. Lewis should come to a meeting and give a formal presentation to the Council.

TOWNSHIP COUNCIL REPORTS

Mr. Delia reported April 25th is Arbor Day. Mr. Delia said on Sunday he went by Park Avenue and both gates at the DPW were wide open. He doesn't know why they were open and he thought this matter was addressed last year. Mr. Delia said the signs directing people to the Berkeley Heights court are made out of paper. He feels something should be put in the budget for court for actual signs.

Mayor Bruno asked Mrs. Cavanaugh to contact Doug Marvin of New Providence to address the signs. Mayor Bruno also asked Mr. Bocchino if he knew why the gate was left open at the DPW garage.

Mr. Bocchino responded he does not know why the gate was left open, this is the first he is hearing of it. He will look into the matter.

Mr. Hall had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report.

Mr. Pastore had nothing to report.

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Mrs. Kingsley reported all of the clock plaques have now been sold. We even had to turn away some requests. She added our goal is to have the clock installed for Memorial Day or before. Mrs. Kingsley also said Rick Froio will donate his electrical services and Jimmy Delia will donate his services as well to clean-up the site and help with the installation. She also said the Franchino Family has offered to donate pavers to put around the clock for a walking path. Mrs. Kingsley thanked all of the people that are supporting this project. The Beautification Committee will have around \$15,000.00 to spend for beautification purposes. Mrs. Kingsley said she passed the church on Springfield Avenue on Saturday and they were having an opening event and she wanted to know the procedure for notification of these events in town. Mrs. Kingsley said she wants to make sure that the entire Council will be notified of any grand openings and events in town.

Mrs. Cavanaugh said she will look into this matter for Mrs. Kingsley.

Mrs. Cavanaugh reported in length a serious problem with the backup of the sewer at Briarwood Drive East and the surrounding areas. There have been complaints from the residents and with the bad winter it has become worse. Mrs. Cavanaugh spoke about the long-term plan using capital funds. Mrs. Cavanaugh reported the bulk pick-up bids came in substantially higher than we anticipated. We are re-advertising and will rebid this program and have reached out to the present Township garbage providers to generate interest. Mrs. Cavanaugh explained the resolutions that are on the agenda that are being amended will be coming from the capital portion of the operating budget. She went on to explain in detail why this is being done. Mrs. Cavanaugh spoke about an ordinance that will be put on the agenda for the next meeting changing the education requirements for Police Department new hires. She explained further. Mrs. Cavanaugh reported a letter was received from the County of Union regarding the resurfacing of county roads and she went on in more detail. Mrs. Cavanaugh reported in detail on the DPW activities and programs that are going on. Mrs. Cavanaugh spoke about introducing an ordinance to amend the Township land use ordinance to establish a special permit for temporary non-conforming uses. Mrs. Cavanaugh went on to talk about the Summit Medical Group starting a farmer's market on their property. She spoke further about the details of the farmer's market. She said this land use ordinance would cover the farmer's market because we do not have a provision in the land use now.

A lengthy discussion continued among the Township Council regarding the ordinance for a special permit for temporary non-conforming use. Joseph Sordillo, Township Attorney also explained the ordinance.

Mayor Bruno reported he attended the grand opening of the Asian-Indian Christian Church on Springfield Avenue. He said he received a phone call from the Deacon asking him to attend and cut the ribbon for the grand opening. He also said in the future he will make sure invitations like this will be distributed to the Council as well. Mayor Bruno reported he attended and marched in the PAL Parade that same day. Mayor Bruno said in January there was fire at the Devanney's home in town and Chief Padovano rescued their two dogs. He also said the Devanney's donated pet resuscitators to the Fire Department. He also spoke about a fire at the professional building on Springfield Avenue, one part of the building was devastated but nobody was hurt. Mayor Bruno reported there will be a soft opening of the Garden of Eden on April 14th. He also said the NY Mart will no longer be coming to Berkeley Heights.

Moved by Mr. Pirone to accept and approve the Township Council Reports, 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

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HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Hall to open the Hearing on the Agenda Items Only, 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

Tom Foregger of 14 Dorsett Road referred to agenda items #2, 3, 4 and 5 he said none of these resolutions include the total amount. He suggested the amounts be added to the resolutions because they will be needed for the legal notice. Mr. Foregger asked why these resolutions are being amended? He said the funds were supposed to be coming from the capital improvement fund why is it being changed?

Mrs. Cavanaugh responded this is the line in the operating budget. She said we spoke with our auditor and bond counsel and this is what they recommended we do. She added they reviewed the resolutions as well and she is confident we are doing it correctly.

A lengthy discussion continued. Mr. Foregger continued to make comments and continued to ask questions with regard to where the funds are being taken from. The Mayor and members of the Township Council responded to Mr. Foregger's questions.

Hearing no voices, moved by Mr. Hall to close the Hearing on the Agenda Items Only, 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

**NEW BUSINESS- RESOLUTIONS
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated April 8, 2014 in the amount of \$608,525.16.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and carried.

Mr. Delia had a question on one of the DPW items.

Mr. Bocchino responded to Mr. Delia's question.

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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:

2. 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 #88-2014**)

Moved by Mrs. Kingsley to approve resolution #2, 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

Mr. Woodruff introduced the following resolution:

3. 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. (**AMEDNING RESOLUTION #84-2014.**)

Moved by Mr. Woodruff to approve resolution #3, 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

Mr. Pastore introduced the following resolution:

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. (**AMENDING RESOLUTION #81-2014**)

Moved by Mr. Pastore to approve resolution #4, 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

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Mr. Hall introduced the following resolution:

5. Resolution amending the Professional Services Agreement with James J. Ramentol, AIA, and GRA Architects, Inc., and accepting the second supplemental proposal for professional architectural services and analysis in connection with the Township's potential development and costs of the of the Township's improvements to its existing municipal complex in connection with the potential land swap with Little Flower Church.

Moved by Mr. Hall to approve resolution #5, 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

ADDITION:

Mr. Pirone introduced the following resolution:

6. Resolution rejecting all bids received in connection with the Bulk Pick-up Program pursuant to N.J.S.A. 40A:11-13.2(a), as substantially exceeding the cost estimates for this project.

Moved by Mr. Pirone to approve resolution #6, 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

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:

- (7)
 - a. Resolution authorizing a partial release of the performance guarantee for Summit Medical Group in the amount of \$27,434.32.
 - b. Resolution proclaiming April 25, 2014 Arbor Day in Berkeley Heights.
 - c. Resolution removing Austin Amiano, 236 Lincoln Street, Berkeley Heights, NJ from the active roster of the Berkeley Heights Fire Department.

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- d. Resolution authorizing the release of the Performance Bond in the amount of \$43,348.80 to Enrite Service Station, Ilya Shlakman, 525 Springfield Avenue.

Moved by Mr. Pastore to approve Consent Agenda resolutions #7a-d, seconded by Mr. Hall and carried.

Mrs. Kingsley questioned resolution 7d and asked if a bond is still being held for the Enrite Service Station.

Mr. Bocchino responded the performance bond is being returned but they still must post a maintenance bond to be held for two years.

Upon roll call vote:

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

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for April 22, 2014:

The Clerk presented and read:

“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2014, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45,14)”

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 4/22/14 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 carried.

Mr. Pirone explained the town’s credit rating and said measures are getting better not worse. The Council is making fiscally sound decisions. Mr. Pirone went on to explain in detail the measures of a credit rating. Mr. Pirone is in favor of this budget.

Mr. Woodruff asked who sets up these measures and are they generally accepted by all.

Mr. Pirone responded the credit rating agencies set up these measures and they are generally accepted by all.

Mrs. Kingsley said this was probably the best presented and thorough budget presentation we have ever had as a Township. She thanked the CFO Michel Marceau and the Township Administrator Linda Cavanaugh for all of their hard work on the budget. Mrs. Kingsley said there will be an increase in taxes this year. The taxes will go up more than the cap due to the bad weather this year, bulk pick-up and also our litigation expenses are up. Mrs. Kingsley went on to explain the cap bank. She is comfortable with this budget.

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Mr. Hall said we have adhered to a zero base budget. He said this year working together with the CFO, Administrator and Council we have addressed all of our strategic initiatives. Mr. Hall continued in length to talk about the initiatives that have been handled. Mr. Hall is comfortable with this budget.

Mr. Woodruff asked Mr. Marceau to give a definition of a QPA.

Mr. Marceau explained in length what a QPA would handle.

A discussion continued.

Mayor Bruno said for years we have been looking at cutting the budget. The increase has been 1.75% and our revenues have decreased and it is hard to make ends meet. Mayor Bruno spoke about the huge expenses due to the winter weather, the brook and stream clean-up and the bulk pick-up service. Mayor Bruno said the increase is about \$79.00 per household. There was nothing to cut in the budget. Mayor Bruno also feels comfortable with the introduction of this budget.

Upon roll call vote:

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

INTRODUCTION OF 2014 MUNICIPAL BUDGET

**Approval of 2014 Municipal Budget for introduction and establishing
May 6, 2014 as date of public hearing and final adoption.**

Moved by Mrs. Kingsley to approve the Introduction of the 2014 Municipal Budget and establishing May 6, 2014 as the date of public hearing and final adoption, 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

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

Gerald Kuzmik of Eaton Court said on April 1st he saw a street sweeper on his street doing its rounds. He asked if the street sweeper will continue to operate.

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Mayor Bruno responded this is our old street sweeper but it is not in the best condition. We were able to get it running. The purchase of a new street sweeper is in the capital budget for this year.

Mr. Kuzmik asked how many solicitations have we made for the bulk pick-up service.

Mayor Bruno responded we put out the solicitations as required by law but we only received one bidder for this service. We have now contacted more companies and hopefully we will receive more than one bid.

A discussion continued. Mrs. Cavanaugh explained the bid and what was received from the solicitations. She went on to explain what Mr. Bocchino will do with the re-bid of the clean-up.

Mr. Kuzmik spoke about a storm sewer on the corner of Springfield Avenue/Plainfield Avenue that overflows and needs to be addressed.

A lengthy discussion continued on the storm sewers. Mayor Bruno asked Mr. Bocchino to follow up with Joe Graziano of the County of Union on this matter.

Stephen Yellin of 130 Dogwood Lane spoke about the zero based budget over the past several years and he is glad the Council had followed through on that. Mr. Yellin also urged the Council to pass an ordinance to allow a farmer's market to take place in Berkeley Heights. Mr. Yellin continued with his remarks regarding the farmer's market.

Charlie Pratt of 45 Park Avenue said he is an advocate for a senior couple in town. The couple said the blasting at the quarry goes on at least once a week. Mr. Pratt asked if the Township knew of any ordinance or curtailing on this blasting that existed. He asked what would his next approach be?

Mayor Bruno responded the quarry is not in Berkeley Heights. The quarry is in Watchung and the Administrator could contact the Watchung Administrator and find out what is going on. Mayor Bruno spoke further in length about the quarry blasting.

A lengthy discussion continued.

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. Delia to adjourn, seconded by Mrs. Kingsley and upon roll call vote:
(8:35 p.m.)

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

Approved: May 6, 2014

**Ana Minkoff
Township Clerk**