

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD APRIL 22, 2014**

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**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, Mrs. Kingsley and Mayor Bruno answered present. Mr. Pastore arrived at 7:08 p.m. Also present was Township Attorney Tom Scrivo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**FLAG SALUTE**

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

**PROCLAMATION**

**Len Berkowitz – Governor’s Environmental Excellence Award For Environmental Stewardship**

Mayor Bruno presented Len Berkowitz with a Proclamation and presented him with a plaque and spoke about him receiving the Governor’s Environmental Excellence Award for Environmental Stewardship and also about all of the work he does on the Environmental Commission.

**PROCLAMATION**

**National Medical Laboratory Professionals Week, April 21-28, 2014**

**Mr. Pastore arrived at 7:08 p.m.**

**EXECUTIVE SESSION – 1. Contract Negotiations-Redevelopment/Rehabilitation of the Municipal Complex**

**2. Contract Negotiations/Land Acquisition – Little Flower Church**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:

**(7:08 p.m.)**

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

**Township Council Minutes  
Public Meeting – April 22, 2014**

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Woodruff and upon roll call vote:

**(8:25 p.m.)**

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

Mayor Bruno thanked Chief Delia and the Fire Department members for their efforts with the fire on Springfield Avenue. Mayor Bruno also said yesterday there was another fire at Seeley's Pond in the brush. He added our Fire Department, Police Department and Rescue Squad also responded to this fire.

**APPROVAL OF MINUTES**

Moved by Mr. Delia to approve the following minutes, seconded by Mr. Pastore and upon roll call vote:

**Public Meeting – February 11, 2014  
Public Meeting – February 25, 2014  
Public Meeting – March 11, 2014  
Public Meeting – March 25, 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 had nothing to report.

Mr. Hall had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff reported last Friday he attended the soft grand opening of the Garden of Eden along with Mayor Bruno and Mr. Pastore. He said it was very impressive and we wish them good luck in their venture.

Mr. Pastore had nothing to report.

Mrs. Kingsley reported the Beautification Committee is working on the clock and getting everything finalized. She said Mr. Delia and the Franchino Family will donate their services to help with the installation of the clock and do the landscaping around it. Mrs. Kingsley spoke about the trash receptacles and benches needing to be replaced. She also spoke about a Peppertown Park Fund and she feels it would be a worthwhile effort to replace these items with those funds.

Mr. Hall said Mr. Berkowitz may have some information regarding the Peppertown Park funds.

**Township Council Minutes  
Public Meeting – April 22, 2014**

Mr. Berkowitz spoke about the Peppertown Park Fund and felt these funds could be used for this purpose.

A discussion continued on the Peppertown Park Fund. The discussion also involved recycling grants available for the trash receptacles.

Mrs. Kingsley spoke about the improvements that will be done to Peppertown Park where the clock is going to be placed. She also spoke about a DOT grant that is available for improvements to the park as well.

Linda Cavanaugh, Township Administrator reported there is a resolution on the agenda to award the contract for the residential spring clean-up. She explained further the bid and all the details of that project. Mrs. Cavanaugh gave a report for Jorge Casacuberta on the street repairs needed in town. He is working on prioritizing them and will make a presentation to the Mayor and Council sometime in May. Mrs. Cavanaugh also reported the Executive Orders will be put up on the website beginning with 2014 and working back. Mrs. Cavanaugh also gave a lengthy update on the sewer backup with Kuntz Avenue. She explained in detail what is being done to help this problem and she said the Sewer and Health Department are working together to resolve it. Mrs. Cavanaugh gave a report on the programs and activities of the DPW. Mrs. Cavanaugh said Dr. Pat Smith called and invited the Mayor and Council to his 4<sup>th</sup> Suburban Chamber of Commerce breakfast with Berkeley Heights on May 16<sup>th</sup> at 8:00 a.m. Mrs. Cavanaugh spoke about the fire on Springfield Avenue and the fine job our Fire Department and the other emergency responders did that evening. She gave a narrative of the events that occurred at the fire that evening in detail.

A discussion continued with Chief Delia and members of the Council. Chief Delia explained the fire and how the cause of the fire is being worked on.

Mrs. Kingsley also acknowledged the Berkeley Heights Rescue Squad and their contributions to the fire as well.

Mayor Bruno reported he attended the soft grand opening of the Garden of Eden and recommended that everyone visit because they have an abundance of items available. He added it is a unique store. Mayor Bruno reported he attended the grand opening of La Belle Boutique. He said over 150 people attended the grand opening. Mayor Bruno said at the end of June there will be the grand opening of Primrose School and a Sip and Paint will be opening next to Dimaio's Restaurant.

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

**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 resolution #3 and read various portions of the resolution and asked questions and made his remarks to each of these sections. Mr. Foregger gave a statement at the conclusion of his question and remark period. Mr. Foregger concluded the burden of proof has not been met.

Carol Matula of 5 Hastings Road asked how long each executive session item took.

Mayor Bruno responded to Mrs. Matula regarding the executive session item times.

Mrs. Matula agreed with Mr. Foregger regarding his remarks for resolution #3. She asked if the Council is relying on the report that the Planner submitted or on his testimony.

Mayor Bruno responded the entire Council received transcripts of the proceedings. He is relying on the transcript and the vote that was given.

Mrs. Matula said the resolution does not mention that there were oral objections. She suggested if this resolution is going to be passed it should be amended to reflect oral objections. Mrs. Matula referred to the introduction of the ordinance for a special permit for non-conforming uses. She asked what uses are being referred to.

Mayor Bruno responded for one it is for the farmer's market. He also said it is for other uses to be determined on an individual basis.

A discussion continued on this ordinance. Mrs. Matula continued to ask questions regarding the ordinance.

Mr. Scrivo, Township Attorney explained the ordinance and what it refers to.

Mrs. Matula referred to the introduction of the ordinance amending the requirements for new hires in the Police Department. She doesn't feel the ordinance should be changed and she went on to talk about it further.

Chief Mathis said he supports the need for a bachelor's degree in this ordinance with a few exceptions. He said a bachelor's degree would be nice, it limits his pool of applicants. Chief Mathis went on to talk about military service and what he would like to see put into the ordinance. He continued with his recommendations for this ordinance in details.

A lengthy discussion continued on the Police Ordinance and the requirements for new hires. The discussion continued with Chief Mathis answering questions from the Mayor and Township Council.

**Township Council Minutes  
Public Meeting – April 22, 2014**

Mr. Woodruff feels anytime you can enhance the educational background of your employees you do it. The opportunity to have Police officers with a four year degree as well as the other components is good. He doesn't agree with respect to limiting the applicants. He is willing to expand to an individual who has four or more years in the military as being an exception. Mr. Woodruff will not support the dispatch option. He explained further in detail. Mr. Woodruff said the Council is trying to set a standard.

The discussion again continued among the Council and Chief Mathis regarding individuals in the reserves. The discussion also involved the dispatcher option.

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES  
INTRODUCED ON APRIL 8, 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 to open the public hearing on the ordinance as read by the Township Clerk, 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

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, 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

Moved by Mrs. Kingsley 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. 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 22, 2014 in the amount of \$176,379.69.

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. Pirone introduced the following resolution:**

2. Resolution authorizing taking steps with regard to our municipal land-use decisions with the intent of making Berkeley Heights a truly sustainable community.

Moved by Mr. Pirone 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. Hall introduced the following resolution:**

3. Resolution agreeing with the recommendation of the Planning Board, that the property identified as Block 608, Lots 1 and 4, and Block 504, Lots 5 and 6, as shown on the Tax Map of the Township, including that portion of the Columbus Avenue right-of-way extending from the western limit of Block 504, Lot 6, to the New Jersey Transit property line to the north, and that portion of the Berkeley Avenue right-of-way extending from the New Jersey Transit boundary line to the north to the Park Avenue right-of-way to the south, in the Township of Berkeley Heights (the "Study Area"), collectively, be designed as an area in need of non-condemnation redevelopment, pursuant to the Redevelopment Law.

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

**Township Council Minutes  
Public Meeting – April 22, 2014**

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

**ADDITION:**

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

4. Resolution authorizing a contract for the Residential Clean-Up program to Regional Industries, LLC, 800 East Grand Street, Elizabeth, NJ 07201, in the amount of \$165,000.00.

Moved by Mr. Woodruff to approve additional resolution #4, seconded by Mr. Pastore and carried.

Mr. Delia asked when the spring clean-up will begin.

Ana Minkoff, Township Clerk responded it will begin in section 2 on May 12<sup>th</sup>.

Mayor Bruno said it will be advertised where ever it is possible so the residents will be informed. Mayor Bruno continued to urge the residents to put out anything they wanted to get rid this year.

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:**

- (5)
  - a. Resolutions authorizing the release of a street opening permit, to Victoria & William Manning, 57 Hampton Drive, Berkeley Heights in the amount of \$700.00.
  - b. Resolution authorizing the release of a street opening permit, to Robert McEwan Construction Corp., 18 Van Beuren Road, Morristown, NJ 07405.
  - c. Resolution adding Jon Ritchie, 155 Garfield Street, Berkeley Heights, to the active duty roster of the Berkeley Heights Fire Department.
  - d. Resolution appointing Matt Monaro, 28 Canterbury Lane, Berkeley Heights, to the Junior Fire Division of the Berkeley Heights Fire Department.

**Township Council Minutes**  
**Public Meeting – April 22, 2014**

- e. Resolution appointing Andrew Gallitelli, 13 Riceman Road, Berkeley Heights, to the Junior Fire Division of the Berkeley Heights Fire Department.
- f. Resolution adding Chris Schulze, 171 Woodward Lane, Basking Ridge, NJ, to the active duty roster of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve Consent Agenda resolutions #5a-f, 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

Mayor Bruno asked the Township Council if they want to pull the introduction of the ordinance for new hires for the Police Department.

Mr. Hall said he agrees with Mr. Woodruff. He does not feel we are raising the bar too high when we are requiring the candidate to have a bachelor's degree. Mr. Hall explained further in more detail. Mr. Hall said with regard to dispatchers they should be treated as any other candidate.

Mr. Pirone said he agrees with Mr. Woodruff and Mr. Hall on this. He doesn't feel being a dispatcher should relieve you of the need to have any credits or being three quarters of the way towards a bachelor's degree. He went on to explain further.

Mr. Pastore said he is in agreement as well. He asked if we can make changes to this ordinance now or do we have to re-introduce the ordinance.

Mr. Scrivo said changes can be made to the ordinance now but if they are going to be substantial the ordinance needs to be pulled and re-introduced and this will give the public time to review it.

There was a discussion among the Township Council on the changes that were to be made to the ordinance. Mrs. Cavanaugh reviewed the changes that the Council wanted to make regarding the ordinance.

A lengthy discussion again continued on the changes to the ordinance.

The Council decided to pull the ordinance to make the changes that were discussed.

Mayor Bruno asked for a motion to pull the ordinance.

Moved by Mr. Woodruff to pull the ordinance for introduction, 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

**ORDINANCE PULLED**

**INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for May 6, 2014:**

**(1)“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.100.040 ENTITLED “QUALIFICATIONS FOR APPOINTMENT” OF CHAPTER 2.100 ENTITLED “POLICE DIVISION” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” TO AMEND AND UPDATE THE PROVISIONS GOVERNING THE MINIMUM REQUIREMENTS FOR NEW HIRES IN THE POLICE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.”** (Explanation: This ordinance amends and updates the Township’s Administrative Code (Title 2 of the code of the Township of Berkeley Heights )as adopted by Ordinance No. 2-2010, and revised by Ordinance No. 14-2010) to amend the requirements for new hires in the Police Division of the Department of Public Safety.)

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 THE TOWNSHIP LAND USE ORDINANCES TO ESTABLISH A SPECIAL PERMIT FOR TEMPORARY, NON-CONFORMING USES IN THE TOWNSHIP.”** (Explanation: This ordinance amends the Township Land Use Ordinances to establish a special permit for temporary, non-conforming uses in the township.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of 5/6/14 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 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. Pastore 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

Tom Foregger of 14 Dorsett Road referred resolution #3 and asked why the references to the establishment of a subcommittee of the Council was removed.

Mrs. Cavanaugh responded it was just a mistake. It was an error in drafting and it was changed.

**Township Council Minutes  
Public Meeting – April 22, 2014**

Hearing no voices, moved by Mr. Pastore 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. Pirone to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(9:39 p.m.)**

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

**Approved: May 20, 2014**