

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD MAY 20, 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. Pirone, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Mr. Hall arrived at 7:30 p.m. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Deputy Clerk Linda Santillo

**FLAG SALUTE**

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

Mayor Bruno explained a resolution for Garden State Fireworks to hold a display this evening needed to be passed first because the event was taking place at 8:00 p.m.

**RESOLUTION**

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

1. Resolution authorizing Garden State Fireworks to hold a short fireworks display for PAL and Governor Livingston High School, on May 20, 2014 at Snyder Avenue Field, between 8:00-8:30 p.m.

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

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

**PROCLAMATION – Boy Scout Troop #368**

Mayor Bruno spoke about an incident that happened to an NBC news anchor in January when Boy Scout Troop #368 were present on a hiking trip. The scouts administered first aid and transported her to safety. Mayor Bruno read a proclamation into the record and presented the scouts with the proclamation to recognize the deed they had done.

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**EXECUTIVE SESSION**

- 1. Contract Negotiations/Land Acquisition – Little Flower Church**
- 2. Contract Negotiations/Land Transaction – Redevelopment of the Municipal Complex  
(Executive Session Item #2 was PULLED from the agenda)**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:07 p.m.)**

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:51 p.m.)**

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

**CONFERENCE SESSION – Discussion – LOSAP – Length of Service Award Program**

Linda Cavanaugh, Township Administrator gave a brief overview of the LOSAP program. She explained the program is for emergency services volunteers. She said Mr. Pirone had some information he wanted to bring to the attention of the Township Council regarding the LOSAP program.

Mr. Pirone explained the history of the program and also spoke about how it would be run and the costs that would be involved. He also explained it would have to be voted on by the public at the general election. Mr. Pirone also explained how it would have to be budgeted for. Mr. Pirone spoke further about the program.

A discussion continued among the Mayor and Township Council on the operation of the LOSAP program.

Mayor Bruno asked Mrs. Cavanaugh to look into this program with regard to the questions that were raised by the Township Council and report back to the Council.

**APPROVAL OF MINUTES**

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

**Public Meeting – April 22, 2014**

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

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**TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported he attended a meeting on Monday where Freeholder Betty Jean Kowalski and County Manager Al Faella were speakers. He said according to them they do so much for us and taxes will only increase by 3%.

Mr. Hall had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff reported a few weeks ago he was the only citizen at the Planning Board meeting where the Embassy Suites application was voted on. He added the Embassy Suites application unanimously passed subject to some issues that need to be addressed. Mr. Woodruff feels this will be a tremendous thing for this town. He spoke further about the Embassy Suites proposed site and what they will bring to the town. Mr. Woodruff spoke about some equipment that our emergency services had indicated there is a need for. Mr. Woodruff said the Council when reviewing the capital budget had decided not to address this equipment at that time. He spoke about the capital budget having already been done and he also spoke about a loan type project that maybe the emergency services could look into to purchase this equipment.

Mr. Pastore reported the Memorial Day Parade will start around 9:30 a.m. Mr. Pastore also reported camp registration will start on June 3<sup>rd</sup>. Mr. Pastore said he received telephone calls from residents regarding parking issues on Washington Street behind the hardware store. There have also been complaints concerning noise from the refrigeration from the store there. Mr. Pastore would like someone to look into the parking and have Tom Bocko to look into the refrigeration noise issues.

Chief Mathis said the parking issue is being monitored. He also said they spoke to the owner of the store there regarding the parking issues on Washington Street. He feels it is mostly weekends and the store there is popular and new right now.

A discussion continued on the parking issue on both sides of Washington Street.

Mayor Bruno said he called the owner of the Garden of Eden regarding his employees parking on Washington Street. He added we will monitor the parking problems there.

Mr. Pastore spoke about grants and said if we say we are pursuing every possible grant why was Berkeley Heights one of three towns that did not receive the Municipal Aid grant. He wanted to know why we didn't receive this grant and what the procedure is to follow up on these grants.

Mrs. Cavanaugh responded to Mr. Pastore's questions and said this was a mistake and we didn't follow up on this grant. Mrs. Cavanaugh went on to explain we are now very actively looking at grants and she explained the procedure to apply for and follow up on grants. She went on to explain what was being done and what will be done in the future regarding the grants.

The discussion continued with Mr. Pastore and Mrs. Cavanaugh regarding grants.

Mrs. Kingsley reported the Beautification Committee met with the County to see what grants are available to apply for. We found out there are two grants available. The County grant writer will assist us with applying for the NJ Transportation grant and anything else that is available for us.

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Linda Cavanaugh, Township Administrator reported on Sewer Plant activities and operations. She also spoke about a public education program for the sewer system and said some steps have been taken in that regard. She explained this program further and spoke about having educational flyers on the sewer system will be put in with the tax bills for the residents. Mrs. Cavanaugh added the Environmental Commission would also like to have a flyer included in the tax bills regarding single stream recycling to educate the residents. Mrs. Cavanaugh said clean-up and repairs have been done at Memorial Park in preparation for the Memorial Day Parade. Mrs. Cavanaugh reported on the DPW activities and programs that are going on. Mrs. Cavanaugh also said the weather vane for the top of Town Hall will be put back up shortly. Mrs. Cavanaugh said we are following through with our plans to obtain an automatic payroll services provider. We are negotiating with different vendors. She also said having this service will also help us with making the tax payments. Mrs. Cavanaugh spoke about a tax payment from last year to the IRS which the CFO is now handling. Mrs. Cavanaugh spoke with Amy Wagner from Union County regarding the Passaic River clean-up grant. Our first meeting will be held in Berkeley Heights on June 5<sup>th</sup>. Mrs. Cavanaugh said we are still considering a block party ordinance for the future but at the present time the policy will remain the same.

Mayor Bruno said residents have requested that we modernize the bulletin board at the corner of Plainfield Avenue/Springfield Avenue. The Council members pointed out that the bulletin board does not belong to the Township so there is nothing that we can do to upgrade it. Mayor Bruno spoke about a black bear issue in town over the last few days. Mayor Bruno reported he attended the Fire Department fund raiser last week. Mayor Bruno also attended the ribbon cutting for the 50<sup>th</sup> Anniversary of the BH Community Pool. He spoke about the history of the BH Community Pool. Mayor Bruno said he will now address the accusation of the grant issue. He said we do pursue grants but this one grant fell through the crack. Mayor Bruno explained the situation with the grant. He said we did not have a policy regarding the grants but we will now have a policy in place.

A discussion continued.

Moved by Mr. Delia to accept and approve the Township Council and Administration 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. 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

Tom Foregger of 14 Dorsett Road asked how much time was spent on the Executive Session item.

Mayor Bruno responded to Mr. Foregger regarding the time spent on the Executive Session item.

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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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON  
APRIL 22, 2014:**

The Clerk presented and read:

**”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, nonconforming uses in the township.)

Moved by Mrs. Kingsley to open the public hearing on the ordinance, 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

Bruce Nigro of 277 Washington Street said he has major concerns with how the ordinance will affect residential areas north of Springfield Avenue. He said Yogaccino had a music festival this past weekend and it was advertised on the Berkeley Heights website for Saturday from 1:00-8:00 p.m. Mr. Nigro spoke about being exposed to 10 hours of this loud music and the festival going past 8:00 p.m.. He is concerned the ordinance is not specific enough and other events like this will fit under this ordinance.

A lengthy discussion continued. The discussion also involved the music festival held at Yogaccino and how that was allowed to happen.

Mr. Nigro continued with his remarks and some other issues of concern to him regarding this ordinance. Mr. Nigro also spoke about placing certain restrictions on the use of the ordinance and what it would approve.

Mayor Bruno said Mrs. Cavanaugh will speak to Mr. Bocko regarding the event at Yogaccino and get back to Mr. Nigro.

Mrs. Cavanaugh wanted to address some of Mr. Nigro’s concerns with the ordinance and Joseph Sordillo, Township Attorney explained the ordinance in detail and what it would cover.

Charlie Pratt of 45 Park Avenue addressed the issue of the Yogaccino music festival being advertised on the website. He went on to explain in detail this was a charitable event with the proceeds going to an Autism Group.

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A discussion continued again on the event and the posting on the website.

Bruce Nigro of 277 Washington Street wanted some clarification on what the attorney had said regarding the ordinance.

Mr. Nigro asked questions regarding the ordinance and Joseph Sordillo responded to his questions.

Carol Matula of 5 Hastings Road said she is a little troubled by Mr. Sordillo's comments that the Council has total discretion to approve what they want. She would like some standards in the ordinance and to limit the complete and unfair discretion the Council would have to punish people you do not like.

Tom Foregger of 14 Dorsett Road spoke about a neighbor of his that had a party with a tent and a band playing music well past midnight. He asked if this is the kind of thing that the Council would have to approve. He asked if this is even permitted under our current law.

Mayor Bruno responded that is not what this ordinance is designed for. He added that the party past midnight is in violation of our noise ordinance and he should have called the Police.

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance, 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

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:**

2. Resolution approving Bill List dated May 20, 2014 in the amount of \$212,426.34.

Moved by Mr. Delia to approve resolution #2, 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. Woodruff introduced the following resolution:**

3. Resolution authorizing Summit Medical Group Foundation, to organize and implement the first annual “Run for Your Life 5k Run and 1.5 Mile Walk” on October 26, 2014, from 8:30 a.m – 12:00 noon.

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. Hall introduced the following resolution:**

4. Resolution authorizing Our Lady of Mt. Carmel Society to hold their annual Carnival and Parade during the annual feast from July 12 – July 16, 2014.

Moved by Mr. Hall 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

**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:**

- (5)
  - a. Resolution authorizing a block party between 72-80 Burlington Road, on June 28, 2014 from 3:00- 10:00 p.m.

Moved by Mr. Pastore to approve Consent Agenda resolution item #5a, 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. Pirone to open the Citizens Hearing, seconded by Mr. Hall 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

Camille Aragona of 56 Chaucer Drive spoke about the land swap and she asked if it is finalized with Little Flower Church because Father Andy is not approving services to be held in October because of construction. She also feels this will cost the taxpayers too much money. She also said the Town Hall building was never maintained because people were not doing their jobs. Mrs. Aragona went on to give Mrs. Cavanaugh a history of how the DPW maintained the town buildings in the past. She said things have not been maintained in the town through the years. Mrs. Aragona said she was told we are not allowed to dredge our brooks but that is incorrect. She said she called the DEP and there is a permit to be filed with the DEP. She continued to talk about the dredging of the brooks. Mrs. Aragona feels the town looks terrible and is not being taken care of the way it should be.

Bruce Nigro of 277 Washington Street said there is another issue he has and that is the early pickup of garbage by certain garbage haulers. He said some haulers are picking up at 4:00 a.m. and 6:00 a.m. and he doesn't know who enforces the ordinance. Mr. Nigro would like the ordinance enforced.

A discussion continued on the early pickup of garbage by the haulers. Discussion also involved enforcement. Mrs. Cavanaugh will speak to Tom Bocko regarding the enforcement.

John Carlini of Eaton Court said at the last meeting he learned a lot about the Sewer Treatment Plant and the capacity. He is concerned with the stress that is put on the system and the Passaic River. Mr. Carlini said he recalls the BAC issue and now he is concerned with the 175 room hotel and the stress that it will put on the system.

Mayor Bruno responded to Mr. Carlini's questions regarding the hotel and the sewer system. He said the hotel will have to satisfy any requirements that are necessary.

A lengthy discussion continued on the sewer capacity. Mr. Hall explained the sewer capacity and he spoke about the BAC issue and the Sewer Plant.

Mrs. Cavanaugh also gave some information on the Sewer Plant capacity.

Gerald Kuzmik of Eaton Court said he feels Embassy Suites is great. He asked if Embassy Suites is going to provide us a separate pumping station or will it be Berkeley Heights responsibility.

Mr. Hall responded there is sufficient capacity in the Sewer Plant to accommodate a hotel. He responded to Mr. Kuzmik's questions regarding the Sewer Plant in more detail.

Mr. Kuzmik continued with his questions regarding the sewer capacity.

A discussion continued. Linda Cavanaugh, Township Administrator responded to Mr. Kuzmik's questions.

Camille Aragona of 56 Chaucer Drive asked if the residents will have an opportunity to vote on the funds for the land swap. She asked if it will be on a referendum.

Joseph Sordillo, Township Attorney responded there has been no agreement finalized yet. He added anything that gets decided will be done in public, with public comments. At this point, we don't know

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what official approval will be required because we have not gone that far yet. When this is known, the public will be informed.

Mrs. Aragona asked if Father Andy knows this because he is turning down any services.

Mayor Bruno responded the town does not have anything to do with Father Andy's decisions. He said there has been no formal agreement with Little Flower Church. Father Andy is under no obligation to share his plans with the town.

A discussion continued.

Tom Foregger of 14 Dorsett Road asked if there will be a referendum on the bond issue.

Joseph Sordillo, Township Attorney responded we do not know at this time how we are proceeding.

Mr. Foregger said contracts have been drawn up and what is the purpose of these contracts. Mr. Foregger continued with his questions regarding contracts and agreements with Little Flower Church.

Joseph Sordillo responded to Mr. Foregger's questions regarding contracts and agreements.

John Carlini of Eaton Court said he thinks the Embassy Suites hotel is a great idea.

Hearing no voices, moved by Mr. Pirone 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. Hall and upon roll call vote:  
**(9:40 p.m.)**

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

**Approved: June 24, 2014**