

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JUNE 10, 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 and Mayor Bruno answered present. Mr. Pastore and Mrs. Kingsley arrived at 7:03 p.m. 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.

Meeting CD did not start recording until 7:18 p.m.

CONFERENCE SESSION – 2014 Roadway Condition Survey

Jorge Casacuberta gave a presentation on the roadway improvements for Berkeley Heights. He handed out a booklet to the Township Council to show the roads that needed to be addressed.

APPROVAL OF MINUTES

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

Public Meeting – May 6, 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 reported the Environmental Commission submitted an application for silver certification this year. He added they submitted the application on May 30th and should know in a few weeks if they are approved. Mr. Delia also said the road condition of Park Avenue at the top of the hill is in very bad condition because of New Jersey American Water Company and a water main break they worked on.

Jorge Casacuberta responded he has spoken to New Jersey American Water Company and they told him they would take care of this problem.

Ed Delia also said he received emails from some Sussex Road residents and they were told by the Mayor their problem would be discussed on June 24th.

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Mayor Bruno said Sgt. Dietch will make a presentation on June 24th to discuss this issue and will also make a recommendation to the Council. Mayor Bruno explained further in more detail.

Mr. Delia asked for the status of the chipping program.

Jorge Casacuberta responded to Mr. Delia and gave an update on the chipping program.

Mr. Hall congratulated Bob Woodruff, Jeanne Kingsley and Mark Faecher on winning in the Primary Election.

Mr. Woodruff reported he attended a fundraiser put on at Mt. Carmel Hall. He wanted to give kudos to Mt. Carmel for collaborating with the foundation for this fundraiser.

Mr. Pastore said he was in Union County today and the Pilgrim Pipe Line was brought to his attention. He explained further in more detail the pipe line. He said it is important that all of the residents pay attention to this pipe line.

Mrs. Kingsley reported the clock has been delayed because of some issues with the manufacturer but the clock is in production and will hopefully be completed sometime this week. Mrs. Kingsley met with Connell today and they gave her a booklet on the Embassy Suites Hotel and what it will have included. She added the hotel will be a huge enhancement for the town.

Linda Cavanaugh, Township Administrator reported at the last meeting a resident had complained about garbage trucks picking up before the hour allowed according to the code. She said the Zoning Officer is sending out a letter to the haulers with a copy of the ordinance that applies to garbage haulers and she also spoke to the Police Department regarding enforcement. Mrs. Cavanaugh also reported we are working on the NJDOT grant and working with the grant writer that the County had given us for this particular program. Mrs. Cavanaugh reported the first meeting for the Passaic River grant with the County and representatives from the surrounding towns was held in Berkeley Heights on June 5th and the meeting went very well. Mrs. Cavanaugh explained further in more detail what was discussed at the meeting and she also spoke about the DEP involvement. Mrs. Cavanaugh gave an update on the Sewer Plant and their activities. She also gave an update on the Connell Hotel and the sewer connection. Mrs. Cavanaugh gave an update on the DPW activities and programs. She added the street sweeper demo is in and we have good reports on it. She also said our summer help have started to work. The cameras for the DPW gate are scheduled to be installed on June 16th. Mrs. Cavanaugh spoke about Sussex Road and said a presentation and recommendations will be made by Sgt. Dietch at the June 24th meeting. Mrs. Cavanaugh spoke about a program that was going to be held in the fall by the County of Union in the Watchung Reservation. She said the County would like to use our senior van for that day.

Mayor Bruno reported Friday there was a grand opening of Kayla's Art Studio. He went on to explain and said it is a great place to meet people. Mayor Bruno also reported there was also a grand opening of the Home for Good Dog Rescue. He added they rescue dogs from other states and bring the dogs back and save them from being euthanized. He also said the dogs have foster homes until they are adopted by someone. Mayor Bruno reported on the Relay for Life at Governor Livingston High School and explained the program which benefits cancer research. Mayor Bruno spoke about the pilgrim pipe line and a meeting that will be held at the County next Wednesday. He explained it is very controversial and will run through town.

A lengthy discussion continued on the pilgrim pipe line.

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Mayor Bruno said there is an ordinance for introduction regarding education requirements for Police Department and he said the ordinance is being pulled from the agenda. Mayor Bruno asked the Council members to get back to the Administrator with their recommendations and opinions.

Chief Mathis offered to sit down with any of the Council members so he can answer any questions that they may have regarding the ordinance.

Mr. Woodruff said the ordinance as it sits here tonight that was pulled by the Mayor that has been amended from an earlier ordinance was passed around to us a week ago. Just to clarify he was prepared to address the ordinance as it was amended on the agenda.

A discussion continued on the ordinance. Mayor Bruno went on to explain the changes that were made to the ordinance.

Moved by Mrs. Kingsley to approve the Township Council and Administration Reports, 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

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

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

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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated June 10, 2014 in the amount of \$580,341.10.

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Moved by Mr. Delia to approve resolution #1, 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

Mr. Hall introduced the following resolution:

2. Resolution authorizing the insertion of 2014 Clean Communities Grant in the amount of \$22,277.23 as additional revenues in the budget of the year 2014.

Moved by Mr. Hall to approve resolution #2, 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. Pirone introduced the following resolution:

3. Resolution authorizing the insertion of Click It or Ticket 2014 Seat Belt Mobilization in the amount of \$4,000.00 as additional revenues in the budget of the year 2014.

Moved by Mr. Pirone to approve resolution #3, seconded by Mr. Pastore and carried.

Mr. Woodruff asked Chief Mathis to explain the click or ticket program.

Chief Mathis said this is a month long program to help enforce the use of seat belts and he went on to explain further.

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:

4. Resolution authorizing a Cooperative Agreement with the County of Union to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations.

Moved by Mr. Woodruff to approve resolution #4, seconded by Mrs. Kingsley 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:

5. Resolution authorizing the modification of the existing Cooperative Agreement with the County of Union dated June 2011.

Moved by Mrs. Kingsley 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. Delia introduced the following resolution:

6. Resolution endorsing the submission of the Year 2013 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designating Robert Bocchino as the Recycling Coordinator to ensure that the application is properly filed.

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

7. Resolution authorizing the Alcoholic Beverage Licenses to be renewed for a period of one (1) year expiring June 30, 2015.

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

Mayor Bruno referred to the liquor license for Kings Supermarket and said it is not open for business.

Township Clerk, Ana Minkoff responded the status of the Kings liquor license it presently inactive.

Mayor Bruno asked how long can they remain inactive.

Ana Minkoff explained they can remain inactive for two years and after that period if they do not reopen they must apply to the state for a special ruling.

A discussion continued on the inactive liquor licenses in Berkeley Heights and the procedures.

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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

Mr. Pirone introduced the following resolution:

8. Resolution authorizing the submission of an electronic grant application to the New Jersey Department of Transportation for the improvements on Springfield and Sherman Avenue.

Moved by Mr. Pirone to approve resolution #8, 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

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:

- (9)
 - a. Resolution authorizing a block party for Chestnut Hill Drive, on August 30, 2014 from 2:00-9:00 p.m.
 - b. Resolution adding Joe Loaiza, 1011 Mountain Avenue, Berkeley Heights, to the active roster of the Berkeley Heights Fire Department.
 - c. Resolution authorizing a release of a street opening permit to Peter Alpern, 32 Heather Court, Berkeley Heights, in the amount of \$700.00

Moved by Mr. Pastore to approve Consent Agenda resolutions #9a-c, 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

ORDINANCE PULLED

ORDINANCES

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INTRODUCTION OF ORDINANCE

Public Hearing and Final Adoption scheduled for June 24, 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.)

CITIZENS HEARING

Moved by Mrs. Kingsley to open the Citizens Hearing, 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

Carol Matula of 5 Hastings Road asked for an update on the community garden.

Mayor Bruno responded the Environmental Commission is still working on a location.

Mr. Delia added Christina Lewis may try to make a presentation at the next meeting to discuss what she has come up with so far.

Tom Foregger of 14 Dorsett Road commented on the seat belt usage.

A discussion continued on seat belt usage.

Virginia Calabrese owner of La Belle Boutique is concerned with speed limit on Springfield Avenue. She understands that this speed limit is a County issue. She feels 35 mph is excessive and dangerous.

A discussion continued. Chief Mathis agreed with Ms. Calabrese and responded to her comments. The discussion also continued among the Council on the Springfield Avenue speed limit.

Gerald Kuzmik of Eaton Court referred to the Passaic River meeting held on June 5th and he asked why is there was a need to have this as a closed meeting.

Mrs. Cavanaugh responded this was a meeting of the working group in reference to what approach would be taken for the Passaic River clean-up. There were the surrounding town engineers and representatives of DPW and the County present. She added there was no public present, it was not advertised and there was no action taken at the meeting.

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A discussion continued on the reasons for a closed meeting. Mr. Woodruff answered Mr. Kuzmik's questions regarding the meeting being closed. Mr. Kuzmik continued with his remarks in length.

The discussion again continued. The Council members responded to Mr. Kuzmik regarding the closed meeting.

Tom Foregger of 14 Dorsett Road thanked Bob Bocchino and Jorge Casacuberta for the study of the road conditions. Mr. Foregger agreed with Mr. Kuzmik regarding the closed meeting and went on to explain his reasons.

Stephanie Bakos pointed out that a person can contribute to the Home for Good Dogs instead of adopting a dog.

Hearing no voices, moved by Mrs. Kingsley to close 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

ADJOURNMENT

Moved by Mr. Hall to adjourn, seconded by Mr. Woodruff and upon roll call vote:
(8:33 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