

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JULY 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, Mrs. Kingsley and Mayor Bruno answered present. Mr. Pastore arrived at 7:05 p.m. Also present was Township Attorney Joseph Sordillo and Township Clerk Ana Minkoff. Township Administrator Linda Cavanaugh was absent.

EXECUTIVE SESSION – Contract Negotiations/Land Acquisition – Little Flower Church

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Hall and upon roll call vote:
(7:05 p.m.)

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Hall and upon roll call vote:
(7:48 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.

Mayor Bruno explained the procedures for residents to address the Council during the Hearing on the Agenda Items Only and the Citizens Hearing due to the amount of residents present at the meeting.

APPROVAL OF MINUTES

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

**Public Meeting – June 24, 2014
Executive Session – March 6, 2012**

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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 painting of curbs with yellow paint. He said some curbs have been done and others still need to be addressed. Mr. Delia reported on the Street Fair and said it was big success.

Mr. Hall had nothing to report.

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report. Mr. Woodruff commended the DPW Department and said they had a tent at the Street Fair and they provided information to the residents of the town especially information on pot holes.

Mr. Pastore had nothing to report.

Mrs. Kingsley said the DPW was great to share their space with the Beautification Committee. Mrs. Kingsley reported on the town clock and said the official unveiling will be Saturday, July 12th at 10:00 a.m. Mrs. Kingsley thanked the residents that volunteered their time, services and materials.

Mrs. Cavanaugh gave an update on the Passaic River grant. She explained the towns and counties involved need to pass a resolution like we have on our agenda tonight. She talked about the project further in more detail. Mrs. Cavanaugh reported on the Sewer Department work and projects. Mrs. Cavanaugh also gave a report on the DPW work and projects.

Mayor Bruno reported the Street Fair was a huge success and it was very well attended. Mayor Bruno also thanked everyone that made the Street Fair a success. Mayor Bruno reported the Recreation summer concerts series starts tomorrow evening. Mayor Bruno also reported the annual Mt. Carmel Feast will begin on July 12th and end on the 16th. He also reported on the town clock official unveiling and how the clock project began. He added the community came together to show their town pride.

Moved by Mr. Pastore 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

Tom Foregger of 14 Dorsett Road referred to the resolution for the Memorandum of Understanding with Little Flower Church and asked for a copy of the appraisal report. Mr. Foregger went on to ask some questions regarding the report.

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Mr. Hall responded to Mr. Foregger's questions regarding the Memorandum of Understanding and appraisal report.

A discussion continued with Mr. Foregger continuing to ask questions regarding the Memorandum of Understanding.

Mr. Sordillo responded to Mr. Foregger regarding his questions on the appraisal report.

The discussion again continued.

Carol Matula of 5 Hastings Road said she objects to the land swap, she doesn't see any need to sign a Memorandum of Understanding. Her primary objection to the whole thing is that a majority of the Council have a close connection to Little Flower Church. Mrs. Matula continued with her remarks regarding the land swap. Mrs. Matula also commented on the appraisal report.

Joseph Sordillo, Township Attorney said since the Township is in current litigation with Mrs. Matula regarding many of the issues she has raised, he suggested that the Mayor and Township Council should not comment on this subject.

Ted Romankow of Bristol Court commented on the introduction of the ordinance for the Police Department. He applauded the Council for changing the ordinance. He feels in today's world it is better to have as much of an education as you can get up to a point. Mr. Romankow went on to talk about when he served on the Police Training Commission and the mandates that they established. He also went on to talk about and explain the Police alternate route system. Mr. Romankow continued in length about the Police ordinance and the education needed.

Mr. Delia asked Mr. Romankow if there is any other Police force in New Jersey that requires a four year degree.

Mr. Romankow responded he cannot really say but he is sure there is. He continued to explain.

Hearing no voices, moved by Mr. Woodruff 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 July 8, 2014 in the amount of \$322,247.17.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Woodruff 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

Mr. Woodruff introduced the following resolution:

2. Resolution authorizing the insertion of additional revenues in the budget of the year 2014 in the amount of \$708.96, for Alcohol Education and Rehabilitation Enforcement Fund.

Moved by Mr. Woodruff 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

Mrs. Kingsley introduced the following resolution:

3. Resolution authorizing Mayor Joseph G. Bruno to execute the grant agreement with the State of New Jersey for De-silting and De-snagging of the Passaic River.

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

Mr. Hall explained what this grant is for. He also thanked Amy Wagner for all of her assistance with the Passaic River clean-up project.

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:

4. Resolution consenting to the TWA application in connection with the approved development of the property identified as Block 4301, Lot 1.012 located along Connell Drive.

Moved by Mr. Pirone to approve resolution #4, 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:

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5. Resolution authorizing Memorandum of Understanding with Little Flower Church setting forth the terms of the potential land swap, along with setting forth the contingencies for same.

Moved by Mr. Hall to approve resolution #5, seconded by Mr. Woodruff and carried.

Mr. Hall explained why the Memorandum of Understanding is being approved. He explained further in more detail and said this will all be explained at the public meetings that will be held. He went on to talk about the public hearings and what will be discussed at each of the hearings.

Upon roll call vote:

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

PULLED

6. Resolution authorizing award of contract with Top Line Construction, 22 Fifth Street, Somerville, NJ 00876, in the amount of \$465,723.10 for Improvements to Glenside Road.

CONSENT AGENDA

Mr. Pastore introduced the following resolution:

(7)

- a. Resolution authorizing a block party at Countryside Drive on Sunday, September 14, 2014 from 1:00 – 8:00 p.m.

Moved by Mr. Pastore to approve Consent Agenda resolution #7a, 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

ORDINANCES

INTRODUCTION OF ORDINANCE

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

The Clerk presented and read:

(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:

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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.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of August 12, 2014 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and carried.

Mr. Delia said he would like to see the education changed to a two year degree, for some period of time and see how it works out. He said after that we can re-evaluate it. He feels a four year degree is too extreme. Mr. Delia said he will not vote for this ordinance.

Mrs. Cavanaugh said she spoke to Lt. DiPasquale this morning and he would like not just a two year degree to be considered but some language with respect to the alternate route. She explained what the language would be in detail.

Lt. DiPasquale explained the language for the credits needed.

A discussion continued among the Mayor and Township Council on the ordinance and the education requirements.

Mr. Hall spoke in length about the ordinance and the education requirements. Mr. Hall supports the candidate having a bachelor degree and he said later on down the road if it presents a major problem it can be addressed then.

Mayor Bruno is concerned with the financial aspect and if a person comes to us with an associate's degree is it their assumption that once they become a police officer the Township will pay for them to finish their education. Mayor Bruno feels a candidate having a four year degree is not asking for too much.

Mr. Woodruff said he respects and appreciates everyone's opinion. He is inclined to agree with Mr. Hall. He doesn't feel requiring a bachelor degree is extreme. Mr. Woodruff said he is prepared to go along with this ordinance and we can always re-examine the situation in the future if necessary.

A discussion continued. Lt. DiPasquale gave his comments regarding the ordinance education requirements.

Upon roll call vote:

Ayes: Mr. Hall, Mr. Pirone, Mr. Woodruff and Mrs. Kingsley
Nays: Mr. Delia and Mr. Pastore
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

Tom Foregger of 14 Dorsett Road referred to the resolution for the Memorandum of Understanding with Little Flower Church and asked why the statute cited was being used instead of the statute for the redevelopment act.

Joseph Sordillo, Township Attorney explained this resolution is for the potential purchase of the Little Flower property, which property is not subject to redevelopment. It is not being evaluated for redevelopment, there is nothing about it that is being redeveloped. The only piece of property that is being subject potentially to redevelopment is the municipal complex property and that is not part of the exchange. Mr. Sordillo went on to explain further in more detail.

Mr. Foregger continued with his questions regarding statute and the Memorandum of Understanding and Mr. Sordillo responded to his questions.

Ed Cook of 170 Killarney Drive asked if Chief Mathis has ever sent in an official resignation letter.

Joseph Sordillo, Township Attorney advised the Mayor and the Township Council not to respond to any questions or comments regarding this matter because we are currently under litigation. He pointed out the fact that the Mayor and Township Council are silent does not make any intention of agreement or any other type of assumption based on the comments being made. Mr. Sordillo recommends as legal counsel since this is currently under litigation that no comments be made.

Mr. Cook said if there is a lawsuit against Berkeley Heights do the taxpayers have to bear that cost.

Mayor Bruno responded yes they do.

Camille Aragona of 56 Chaucer Drive thanked Mr. Hall for his clarification on the Memorandum of Understanding. She said it was mentioned that the agenda is coming up for public discussion that will be primarily about the property of the Little Flower School. She also asked if the renovation of the municipal building will be part of the discussion.

Mr. Hall responded at the public hearings the discussion will involve this property, library property and the Little Flower properties. Any properties that are impacted by the land swap will be included in the discussions.

Mrs. Aragona of 56 Chaucer Drive said she understands this is an older building and renovations must be made if we stay here. Renovations have to be made at Little Flower also. She is concerned through the past years this building and the municipal buildings have not been maintained properly. She said you still have the underlying problem of the personnel not maintaining the buildings. How will this be addressed?

Mr. Hall responded to Mrs. Aragona regarding the infrastructure and maintaining the buildings in detail.

A discussion continued in length with Mrs. Aragona asking questions and expressing her concern over the lack of maintenance of the township buildings by the township employees.

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Mayor Bruno and members of the Township Council responded to her questions and comments in length.

Anthony Barca of 120 Swenson Circle spoke about the litigation with Chief Mathis costing the taxpayers money. He said it would save the taxpayers money if the Township and Chief Mathis came to an agreement instead of going to litigation. Mr. Barca asked if any other employee has cancelled their intention to resign and is currently employed by the Township?

There was no response to Mr. Barca's question from the Township Council.

Carol Matula of 5 Hastings Road referred to the Memorandum of Understanding and the statutes that are being referred to.

Joseph Sordillo, Township Attorney responded the statutes in the resolution are the statutes that we are going by.

David Kim of 21 Whispering Way referred to the Police ordinance and made comments. He feels in this day and age after paying for four years of college it is not economically possible to become a police officer. Mr. Kent continued with his remarks regarding the ordinance and the education for a police officer.

Ted Romankow added some comments to the previous person's comments about the education for a police officer. He feels we would have to hire a person with a four year college degree here and then send them, pay for them and do the best you can to hold on to them when they move to other towns. Mr. Romankow went on to speak about his experience with Chief Mathis in length. He said we have a diamond in our backyard in Chief Mathis and it is a shame that we are going to litigation, which he feels is totally unnecessary. Mr. Romankow continued with his remarks regarding Chief Mathis. He said Chief Mathis is not only progressive but dedicated to his men and women and citizens of the town and has proven himself over and over. Mr. Romankow continued in length with his comments.

Gay Hollowell of Bristol Court commented on Chief Mathis. She said she has known him for many years and has witnessed the hard work he has put forth for the town and the community. She agrees if there is a way to resolve this situation prior to litigation it would be the best thing for the individuals involved as well as the community.

Hearing no voices, moved by Mr. Pirone to close the Citizens Hearing, 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

ADJOURNMENT

Moved by Mr. Hall to adjourn, seconded by Mr. Pastore and upon roll call vote:
(9:14 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: July 22, 2014