

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

CALL TO ORDER

At 7:01 p.m. Council Vice President Pastore 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. Woodruff and Mr. Pastore answered present. Mr. Pirone, Mrs. Kingsley and Mayor Bruno were absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

- EXECUTIVE SESSION – 1. Contract Negotiations/Land Acquisition – Little Flower Church
2. Attorney/Client Privilege-Litigation - Mathis v. Berkeley Heights
3. Attorney/Client Privilege-Litigation – Foregger v. Berkeley Heights**

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

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

Moved by Mr. Pastore to go out of Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(8:24 p.m.)

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

FLAG SALUTE

Council Vice President Pastore asked everyone present to stand as he led the Flag Salute.

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 – July 8, 2014

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

TOWNSHIP COUNCIL REPORTS

Mr. Delia had nothing to report.

Mr. Hall spoke about the Environmental Commission meeting he attended last night. He said they spoke about the Community Garden and the location for the garden. Mr. Hall said there has been ongoing dialogue between the Environmental Commission, the Community Garden and the Historic Society regarding the site location for the garden. They would like the location to be Littel Lord. Mr. Hall spoke about issues with parking at that location. Mr. Hall continued in more detail about the operation of the community garden.

A discussion continued on the community garden.

Mr. Woodruff had nothing to report.

Mr. Pastore reported there is a concert in the park tomorrow night featuring a Chicago Tribute. He also reported Thursday the Lego movie will be featured around dusk.

Mrs. Cavanaugh reported on the activities of the DPW. She added the DPW is working very hard and aggressively attacking potholes. Mrs. Cavanaugh spoke about the Mt. Carmel Festival and thanked the Police Department and the DPW for their hard work. Mrs. Cavanaugh attended another meeting for the Passaic River clean-up last Friday and said we are working out the process by which we can best utilize the grant money and resources available. Mrs. Cavanaugh reported the 2013 Audit is underway by the Auditors and we expect to file it sometime in August. The CFO will be sending a letter to all Township personnel to advise the employees that everyone will be on direct deposit starting January 1, 2015. Mrs. Cavanaugh said an additional item has been put on the agenda to add another active member to the Fire Department roster and she explained the process for background checks on the members. Mrs. Cavanaugh spoke about the Community Garden and the parking lot. She would like to be kept in the loop regarding this project. Mrs. Cavanaugh spoke about the bond ordinance that is on the agenda tonight. She asked Mr. Marceau and Mr. Casacuberta to address and explain the bond ordinances on the agenda.

Michel Marceau, CFO spoke about the bond ordinance for the road improvements and financial aspects of the ordinance. Mr. Marceau explained the capital plan would take us to 2019. He also said this allows us to borrow money as needed and will also get us a cheaper price.

A discussion continued with the Township Council on the bond ordinances, capital plan and the road improvements.

Mr. Casacuberta explained the process for the road improvements and how it would be handled.

Moved by Mr. Hall that the Township Council and Administration Reports be accepted and approved, seconded by Mr. Woodruff and upon roll call vote:

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

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Woodruff to open the Hearing on the Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

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

Carol Matula of 5 Hastings Road asked how much time was spent on each item in the Executive Session?

Mr. Pastore responded to Mrs. Matula's question and gave her the times spent on each Executive Session item.

Mrs. Matula said she understands that the Council cannot reveal what they discussed in Executive Session but we have a Memorandum of Understanding and presumably everything was set. She asked for a general idea of what more needs to be discussed.

Township Attorney Joseph Sordillo responded to Mrs. Matula's questions. He went on to explain what was included in the Memorandum of Understanding and said there is still a full contract that needs to be negotiated in full terms of the actual transaction, if it does move forward. He also said the specifics of it need to be worked out and negotiated.

Mrs. Matula asked who was present in the Conference room for Executive Session other than Council members and Township employees.

Mr. Woodruff went on to answer Mrs. Matula's questions and said Mr. Mistretta the Township Planner with respect to the first item, Mr. Patterson who is Counsel with respect to the second item and Mr. Sordillo was present for all three items.

Mrs. Matula referred to the \$5,000,000 bond ordinance and asked what the annual cost will be.

Mr. Marceau responded to Mrs. Matula's question regarding the \$5,000,000 bond and the costs.

A discussion continued on the bond ordinance.

Hearing no voices, moved by Mr. Woodruff to close the Hearing on the Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

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

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 22, 2014 in the amount of \$196,676.07.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Woodruff and upon roll call vote:

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

Mr. Hall introduced the following resolution:

2. Resolution authorizing the Township of Berkeley Heights to sell surplus property to a State-approved online auction website (www.GovDeals.com).

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Woodruff and carried.

Mr. Delia asked how many vehicles will be going out to auction.

Mrs. Cavanaugh responded to Mr. Delia's question and said we are starting out with one vehicle to see how it works. We will see what kind of success we have.

A discussion continued on the auction and the vehicle to be sold. Mr. Marceau explained the on line auction in detail and how it works.

Upon roll call vote:

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

Mr. Woodruff introduced the following resolution:

3. Resolution rejecting all bids received on July 1, 2014 in connection with the Roadway Improvements to the Glenside Road Project.

Moved by Mr. Woodruff to approve resolution #3, seconded by Mr. Hall and carried.

Mr. Woodruff asked why we are rejecting all bids for this project.

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Mrs. Cavanaugh responded we did not have the financing in place to go forward at this time. She added there were some questions with respect to the bids as well, we decided it was best to reject all bids and make another determination going forward.

Upon roll call vote:

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

Mr. Hall introduced the following resolution:

4. Resolution authorizing an agreement with Applied Service Corporation to authorize the discharge of pre-treated groundwater into the Township's sanitary sewerage system for properties identified as Block 801, Lots 29 & 30 located at 96 Snyder Avenue and 324 Springfield Avenue.

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

Mr. Delia asked for an explanation of this resolution.

Tom McAndrew, Wastewater Treatment Plant said this is the Chase Bank property which is under construction and he went on to explain in more detail what will be done. He added there is no cost to the Township and it is in the parameters of what is dictated by the DEP.

Upon roll call vote:

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

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. Delia introduced the following resolutions:

- (5)
 - a. Resolution removing Matt Allegra, 3 Maywood Lane, Greenbrook, NJ from the active roster of the Berkeley Heights Fire Department.
 - b. Resolution removing Kyle Ulen, 483 Mountain Avenue, Gillette, NJ from the active roster of the Berkeley Heights Fire Department.
 - c. Resolution authorizing a block party on Ridge Drive on Saturday, September 6, 2014 from 12:00 p.m. – 10:00 p.m.

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ADDITION:

- d. Resolution authorizing Austin Bucossi, 71 Saw Mill Drive, to the active roster of the Berkeley Heights Fire Department.

Moved by Mr. Delia to approve Consent Agenda resolutions #5a-d, seconded by Mr. Hall and upon roll call vote:

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

ORDINANCES

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for August 12, 2014:

The Clerk presented and read:

- (1) **“BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**

Moved by Mr. Woodruff that the ordinance as read by the Township Clerk is offered on first reading and the date of 8/12/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Hall and carried.

Mr. Hall asked if the work itself will actually be done in 2015.

Mr. Marceau responded to Mr. Hall and said some of the work will be completed this year.

Upon roll call vote:

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

The Clerk presented and read:

- (2) **“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$783,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$743,000 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**

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Moved by Mr. Hall that the ordinance as read by the Township Clerk is offered on first reading and the date of 8/12/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Hall and upon roll call vote:

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

CITIZENS HEARING

Moved by Mr. Woodruff to open the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

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

Camille Aragona of 56 Chaucer Drive pointed out that the water has not been turned off at Memorial Field and everything is drowning there. Mrs. Aragona asked if the figures have been tallied yet with regard to what it will cost for the land swap with construction at the Little Flower property compared to what it will cost to renovate the town hall building.

Mr. Woodruff responded those numbers have not been finalized.

Mr. Hall responded to Mrs. Aragona's questions regarding the cost for the land swap.

A discussion continued with Mr. Woodruff addressing Mrs. Aragona's questions.

Mrs. Aragona feels the town hall buildings were not maintained by employees as they should have been in the past. She continued to talk about the maintenance of the buildings. Mrs. Aragona continued with her remarks.

The discussion continued in length with the Township Council regarding the land swap and the town hall property.

Mr. Woodruff asked the Township Attorney, Joseph Sordillo to explain the reverter clause for Little Flower Church, what it is and how it operates.

Joseph Sordillo went on to explain in detail the Little Flower Church reverter clause in detail.

Hearing no voices, moved by Mr. Woodruff to close the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

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

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ADJOURNMENT

Moved by Mr. Delia to adjourn, seconded by Mr. Hall and upon roll call vote:
(9:21 p.m.)

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

Approved: August 12, 2014