

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD OCTOBER 7, 2014**

CALL TO ORDER

At 7:03 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 was absent. Also present was Township Attorney Joseph Sordillo and Township Clerk Ana Minkoff.

FLAG SALUTE

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

CONFERENCE SESSION

Governor Livingston Parking Discussion

Mayor Bruno explained there was an ordinance for parking by Governor Livingston High School that has been pulled for further discussion. He added hopefully tonight we will finish up the discussion and have an ordinance ready for introduction at the next meeting.

Mrs. Kingsley said she requested the Conference Session. She spoke about the parking by Governor Livingston High School and said she has received emails from some residents in town. She said the residents live in that vicinity of Governor Livingston High School and have questioned why certain streets were included and some were not included. Mrs. Kingsley felt it was important to let some of those residents address the Council. She said she will speak to Sgt Dietch before a final draft of the ordinance has been put on an agenda.

Mayor Bruno gave a little background of what has been going on with the parking situation.

A lengthy discussion continued on the parking by Governor Livingston High School among the Mayor and Township Council. Acting Police Chief DiPasquale was also involved in the discussion.

Mayor Bruno asked for a motion to open this portion of the meeting to the public to speak.

Moved by Mrs. Kingsley to open this portion of the meeting to the public to speak, seconded by Mr. Pastore and upon roll call vote:

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

**Township Council Minutes
Public Meeting – October 7, 2014**

Tom Foregger of 14 Dorsett spoke about the parking permits given to the students and the requirements for them. He gave his recommendations for the parking problems.

There was discussion with a School Board member responding to the questions regarding the school parking.

Discussion continued with the Mayor and Council.

Sue Johnson of 29 Chestnut Hill Drive feels this is a community issue because the parents are giving their kids cars to drive to the school. She commented about the parking on Chestnut Hill Drive and putting up signs and she doesn't feel it is a safety issue on that street.

Discussion again continued.

Donna Glen of 100 Chestnut Hill Drive agrees with the comments that were made by Sue Johnson. She feels there is not a problem with parking on her road because the hill is too steep to walk up.

Michael Burke of 51 Sussex Road spoke about having parking restrictions on the streets. He also spoke about the parking at the high school.

Noel Genco of 31 Sussex Road gave some additional information to Acting Police Chief DiPasquale and Sgt. Dietch regarding the amount of parking at the High School that is needed to help with this problem.

Cindy Reese of 17 Crest Drive also feels there is a need for a change in the school parking to alleviate the problem. She urged the Mayor and Township Council to sit down with the Board of Education to work together to come up with a solution.

Denis Smalley of 80 Whitney Drive agrees with a lot of what has been said with regard to this going on with the community. He said they have been working with the neighbors and a solution with their Architect on options. Mr. Smalley spoke the options the school is working on and said they will also be meeting with the Police for their input. He spoke about having a presentation with these options ready for their October 16th School Board meeting.

Mrs. Genco of 31 Sussex Road commented on the parking problem and said this is not due to the elimination of the late bus as was suggested. She said the cars parked on that road do not move.

Hearing no voices, moved by Mr. Pirone to close the hearing, seconded by Mr. Pastore and upon roll call vote:

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

Best Practices Discussion

Mike Marceau, CFO spoke about the Best Practices questionnaire and said we will be getting 100%. Mr. Marceau went to explain the Best Practices and what is involved.

**Township Council Minutes
Public Meeting – October 7, 2014**

There was a discussion on the Best Practices. Mayor Bruno and the Township Council members asked questions regarding Best Practices and Mr. Marceau responded to their questions.

TOWNSHIP COUNCIL REPORTS

Mr. Delia had nothing to report.

Mr. Pirone spoke about the land swap meeting held last night at the Governor Livingston High School. He said some statements were made that are not facts. Mr. Pirone addressed those statements regarding the townhouses and the affects that they would have on the Township of Berkeley Heights.

Mr. Woodruff also commented about the land swap meeting. He felt the meeting was healthy for the town and productive and he encouraged the residents to reach out to the Council. Mr. Woodruff said it is clear that most people realize something needs to be done. The Council respects everyone and asks that they respect them in return.

Mr. Pastore had nothing to report.

Mrs. Kingsley thanked all of the residents that attended the four land swap meetings. She said we do encourage people to ask questions and give the Council their comments. The Council is looking for ways to get the information out to everyone and give the residents opportunities to give their input and thoughts on the process.

Mayor Bruno said we know we need to do something. The town hall building has a lot of issues. Mayor Bruno said we are trying to come up with a solution to give us a town hall complex and a quality library that we are proud to have like in other towns. Mayor Bruno continued with his comments regarding the land swap. Mayor Bruno thanked everyone for their input and he said they should ask any questions they may have. Mayor Bruno reported he attended the Good Scout Award Dinner put on by the Chamber of Commerce and Boy Scouts. Some residents who have volunteered in our community are recognized at this dinner. Mayor Bruno also said this Sunday, October 12th the Fire Department will have a fundraiser with their Annual Antique Car Show. Mayor Bruno announced the Board of Adjustment needs a member, if anyone is interested, they should contact the Administration Department. Mayor Bruno spoke in length about the empty businesses in town.

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

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

APPROVAL OF MINUTES

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

**Public Meeting – September 9, 2014
Public Meeting - September 23, 2014**

**Township Council Minutes
Public Meeting – October 7, 2014**

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

Mr. Sordillo explained the Executive Session minutes needed to be moved separately and they only need to be moved and seconded. He added the minutes do not technically need to have a vote. Mr. Sordillo said Mr. Pastore can move them and Mr. Bruno can second them since they were the only Council members present at that time.

Moved by Mr. Pastore to approve the following Township Council minutes, seconded by Mr. Bruno.

Executive Session – May 11, 2010

HEARING ON AGENDA ITEMS ONLY

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

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

Carol Matula of 5 Hastings Road referred to resolution #3 and asked what will the loss in revenue be for this tax appeal.

Mayor Bruno responded it is under \$2,000.00 for each year and will be in the form of a credit. Mayor Bruno added the Township Clerk will get the exact amount to Mrs. Matula.

Steve Carrellas of 35 Sycamore Avenue spoke about the changing of the speed limit on Snyder Avenue. Mr. Carrellas spoke in length about the procedures and Statute to be followed to change the speed limit.

Tom Piccarello, Officer at Scientific Models on Snyder Avenue and George Mahaffey, co-owner of the Knox Company at 350 Snyder Avenue both spoke about the speed limit on Snyder Avenue. Mr. Piccarello spoke about trying to get the speed limit changed on Snyder Avenue for over a year. They spoke about accidents in the past. They both urged the Township Council to get the speed limit changed now.

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

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED
ON SEPTEMBER 9, 2014.**

**Township Council Minutes
Public Meeting – October 7, 2014**

The Clerk presented and read:

- (1) “ORDINANCE REAPPROPRIATING \$30,494.89 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE MUNICIPAL FACILITIES STUDY IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.”**

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

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

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

The Clerk presented and read:

- (2) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2014-2015 TERM.”**

Moved by Mr. Pastore to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

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

Carol Matula of 5 Hastings Road asked about the Mt. Carmel Lease with regard to the Police work that they are charged for with the Mt. Carmel Festival.

**Township Council Minutes
Public Meeting – October 7, 2014**

Mayor Bruno explained how the Mt. Carmel Lease works with regard to the payment for Police work for the Mt. Carmel Festival.

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

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

Moved by Mr. Pastore 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 Mrs. Kingsley and upon roll call vote:

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

The Clerk presented and read:

- (3) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 8.44.040 ENTITLED “EXCEPTIONS AND PERMITS” OF CHAPTER 8.44 ENTITLED “NOISE CONTROL” TITLE 8 ENTITLED “HEALTH AND SAFETY” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO INCLUDE AN EXEMPTION FOR THE TOWNSHIP AND TOWNSHIP-SPONSORED EVENTS.”**(Explanation: This Ordinance amends the Township’s Noise Control regulations to exempt the Township and Township sponsored events.)

Moved by Mr. Woodruff to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

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

Tom Foregger of 14 Dorsett Road commented on the noise ordinance with regard to Township and Township sponsored events.

Hearing no voices, moved by Mr. Woodruff 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. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

**Township Council Minutes
Public Meeting – October 7, 2014**

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

The Clerk presented and read:

- (4) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 10.12 ENTITLED “SPEED LIMITS AND NO-PASSING ZONES” VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS REVISING THE SPEED LIMITS ON A PORTION OF SNYDER AVENUE”.** Explanation: (This ordinance revises the speed limits on a portion of Snyder Avenue.)

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and carried.

Mrs. Kingsley asked the Township Attorney about the speed limit on Snyder Avenue by Hughes School and asked if it should read 25 mph like all the other school zones.

Joseph Sordillo, Township Attorney explained if the ordinance is changed now to reflect the 25mph by Hughes School the ordinance would need to be re-introduced because this is a material change. He said this can be done later in another ordinance after this ordinance has been adopted.

Upon roll call vote:

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

Tom Foregger of 14 Dorsett Road said he has spoken with Steve Carrellas regarding the Snyder Avenue speed limit. Mr. Foregger spoke about the details of the accidents at that intersection on Snyder Avenue and has prepared an excel sheet outlining all the details of the accidents. Mr. Foregger went on in length to detail his findings with the accidents.

Tom Piccarello of Scientific Models of 340 Snyder Avenue spoke about one of the accidents at the intersection on Snyder Avenue. He spoke about taking preventative measures and slowing down the traffic.

Steve Carrellas of Sycamore Avenue spoke again in length about the speed limit change on Snyder Avenue. He also spoke about the consultant’s report and solutions and recommendations for the intersection.

**Township Council Minutes
Public Meeting – October 7, 2014**

Mr. Woodruff spoke in length about accidents at the intersection involved and also speed limits and speeding. He also responded to Mr. Carrellas comments.

A discussion continued in length on the intersection.

Steve Carrellas of Sycamore Avenue spoke again and made comments about the intersection and what is going to be done.

Tom Foregger of 14 Dorsett Road commented on the intersection and what changes are going to be done.

The discussion again continued. Mayor and Township Council members responded to Mr. Foregger's comments.

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

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 carried.

Mr. Delia said he has read the report and after discussion tonight he has several suggestions. Mr. Delia went on to take about his recommendations.

Joseph Sordillo, Township Attorney read the Statue pertaining to compliance with the law in this matter and explained further.

A discussion continued. Mr. Carrellas again commented on the speed limit change.

Upon roll call vote:

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

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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated October 7, 2014 in the amount of \$576,776.34.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pastore and carried.

**Township Council Minutes
Public Meeting – October 7, 2014**

Mr. Delia had questions on an invoice for Read Auto Parts.

Mr. Marceau explained the invoice.

Upon roll call vote:

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

Mrs. Kingsley introduced the following resolution:

2. Resolution authorizing the Memorandum of Understanding with the Library setting forth the terms of the use and operation of the Library in connection with the potential land swap, along with setting forth the contingencies for same.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

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

Mr. Pirone introduced the following resolution:

3. Resolution authorizing a tax appeal settlement with One Russo Place, L.L.C., Block 1901, Lot 36.

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

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

Mrs. Kingsley introduced the following resolution:

4. Resolution officially renaming Bicentennial Park to the 9/11 Memorial Park.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Pastore and upon roll call vote:

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

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. Resolution authorizing a block party at Beech Avenue on October 31, 2014 from 3:15 p.m. to 5:00 p.m.
 - b. Resolution authorizing a block party at Branko Road/North Road on October 19, 2014 from 10:00 a.m. until 4:00 p.m.
 - c. Resolution authorizing a block party at Twin Falls Road on October 11, 2014 from 5:00 p.m. until 10:00 p.m.
 - d. Resolution authorizing release of cash bond in the amount of \$13,574.45 to Bob McEwan Construction Corp., for the property located at Berkeley Station (Sherman Ave.) Block. 702 Lot 10.
 - e. Resolution authorizing the release of a \$2,000.00 street opening permit bond from Elite Construction of Warren, for work done at 4 Treetop Court, Berkeley Heights.

Moved by Mr. Pastore to approve Consent Agenda resolutions #5a-e, seconded by Mrs. Kingsley and upon roll call vote:

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

CITIZENS HEARING

Moved by Mr. Pastore to open the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

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

Vito Mondelli of 182 Plainfield Avenue spoke about history of the town and the Bicentennial Park. He also spoke about the re-naming of Bicentennial Park and feels this should not be done. He went on to talk about the history of the park and how everything began.

Doug Reinstein spoke in length about a previous traffic study done on Mountain and Snyder. He went on to make comments.

The Township Council members responded to Mr. Reinstein's comments and concerns regarding the traffic study.

**Township Council Minutes
Public Meeting – October 7, 2014**

Carol Matula of 5 Hastings Road spoke about the Statue Mr. Mistretta had talked about at the land swap meeting that applied concerning the bonding and referendum.

Joseph Sordillo, Township Attorney explained that Mr. Mistretta was talking about the Statue for the Redevelopment Law not the land swap. He went on to explain the Statue for the land swap is different. Mr. Sordillo explained further in more detail.

Mrs. Matula continued with her questions regarding the land swap meeting.

Mr. Sordillo responded to Mrs. Matula's questions.

The discussion continued.

Camille Aragona of 56 Chaucer Drive said the land swap meetings have been very interesting and informative. She said people do not realize all of the figures are not in yet, it is preliminary. Mrs. Aragona spoke about the speeds on Snyder Avenue. She said other roads have the same problem such as Park Avenue. Mrs. Aragona went on to talk about some of the other roads where there are problems as well.

Mayor Bruno clarified his statement and said he would never have a ticketing campaign but enforcement is a deterrent to speeding. He went on to talk about this further.

Gerald Kuzmik of Eaton Court spoke about speed sensors in town and asked how many we have in town.

Mrs. Kingsley responded we have one in town.

Mr. Kuzmik went on to talk about the speed sensors and the need to have them placed throughout the town sporadically.

A discussion continued on the speed sensors.

Mr. Kuzmik asked what the status of the Berkeley Florist property is and asked if it is a multiple dwelling complex as discussed at the last meeting.

Mayor Bruno said there is an application before the Planning Board on this property.

A discussion continued.

Mr. Kuzmik spoke about the land swap with regard to the Police Department and the Library and made some suggestions.

A discussion continued. Mrs. Kingsley explained the options for the land swap.

John Carlini of Eaton Court spoke about a dead tree that was inspected and professionally removed from the front of his property.

Hearing no voices, moved by Mr. Pastore to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

**Township Council Minutes
Public Meeting – October 7, 2014**

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

ADJOURNMENT

Moved by Mr. Pirone to adjourn, seconded by Mrs. Kingsley and upon roll call vote:
(9:34 p.m.)

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

Approved: November 3, 2014