

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD NOVEMBER 17, 2014**

CALL TO ORDER

At 7:02 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. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Mr. Hall and Mr. Pirone were absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

FLAG SALUTE

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

CONFERENCE SESSION

Pilgrim Pipe Line Discussion

There was a discussion among the Mayor and Township Council about the Pilgrim Pipe Line. The discussion involved the pipe line, how to deal with it collectively with other towns involved and the affects it will have on Berkeley Heights. After discussion the Township Council all agreed that a resolution would be put on the next agenda for 12/2/14 opposing the pilgrim pipe line.

Land Transfer Discussion

Mrs. Kingsley spoke about the Land Transfer meeting that was held on November 10th. She went on to talk about the meeting and the next steps for the Land Transfer and the options available. She said this presentation is on the website and TV station and CD's are available in the Clerk's office. Mrs. Kingsley spoke about the Planner doing an additional analysis around the redevelopment of this property. These findings will be available to the public and there will be additional meetings.

There was a discussion among the Mayor and Township Council on the Land Transfer.

Mr. Woodruff spoke in length about a plan Mr. Delia had proposed for the municipal complex and the library and the numbers relating to his option. He spoke about a letter that Mr. Delia had written to the Editor of the Alternative Press.

Mr. Delia responded to Mr. Woodruff's comments regarding his proposed plan. Mr. Delia also spoke about Little Flower Church involvement and their plans.

A discussion continued.

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Vacation Ordinance Discussion

Mayor Bruno spoke about a draft version to revise the existing vacation ordinance. Mrs. Kingsley explained the changes to the vacation ordinance and the reasons for these changes.

A discussion continued among the Mayor and Township Council and the changes to be made to the vacation ordinance. The ordinance will be revised by the Township Attorney as discussed by the Council and the ordinance will be put on the agenda for introduction at the next Township Council meeting.

TOWNSHIP COUNCIL REPORTS

Mr. Delia spoke about the commuter parking issues we have and he suggested that we could add maybe 20 additional parking spots on the piece of property at the end of the train station by Derco that is Township owned.

A discussion continued on the parking.

Mayor Bruno asked Bob Bocchino to take a look at this piece of property and see if this can be done.

A discussion again continued on the parking and the commuters not using the parking lot by Engineering Department.

Mr. Woodruff reported on the committee that was formed for the revitalizing of the Memorial Park. He also spoke about the work that is going to be done at the park. Mr. Woodruff also spoke about the funding through private donations.

Mr. Pastore reported Recreation Commission has scheduled the Tree Lighting and Santa's visit for December 6th.

Mrs. Kingsley reported that Jorge Casacuberta has been working with JCP & L to make sure we will have power on the poles for our holiday decorations. The wreaths will be going up on December 1st and finally be lit. Mrs. Kingsley said the Beautification Committee has received requests for a full nativity scene. She also said there will be a concert on November 19th at the Westminster Church to raise money to purchase a full nativity scene for the holiday season.

Mr. Bussiculo, Township Administrator reported by the end of the month a time clock will be installed at the DPW. He also reported the light poles have been replaced at the Chase Bank. He also spoke about the lighting at the Chase Bank and said this has also been addressed. Mr. Bussiculo also reported on the Sewer Plant. He reported he is meeting with Mr. Patterson on an employee handbook which should be completed shortly. Mr. Bussiculo also reported the Sherman Barbeque is now open the hours according to their lease requirements.

Mr. Pastore spoke about another email received from a resident regarding the Sherman Barbeque that was received.

Joseph Sordillo, Township Attorney responded to the questions regarding the resident's email and he said the Sherman Barbeque is in compliance with the lease requirements. He added the restaurant area is a private commercial space and does not have to be open as a public seating area and for someone to bring in outside food and drink.

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A lengthy discussion continued on the Sherman Barbeque and what they are offering as food and beverages.

Mr. Bussiculo reported the DPW has taken care of the inlet on Spring Ridge Drive. Mr. Bussiculo also spoke about some research he is doing on paving that would get better life than what we are using now. Mr. Bussiculo spoke about a meeting on the Passaic River de-snagging project and what is going to be done. Mr. Bussiculo also reported the old street sweeper and roller will be auctioned off once the new ones arrive.

Mayor Bruno reported he attended a meeting with the Department of Transportation along with the Mayors from other towns and there was discussion on the exit 43 interchange. He explained further in detail. Mayor Bruno said there was also discussion on using Alcatel Lucent as a park and ride and local bus service to the train station. Mayor Bruno also spoke about a conversation he had with a member of the County DPW regarding taking over Snyder Avenue. Mayor Bruno said if that happened Snyder Avenue would be open to truck traffic and he explained further.

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

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

APPROVAL OF MINUTES

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

Public Meeting – November 3, 2014

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

Mr. Pastore asked the Township Attorney for guidance on approving the 2010 Executive Session minutes.

Mr. Sordillo explained the only voting members on the governing body at that time were Mayor Bruno, Councilman Pastore and Councilman Hall. He went on to explain since we adopted the Roberts Rules of Order technically to approve minutes all you need is a motion and a second, you don't actually need a vote or have a majority vote. Mr. Sordillo said to approve the 2010 minutes all you need is a motion and a second for those minutes.

Moved by Mr. Pastore to accept and approve the following 2010 Executive Session minutes, seconded by Mr. Bruno.

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2010 Exec. Session Minutes

**March 9, 2010, March 23, 2010, April 6, 2010, April 27, 2010, May 25, 2010
June 15, 2010, August 10, 2010, August 24, 2010, September 14, 2010,
September 28, 2010.**

Moved by Mr. Pastore to accept and approve the following 2012 Executive Session minutes, seconded by Mrs. Kingsley and upon roll call vote:

2012 Exec. Session Minutes

**January 10, 2012, January 24, 2012, February 7, 2012, March 20, 2012
April 10, 2012, April 24, 2012, May 8, 2012.**

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

HEARING ON AGENDA ITEMS ONLY

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

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

Tom Foregger of 14 Dorsett Road referred to resolution #2 and asked what is the cost for the contract with Michael Mistretta and Harbor Consultants.

Mayor Bruno responded the cost of the contract is \$26,802.50.

Mr. Foregger asked what work is going to be done for this contract amount.

Mayor Bruno responded to Mr. Foregger's question and detailed the work that is going to be done.

Mr. Foregger continued with his comments.

Justin Pfeifer of 56 Lancelot Drive spoke about the pilgrim pipe line and said pilgrim is saying that it is safe. He said he has some statistics that say otherwise and he went on to talk about these statistics regarding accidents with the pipeline.

Susan Tanzi of 56 Lancelot Drive stated some statistics regarding the pipelines and some incidents that have occurred. She said New Jersey residents will be exposed to risks and receive no benefits from the pipeline. They will have a negative impact on their properties. She continued with her comments. Ms. Tanzi encouraged the Township Council to pass a resolution opposing the pipeline.

Rich Lander of Snyder Avenue spoke about the response to the pipeline. Mr. Lander is not in favor of the County taking over Snyder Avenue and the truck traffic that will follow. Mr. Lander also spoke about the

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land transfer and the redevelopment and being opposed to a lot of apartments and condos and the impact on the schools.

Mayor Bruno pointed out there is no plans for apartments or condos before the Planning Board or Board of Adjustment on this property or the downtown.

Ken Dosky a resident of Parsippany said he is a volunteer for the coalition against the pilgrim pipeline. He said he has worked with a number of towns encouraging them to pass a resolution opposing the pipeline. He thanked the Mayor and Township Council for their progressive, positive and pro-active attitude on this pipeline. Mr. Dosky spoke further in length about the pilgrim pipeline and the information available.

A discussion continued. Mr. Woodruff asked Mr. Dosky if he knows the reasons why PSE & G is not in favor of the pipeline. Mr. Dosky responded to Mr. Woodruff's question.

Richard Leister of 49 Summit Avenue said the Environmental Commission has been in contact with the pilgrim pipeline and is trying to set up a meeting to discuss the proposed pipeline. No date has been set up yet. Mr. Leister also said he spoke to one of the pilgrim pipeline representatives and they will be willing to come to Berkeley Heights and talk about what they are proposing. Mr. Leister spoke about the land transfer and he said he is not sure about the best use of the town hall property and he feels the Township should look at open space and gave the Council some information regarding this.

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

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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated November 17, 2014 in the amount of \$414,766.11.

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

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

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Mr. Woodruff introduced the following resolution:

2. Resolution authorizing the renewal and extension of the Professional Services Agreement with Michael J. Mistretta, N.J.P.P.; L.L.A., and Harbor Consultants, Inc., for the professional planning services in connection with the Township’s potential redevelopment of the existing municipal complex.

Moved by Mr. Woodruff to approve resolution #2, seconded by Mr. Pastore and upon roll call vote:

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

Mrs. Kingsley introduced the following resolution:

3. Resolution authorizing the use of the online auction services of EMEX, LLC, for the purchase of energy generation services (electricity).

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

Mr. Delia asked for an explanation.

Mr. Bussiculo responded we used EMEX,LLC in the past and we are proposing to use them again. He went on to explain the auction process for the electricity services and why we are doing this.

Upon roll call vote:

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

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:

- (4)
 - a. Resolution authorizing the release of a Performance Bond, to Filip Progrebinsky in the amount of \$1,000.00, in connection with Drainage at 60 Orion Road.
 - b. Resolution authorizing the release of a Performance Bond, to Jason and Natasha Joly in the amount of \$4,000.00, in connection with a Driveway Performance bond at 60 Orion Road.
 - c. Resolution authorizing the release of a Cash Bond, to Filip Progrebinsky in the amount of \$700.00, in connection with a street opening permit at 60 Orion Road.

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- d. Resolution authorizing the annual Smith Chiropractic Center 5K Charity Road Race & Fitness Walk on September 20, 2015.
- e. Resolution authorizing the Tax Sale Certificate #13-00006T to Tax Lien Investors LLC, for Block #4502, Lot #18, for 124 Twin Falls Road in the amount of \$27,616.89.
- f. Resolution removing Antonio Vargas from the active duty of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve resolutions #4a-f, seconded by Mrs. Kingsley and upon roll call vote:

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

CITIZENS HEARING

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

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

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

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

ADJOURNMENT

Moved by Mrs. Kingsley to adjourn, seconded by Mr. Pastore and upon roll call vote:
(8:42 p.m.)

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

Approved: December 2, 2014