

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD FEBRUARY 10, 2015**

CALL TO ORDER

At 7:00 p.m., Mayor Woodruff 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. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Mr. Hall was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

**EXECUTIVE SESSION - 1) Matula v. Berkeley Heights – Attorney – Client Privilege-Litigation
2) Municipal Complex Redevelopment - Contract Negotiations**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pirone and upon roll call vote:
(7:04 p.m.)

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:38 p.m.)

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

FLAG SALUTE

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

CONFERENCE SESSION –

Mrs. Kingsley noted that Mr. Hall was absent and she would give a quick update on the Redevelopment process. She asked Mr. Ramentol to give a survey status. Mr. Ramentol noted that his firm had been engaged to prepare a more definitive detailed assessment of the property at Park Avenue. As “their firm got into” their work during the end of January, they learned that details, in particular, the property survey, was non-existent and they were relying on tax information. Therefore, his firm recognized they needed a property survey and asked the Council to get a property survey, and in turn, the Council retained the services of Harbor Consultants. It was his understanding that Harbor has completed all their field work.

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They are now waiting for a very large document (i.e., the title work.) Once the document is processed, Mr. Ramentol will be able to dive into this study (estimated in another week or two,) and they will have a better sense of where they are. The Mayor asked why the survey was done now and not done six months ago. Discussion ensued regarding prior focus on Little Flower, today's focus on the current municipal property, the current municipal property's considerations and limitations, i.e., property lines, right of way issues, and design of building issues. The Mayor asked if we were not taking a look at this property for our own building purposes (i.e., it would have been a redevelopment,) would the costs have fallen to the developer (i.e., under normal circumstances.) Mr. Ramentol answered that was the intent and continued that the Township needs the survey.

Mrs. Kingsley stated that she hoped by late April, a presentation could be made on what do with this property (as we don't have the complete survey yet; it will take 30 to 45 days for GRA to get the plans together.) Following that, a meeting would occur which would include Mr. Mistretta and a presentation with options. She said that we hope to be able to give hearing dates for the public (once the survey is completed.)

TOWNSHIP COUNCIL REPORTS

Mr. Faecher – Mr. Faecher spoke about the Coaches for Cancer event at Governor Livingston (i.a., a very worthwhile event) and stated that we should try to “head over.”

Mr. Delia – Mr. Delia spoke about 1) parking by Sub Zone (i.e., perhaps make it a two or three hour parking area as train commuters are parking on Springfield Avenue;) 2) the Breakfast with Mayor and Council (later corrected as the Chamber of Commerce Meeting) and discussion on how to make the downtown better. He believes our ordinances are very antiquated and would like to make Berkeley Heights a destination. He spoke about Trader Joes. Mrs. Kingsley stated that she has spoken to Trader Joes and they are not coming. They are “done” with North Jersey (according to their ten year plan.) She has also spoken to two developers that build retail strip malls and learned that Anchor stores are not interested in Berkeley Heights because we don't have the square footage and the visibility from the street. Mr. Delia said we need to address things that haven't been looked at, including insufficient parking. Mr. Delia proposed having conference sessions once a month in which we could listen to the business owners and address the problems to make downtown more attractive (i.e., easier and less expensive for “business.”) Discussion ensued about the parking issue in town, i.e., a parking garage, new buildings with insufficient parking, and increasing parking with new construction. Mr. Pirone added parking feedback including the north side's smaller lots, a previous year proposal to build a parking garage on the north side, Mr. Delia's role in stopping that building garage proposal, assisting north side parking, parking time restrictions on Springfield Avenue, a new proposal for a north side parking lot and the need for more commuter spots. Further discussion about parking continued specifically, adding 6 new spots at the Station (on north side of Sherman Avenue,) the Door Boy parking plans from 5 (five) years ago, and increasing parking on new building applications.

Mr. Pirone – Mr. Pirone had nothing to report.

Mr. Pastore – Mr. Pastore had nothing to report.

Mrs. Kingsley – Mrs. Kingsley spoke about the Downtown Beautification Committee, specifically its work on a significant amount of ordinance changes that deal with Street Scape and making the town more appealing for businesses to come. The bulk of the proposed changes have been presented to Mr. Mistretta (he is drafting them into ordinances.) In the next month and half, a series of ordinances will come to Council for review. The Committee is launching a new flag campaign. The Committee is working with a vendor who is offering a lifetime guarantee for flag hardware. Businesses will be contacted shortly for their support. The Committee's goal is to purchase 75 to 100 flags and to have the new flags up by

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Memorial Day. The Committee is also seeking residents to support Armed Forces and Veterans with a donation.

Mr. Hall – Mr. Hall was absent.

ADMINISTRATION REPORTS

Mr. Bussiculo – Mr. Bussiculo spoke about a number of issues, specifically: 1) a meeting with Verizon regarding GPS units. He will get competitive bids but would like to eventually come to Council with a proposal (the expected project will cost a few thousand dollars for four vehicles;) 2) The overhead rolling door and the phone lines in the Finance Office are in progress; 3) The hotbox was out to be repaired and will be back out tomorrow; 4) The gas pumps at DPW are key-operated. 60 (sixty) keys are “out” to operate the gas pumps. The same number is on multiple keys. This system may be modified via a card reader; 5) In regards to salt consumption, the Township has gone through 1,800 tons of salt (\$65 a ton.) We are “okay” with salt supply, but are “on the edge” with our supply; 6) conversations with the Board of Education and the 25 MPH flashing signs near the schools; 7) meeting with JCP&L regarding work on Locust and Horseshoe (i.e., moving trees;) 8) Mr. Bocko put together a Sustainable New Jersey grant (with the Environmental Commission) regarding hazardous tree removal; 9) We received one response back from the Lord Littell Farmhouse bid. We will go ‘out to bid’ again as the response wasn’t what we are looking for; 10) Work/discussion continues on Jorge’s office and the Electrical situation in the back offices; 11) There was a meeting on the “De-snag.” The bids are going out in March and the plan is to start the work in May.

Mayor Woodruff – Mr. Woodruff stated that, as previously noted, there was a meeting with the Chamber of Commerce (two Fridays ago.) He stated this his big takeaway from the meeting was that just a little communication can solve a lot of issues. The Mayor also spoke about attending 1) the Elks Club/Chamber Dinner Fundraiser at the Elks Club; 2) a Chamber meeting at the Grand Summit Hotel with nearby mayors also in attendance. The Mayor also spoke about their intention and goal to conduct the annual “Bulk Pickup.” The Mayor then referenced an article in the New Jersey Star Ledger on January 26th regarding the State pushing pension costs onto municipalities (and urged attention to this matter.) The Mayor spoke about forming a Task Force regarding growth in town. Mayor also noted that the Master Plan is due in another 18 months. Generally speaking, the Mayor said he would like 8 to 10 people in town on the Task Force. He suggested the Task Force meet with entities to learn why they are here and what we can do better, i.e., he has spoken to a realtor as realtors can provide insight on this matter. He furthered that the Berkeley Heights YMCA would be an entity to meet with as they have decided to stay here. The Mayor invited further comment on this matter.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mrs. Kingsley and upon roll call vote.

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone
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:

**Executive Session – November 13, 2012
December 4, 2012**

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

HEARING ON AGENDA ITEMS ONLY

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

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

The Mayor announced that Mrs. Kingsley would time everyone (for 3 minutes) as “the box” wasn’t working and furthered that she would raise her hand indicating when a speaker has 30 more seconds (to speak.)

Tom Foregger, 14 Dorsett Road. Mr. Foregger asked how much time was spent on each of the Executive Session items. Discussion ensued that the two Executive Sessions lasted about 11 minutes (first item) and 20 minutes for the second issue (Municipal Complex.) Mr. Foregger asked with regards to the second item, who is the Township in negotiation with? The Mayor responded that negotiation is subject to the constraints of the Executive Session. Discussion ensued about “who the party was” and that there was no “party” yet. Mr. Foregger had another question about an ordinance which he would bring up later.

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

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES
INTRODUCED ON JANUARY 20, 2015:**

The Clerk presented and read:

**(1) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS,
COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING
THE RESIDENTIAL LEASE WITH JIM HOPKINS FOR THE
PROPERTY LOCATED AT 31 SNYDER AVENUE FOR THE 2015
TERM.”**

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

Mr. Foregger asked how the rent amount (about \$1,296) was determined. Mr. Sordillo responded that there was a bid “out” a quite a few years ago when the original lease went into effect. He then went on to explain how this lease and rent related to the Anti-eviction Act. He furthered that we are allowed to give a reasonable increase in rent every year, and “this” is a “progression” in increase. Discussion ensued regarding how large the increase could be (constraints,) and the meaning of “reasonable” increase. The Mayor asked that future leases include the rent that “we are leading from.”

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. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
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. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
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 RESIDENTIAL LEASE WITH LAURA BOTTORF FOR THE
PROPERTY LOCATED 23 HORSESHOE ROAD FOR THE 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. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Hall

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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. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
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. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
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 February 10, 2015 in the amount of \$459,632.70.

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

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

Mr. Pirone introduced the following resolution:

2. Resolution authorizing a submission of a strategic plan for the Berkeley Heights Municipal Alliance grant for fiscal year July 1, 2015 – June 30, 2016.

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

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

Mr. Pastore introduced the following resolution:

3. Resolution authorizing transfers within the 2014 Municipal Budget and Reserves.

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

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

Mr. Faecher introduced the following resolution:

4. Resolution authorizing and consenting to the Recreation Commission's land use application to be filed with the Township Planning Board to amend the restriction on the usage of the lights at Columbia Park.

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

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

Mrs. Kingsley introduced the following resolution:

5. Resolution authorizing the Memorandum of Agreement with the Superior Officers' Association (SOA.)

Moved by Mrs. Kingsley to approve resolution #5, seconded by Mr. Faecher and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
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:

(6)

a. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:
Joseph W. Heary & Susan Kirkland 395 Mountain Avenue \$768.80

b. Resolution authorizing the issuance of a Tax Sale Certificate #14-00001T, in the amount of \$132.40 to John Venutolo for Block# 2705, Lot #9 located at 13 Emerson Lane, Berkeley Heights, N.J.

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- c. Resolution appointing Joe Koczot to the Berkeley Heights Volunteer Fire Dept. as an Active member.
- d. Resolution appointing Dustin Ulen to the Berkeley Heights Volunteer Fire Dept. as an Active member

Moved by Mr. Pastore to approve Consent Agenda resolutions #6a-d, seconded by Mr. Pirone, and upon roll call vote:

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

CITIZENS HEARING

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

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

Steven Yellin of 130 Dogwood Lane had a question regarding the Communications Committee as he wanted to know if there had been any update on meeting recordings. Discussion ensued regarding a meeting occurring on Thursday about this subject. Mr. Yellin complimented the Mayor on the monthly television program. Mr. Yellin wondered if the same equipment used at those recordings could also be used for Council meetings. The Mayor stated that these monthly programs will now include special guests such as Council people or Township employees. Finally a brief discussion ensued regarding not using residents' names and addresses during the question part of the Mayor's television program.

Tom Foregger of 14 Dorset Road asked about an item in the Superior Officers' Agreement, specifically paying an employee for 2 hours of work when the actual work occurred for 15 minutes. Discussion ensued about Collective Bargaining Agreement negotiation, the Agreement used to call for 4 hours of work (for 15 minutes of work,) work records, the cost to the Township when these 15 minute occurrences happen, and how often they occur (rarely.)

John Carlini of Eaton Court stated that he thought the Memorial Park renewal was a great idea. He commented about maintaining the Park (as mentioned in the last Council Meeting by Mrs. Kingsley.) He wondered if people who committed minor infractions of the law could beautify the park as part of their community service work. The Mayor said that type of work is known as the SLAP program. Mr. Carlini agrees with the Mayor's sentiments of last meeting that if the park was going to be a memorial one day, then it should be a memorial for 365 days. As a veteran, he agrees with the Mayor. He wondered if Peppertown Park could be used for Christmas tree, Santa and menorah displays.

Gerald Kuzmick of Eaton Court wanted to know who owns the building that the YMCA is interested in buying and who owns the building that the YMCA currently occupies. Discussion ensued that both buildings were privately owned. Mr. Kuzmick stated that the YMCA property could be used for train parking. Discussion ensued regarding this proposal, the Township's lack of funds to buy it, demolishing the property for parking, contacting the building owner, and losing the taxes of the current owner if the lot was converted to municipal parking.

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

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

ADJOURNMENT

Moved by Mr. Pirone to adjourn, seconded by Mrs. Kingsley and upon roll call vote
(8:51 p.m.)

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

Approved: April 21, 2015