

**MINUTES OF THE TOWNSHIP COUNCIL  
TOWNSHIP OF BERKELEY HEIGHTS  
EXECUTIVE SESSION HELD ON FEBRUARY 24, 2015**

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**CALL TO ORDER**

Mayor Woodruff called the Executive Session to order at 7:05 p.m.

**ROLL CALL**

Mr. Delia, Mr. Faecher, Mr. Hall, Mr. Pastore, Mr. Pirone, and Mayor Woodruff answered present.  
Absent – Mrs. Kingsley

Also present was John Bussiculo Township Administrator, Joseph Sordillo Township Attorney and Ana Minkoff, Township Clerk.

Also Present Michael Mistretta and Michel Marceau

**EXECUTIVE SESSION –**

**1. Potential Litigation – Affordable Housing Compliance**

Mr. Bussiculo stated that we have a new COAH attorney.

Mr. Mistretta stated that in December 2008, the Planning Board adopted the Master Plan Housing Element and Fair Share Plan. In November 2009 COAH responded to our plan. Mary Moody prepared a plan, but there seems to be a gap in the documentation. The number in the plan is 294 from January 1, 2004 thru December 2018, based on projections of growth that would take place. [REDACTED]

Mayor Woodruff asked about the document from 2004.

Mr. Sordillo stated that it may not exist; many towns did not file in 2004.

Mr. Mistretta stated that Council should adopt an Ordinance to prepare an updated plan immediately. He stated that oral arguments took place in January; a decision should be made in about 2 to 3 months. A discussion continued.

Mr. Pirone asked how a realistic number gets approved.

Mr. Mistretta stated that they may look at building permits from 2000 thru 2014.

Mr. Sordillo stated that COAH was developed to protect municipalities; we have not been able to get certifications. Builders have been suing; they want a builder's remedy. If the courts agree with the developers the density will be much larger.

Mr. Mistretta stated that adopting a Resolution will be important; the Wilf's have purchased the Locust Avenue property.

Mayor Woodruff stated that the Resolution should be prepared for the next meeting. This may be an opportunity; we could try to work with them.

Mr. Hall asked if there was any potential liability.

[REDACTED]

Mr. Faecher asked how long the plan will take.

Mayor Woodruff asked why no one knew about this, and what did the Planning Board do.

Mr. Pirone stated that Mary Moody did present it to the Planning Board.

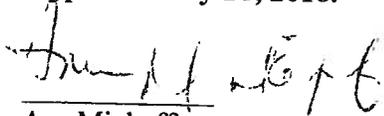
A lengthy discussion continued.

[REDACTED]

Mayor Woodruff stated that we need to find out what is being planned.

Adjourned 7:47 p.m.

Approved July 26, 2016.



Ana Minkoff  
Township Clerk

Redaction -

Attorney-Client Privilege and pending Litigation