

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MARCH 24, 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, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Mr. Hall and Mrs. Kingsley were absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

FLAG SALUTE

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

CONFERENCE SESSION – 2015 Budget Session - Cancelled

TOWNSHIP COUNCIL REPORTS

Mr. Delia – Mr. Delia had nothing to report.

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

Mr. Faecher – Mr. Faecher reported that the Mayor and he attended the recent Senior Meeting, in which the 100th birthday was celebrated by Laura Testa. He stated that it was a great event to attend.

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

Mrs. Kingsley – Mrs. Kingsley was absent,

Mr. Hall – Mr. Hall was absent.

ADMINISTRATION REPORTS

Mr. Bussiculo – Mr. Bussiculo reported on the following: 1) He thanked the Police Department for looking at the street lights during the evening as they found that there are 11 businesses without the decorative street lights “on” during the evening. Subsequently, 11 businesses have been cited (to turn on lights); 2) He contacted East West Fire Apparatus. This company will give us an assessment of our equipment and a needs analysis; 3) There is a tax appeal from Lucent/Alcatel; 4) In regards to the cameras in the court room, Comcast has been “in” twice. The prognosis is that we have the equipment we need

**Township Council Minutes
Public Meeting – March 24, 2015**

and it is good (video and audio;) 5) He met with The Jersey Access group. They do production for Scotch Plains, Bloomfield, Maplewood and more. We expect a proposal from them soon. Two other firms have also been contacted on this matter. Finally, Mr. Bussicula contacted FIOS to obtain equipment for broadcasting to FIOS; 6) The “Policies and Procedures” are back from Mr. Patterson and will be reviewed shortly; 7) The gate at DPW was discussed with Mr. Delia this morning. However, money “thought” to be in Capital isn’t available; 8) DPW has put down 6 tons of asphalt to fill potholes since the last meeting; 9) There was a meeting with a contractor to cut grass; 10) A contract was mailed to Top Line regarding Glenside Road and a preconstruction meeting is scheduled for March 31st; 11) We are considering using a firm to handle Road Sections in town that have conditions that are more than just potholes (he as looked at both a Morris County Co-op provider and the contractor for Glenside Road;) 12) Salt acquisition continues to be a problem. We were able to get salt from Harding, Livingston, and New Providence and have open orders with Morton Salt; 13) The Hot box is still giving us some problems (i.e., thermostat.)

The Mayor asked Mr. Bussicula why we were considering outsourcing the grass cutting. Mr. Bussicula cited success with New Providence’s outsourcing as it was much cheaper as well as being “down” 2 DPW individuals and a third employee “out” with a shoulder injury.

The Mayor also asked about Mr. Bussicula’s business light report, specifically the April 7th date for the 11 businesses without street lights. Mr. Bussicula responded that the date means the lights have to be fixed (i.e., the citation has to be remedied.) Mr. Bussicula noted that some of the properties’ parking lot lighting daily “shut down” in the evening is related to the “shut down” of the decorative lighting. Mr. Bussicula contacted Mr. Mistretta regarding this issue (for two current situations.)

Mayor Woodruff – The Mayor reported 1) that the recently formed Memorial Park Committee is seeking members and if anyone is interested, they should contact Mr. Pastore or the Mayor. He also asked that “TAPinto” Berkeley Heights print the request for Committee volunteers; 2) he attended the Mara’s Bakery opening this past Saturday. The event was well-attended and the Mayor wishes them good luck; 3) Robin Greenwald joined the Mayor at the last Mayor’s Roundtable and the Mayor thanked her; 4) Last meeting, the Council passed what was known as the high school parking ordinance. This action prompted a letter from the Board of Education. The Mayor read the letter (**A copy of which is attached to the permanent minutes.**)

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

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

APPROVAL OF MINUTES

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

**Public Meeting – January 1, 2015
January 6, 2015**

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

HEARING ON AGENDA ITEMS ONLY

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

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

The Mayor announced that Mr. Pastore would time everyone (for 3 minutes) (as “the box” wasn’t working.)

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

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES
INTRODUCED ON March 10, 2015:**

The Clerk presented and read:

- (1) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMMENDING, REVISING AND SUPPLEMENING CHAPTER 10.36 ENTITLED “PARKING RESTRICTIONS” OF TITLE 10 ENTITLED “VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO ESTABLISH AND AMEND THE PARKING REGULATIONS ON A PORTION OF VARIOUS ROADWAYS.”**(Explanation: This ordinance establishes and amends the parking regulations on portions of various roadways near the Governor Livingston High School.)

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

Mr. Sincaglia of 22 Robbins Avenue, identified himself as the liaison to Township Council (from the Board of Education.) Ms. Helen Kirsch asked that Mr. Sincaglia attend the meeting. He stated that they are in support of the ordinance. It was frustrating to them that even before the “extra spaces,” students were parking in non-preferred areas. The Board of Education felt powerless to do anything because the students were legally allowed to park in such areas. Mr. Sincaglia reviewed some of the actions and options they faced in the last two years. He mentioned the very busy parking situation at school close of day, i.e., 19 buses and parent pickups. The Board of Education is hopeful that this ordinance will resolve the problem, particularly on Sussex, and again stated, that the Board is supportive of the Council’s action.

Mr. Gary Peters of 39 Sussex Road. Mr. Peters stated that he appreciated the attention and persistence which has gone on for at least two and half to three years. He stated his appreciation for inclusion of quality of life in the “conversation.” He thanked all for the consideration in rebuilding the ordinance. (The ordinance) has made a tremendous difference in his mind of the possibility that his street won’t be a parking lot.

Hearing no voices, moved by Mr. Faecher to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and carried.

Township Council Minutes
Public Meeting – March 24, 2015

Mr. Faecher stated that he had spoken with Council President Kingsley and Councilman Hall earlier in the day (they were away on business,) and they conveyed their support of the ordinance.

Upon roll call vote:

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

Moved by Mr. Faecher 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. Pirone and upon roll call vote:

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

A question arose whether with three ayes, one nay, and two absents, the vote was considered passing. Mr. Sordillo answered yes (that with a regular ordinance vote, the ordinance is considered passed, if the majority of the quorum present at the council meeting vote yes.)

Mr. Delia asked about the timing of the signage representing the new ordinance. Mr. Faecher clarified that there would not be painting (spaces and curbing) as that was not part of the ordinance.

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated March 24, 2015 in the amount of \$476,414.67.

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

Mr. Delia asked whether an item on the bill list was legal, specifically, a rate of \$50/hour for snow plowing as he thought the rate was \$22 or \$23/hour (casual rate pay.) Mr. Bussicula stated that the invoice was in regards to the supposed “storm of the century,” and the Township erred on the side of safety as we are “down” three people. Discussion ensued that the expenditure was checked with Mr. Marceau.

Upon roll call vote:

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

**Township Council Minutes
Public Meeting – March 24, 2015**

Mr. Pastore introduced the following resolution:

2. Resolution authorizing the First Amendment to Memorandum of Understanding with the Church of the Little Flower extending the term of same to November 30, 2015, with all other terms of the MOU to remain the same.

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

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

Mr. Pirone introduced the following resolution:

3. Resolution authorizing an Amendment to the Shared Services Agreement with the Borough of New Providence for the provision of municipal court administrator services.

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

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

Mr. Faecher introduced the following resolution:

4. Resolution removing Jo-Ann Musorofiti from the position of Municipal Court Administrator from the Township of Berkeley Heights for the shared municipal court of Berkeley Heights and New Providence.

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

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

Mr. Delia introduced the following resolution:

5. Resolution authorizing the Township Tax Attorney to file an appeal of the 2015 property tax assessment of the Connell Property to seek an increased assessment to reflect the true value of the property.

Moved by Mr. Delia to approve resolution #5, seconded by Mr. Pirone and upon roll call vote:

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

**Township Council Minutes
Public Meeting – March 24, 2015**

Mr. Pastore introduced the following resolution:

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

Moved by Mr. Pastore to approve resolution #6, seconded by Mr. Pirone and upon roll call vote:

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

ADDITION

Mr. Pirone introduced the following resolution:

7. Resolution declaring the intent to fully comply with the current and future Mount Laurel obligations and to serve as the “catalyst for change” to render any Mount Laurel Lawsuits as “Unnecessary Litigation”.

Moved by Mr. Pirone to approve resolution #7, seconded by Mr. Faecher and carried.

Mr. Delia asked for an explanation (of this resolution) for the Public. Mr. Woodruff spoke about: the recent Supreme Court decision; COAH and it being “sidelined;” a new affordable housing obligation and the new process for affordable housing; affordable housing background; Berkeley Heights’ efforts to meet the affordable housing obligation; builders’ suits; “catalyst for change” (court wording;) the New Jersey Supreme Court emphasis on not wanting litigation regarding affordable house but instead municipalities were advised to develop plans with affordable housing commitments; controlling relationships with builders; housing committees have been formed; and new counsel which specializes in COAH has been hired.

Upon roll call vote:

Ayes: Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: Mr. Hall 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. Pastore introduced the following resolutions:
(8)a through i**

- a. Resolution appointing Robert Doney, 44 Apple Tree Row, Berkeley Heights to the active roster of the Berkeley Heights Volunteer Fire Co.
- b. Resolution appointing Justin Giannone, 1341 Stony Brook Lane, Mountainside, NJ to the Junior Fire Division of the Berkeley Heights Volunteer Fire Dept.
- c. Resolution removing Joe Imbimbo, 18 Deep Dale Drive, Berkeley Heights from the active duty roster of the Berkeley Heights Volunteer Fire Dept.
- d. Resolution removing Charles Mcluskey, 651 Plainfield Avenue, Berkeley Heights from the active duty roster of the Berkeley Heights Volunteer Fire Dept.
- e. Resolution removing Kevin Camngelo, 307 Chaucer Drive, Berkeley Heights from the active duty roster of the Berkeley Heights Volunteer Fire Dept.
- f. Resolution removing Matt Monaco, 28 Canterbury Lane, Berkeley Heights from the active duty roster of the Berkeley Heights Volunteer Fire Dept.
- g. Resolution endorsing the blue light permit application for Joseph F. Savino, who is a member of the Berkeley Heights Rescue Squad.
- h. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayments:
Fong Joe Hou, L.L.C. 311 Park Avenue \$1,942.18

ADDITION

- i. Resolution appointing Kelly Connelly, 92 Midvale Avenue ,Millington, NJ to the active roster of the Berkeley Heights Volunteer Fire Co

Moved by Mr. Pastore to approve Consent Agenda resolutions #8a through i, seconded by Mr. Faecher, and carried.

Mr. Delia noted that he did not want to take away from the others on this “list,” but Mr. Mcluskey and Mr. Imbimbo have between both of them, 65 to 70 years of service in the Fire Department. Mr. Delia offered a “big” thank you to them.

Upon roll call vote:

**Township Council Minutes
Public Meeting – March 24, 2015**

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

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for April 7, 2015.

“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE NEW CHAPTER 2.95 ENTITLED “MEMORIAL PARK RENEWAL COMMITTEE” TO CREATE AND ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THE TOWNSHIP WITH THE RENEWAL, RESTORATION AND MAINTENANCE OF THE TOWNSHIP’S MEMORIAL PARK”

Moved by Mr. Pastore that the ordinance as read by the Township Clerk is offered on first reading and the date of April 7, 2015 is set as the date for public hearing and that the Township Clerk is directed to advertise it in the Courier News, and seconded by Mr. Pirone and carried.

Mr. Sordillo noted that the introduced ordinance should be amended to show membership committee numbers from 4 to 8 (certain section numbers of the code still need to reflect the committee membership increase.) Mr. Faecher noted this was a ministerial change.

Upon roll call vote:

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

CITIZENS HEARING

Moved by Mr. Pirone to open the Citizens hearing, seconded by Mr. Pastore and upon roll call vote:

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

**Township Council Minutes
Public Meeting – March 24, 2015**

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

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

ADJOURNMENT

Moved by Mr. Delia to adjourn, seconded by Mr. Pastore and upon roll call vote
(7:41 p.m.)

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

Approved: May 19, 2015