

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD APRIL 7, 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. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Township Clerk Ana Minkoff.

The Mayor announced that the Executive Session would be moved to the end of the meeting.

FLAG SALUTE

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

CONFERENCE SESSION - Mr. Hall asked about the previous night's discussion and Mr. Delia said he would cover this issue in his Council Report.

TOWNSHIP COUNCIL REPORTS

Moved by Mr. Faecher to open the hearing on Township Council Reports and seconded by Mr. Hall and upon roll call vote:

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

Mr. Hall – Mr. Hall asked to defer to Mr. Delia.

Mr. Delia – Mr. Delia spoke about the fish pond on Horseshoe Road and the incident which occurred the previous Monday and Tuesday. Mr. Delia said the pond was drained by DPW employees and all the fish were killed except for the fish which were brought to the sewer plant. Mr. Delia believes there were thousands of fish killed, and were mostly small Sunfish. Mr. Delia stated there was zero reason to kill the fish. He noted that because it was a man-made pond, nothing came there naturally except for the Eel. Mr. Delia stated that Sunfish and Grass Carp had been placed in there. Mr. Delia stated that there were zero weeds in the pond. Mr. Delia stated that the trout which are placed in the pond for the Fish Derby will be

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dead by the middle of the summer (due to the heat.) Mr. Delia said 1) we now have a pond with no fish; 2) the area was a small ecosystem; 3) “this” was not done every year; 4) in addition to all the fish being killed, the second issue is that Township employees were used for the pond drain (for two days) “instead of our roads being fixed”; 5) the Administrator didn’t know about this situation and wasn’t sure if the Engineer knew about this situation; 6) he is not against the Fishing Derby; 7) he doesn’t want the PAL to be doing something that shouldn’t be done on Township time especially in light of the disastrous conditions of our roads; 8) he was appalled and disgusted; 9) nobody has the real facts in this situation; 10) he has pictures of the fish and offered them for others to view; 11) pumping the pond without a filter over the pump shredded lots of fish; 12) this was totally uncalled for; 13) he can’t believe that it happened; 14) he is very disgusted.

The Mayor asked if Mr. Bussiculo had any information on this matter. Mr. Bussiculo said 1) he spoke to Chief DiPasquale and “this” is something that has been done in the past several times, although perhaps not in the past year or so; 2) It was done to clean out the pond; 3) He had been told that once the Grass Carp get to a certain size, they stop eating the weeds; 4) The Carp and the Koi were moved to the Sewer Plant; 5) This was done for the Fishing Derby for the PBA, not the PAL; and 6) There were several Township employees assisting the PBA.

Mr. Bocchino spoke about the DEP involvement and permit requirements.

Mr. Delia stated that he was told that fish were killed so that only trout would be caught during the Fishing Derby. Discussion ensued regarding who told him that. Mr. Hall discussed the Environmental Commission’s response regarding this situation and the general opinion was 1) that there was nothing malicious done here and 2) there should be procedures in place for future years. Discussion ensued 1) regarding the moving of the Carp and following State law; and 2) how Koi “got” into the pond. Mr. Delia said it was malicious as everything was killed. He also reiterated that our men were being used for something they should not have been used for and stated that many man hours were being used for the pond work instead of road work. Discussion ensued as to 1) whether Mr. Bocchino knew about this use of man hours; 2) who made the request; 3) and the number of DPW hours which were used.

Mr. Faecher – Mr. Faecher had nothing to report.

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

Mr. Hall – Mr. Hall had nothing further to report.

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

Mrs. Kingsley – Mrs. Kingsley reported that 1) the Beautification Committee has launched their Avenue of the Flags Campaign again; 2) the flags put up two years are in disrepair; 3) they are working with a vendor who has a lifetime guarantee; 4) the Committee is seeking to purchase 70 (seventy) American flags; 5) the cost for each flag and pole is approximately \$150; 6) their hope is that the Chamber and local businesses will make the flag purchases; 7) the Committee is also meeting with the Senior Group and the VFW regarding this project and its costs; 8) they will take donations in honor of a veteran.

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ADMINISTRATION REPORTS

Mayor Woodruff – The Mayor reported 1) the VFW was having a spaghetti dinner this Saturday night (April 11th); 2) Mr. Bussiculo and the Mayor went to the Runnells open house last week. Runnells has repeatedly offered their assistance for anything we may need. They want to be a good and active neighbor; 3) Senator Kean called the Mayor regarding Berkeley Heights being the recipient of \$215,000 payment for the Road Improvement at Snyder Avenue; 4) The Council has completed the Budget process and the Budget will be presented on April 21st; according to a recent conversation with the Mayor of Summit, the percentage of the tax dollar in Summit is 50% for the School Board and 29% for the County; in Berkeley Heights, the percentage of the of the tax dollar for the School Board is 57% and 25% for the County. The Township receives 17% of the “tax dollar” (in the 2014 tax levy, with the Library receiving 1.56% from our amount.) The anticipated increase (for 2015) on a home valued at \$310,000 will be about \$98. That figure is only the Township amount. This figure doesn’t include the County or School Board figures. Mr. Faecher asked to clarify the \$310,000 figure (i.e., assessed versus market value.) The Mayor responded that it was an assessed value.

Mr. Bussiculo – Mr. Bussiculo reported 1) there was a kickoff meeting for Snyder Avenue and that the paving process would begin in the next week or so; 2) an award letter arrived from the State today regarding Glenside monies. The letter was sent to Neglia. Filing of paperwork immediately will allow for some immediate reimbursement; 3) 7 (seven) tons of asphalt had been utilized in the last two weeks for pothole repair and listed the roads which saw this improvement; 4) the Street Sweeper milestone is for the middle to the end of June. Mr. Bussiculo called the County and they are willing to sweep some of our roads; 5) The Roller came in today (a loaner); 6) A Price request regarding grass cutting should “come in” tomorrow; 7) about large road paving needs and the Morris County Co-operative. There are 15 (fifteen) identified road areas; 8) The Police Department lot has been “striped;” 9) the Commuter lot will be “striped” next (on a Saturday); 10) Street Fair Meeting was held (for the June 28th event); 11) Mr. Bussiculo and Mr. Bocchino went to the Fire House to discuss the concrete floor and apron; 12) A kickoff meeting was held this week for both Lone Pine and CVS; 13) GRAMCO (a company) came in last week regarding the camera issue; they have served other municipalities and offer a “turnkey” solution. The problem their fee of \$37,546; He further discussed the effects of Comcast and FIOS on our configuration and payment of equipment; 14) East West Fire Apparatus has given us a quote of \$3,300 to assess Township’s equipment; and 15) The roll down door Finance Office will be “in” 3 weeks; the phone system still needs some “tweaking.”

Mrs. Kingsley added that she spoke to Joe Graziano about Mountain Avenue. The County will repave a portion of Mountain Avenue. Discussion ensued about a non-working traffic light.

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

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

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APPROVAL OF MINUTES

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

Public Meeting – January 20, 2015

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

HEARING ON AGENDA ITEMS ONLY

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

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

The Mayor announced that Mrs. Kingsley would time everyone (for 3 minutes.)

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

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES
INTRODUCED ON March 24, 2015:**

The Clerk presented and read:

“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”

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

The Mayor stated that the Committee is still seeking members and if anyone is interested in serving to please contact Mrs. Minkoff or Mr. Pastore.

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

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:

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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated April 7, 2015 in the amount of \$388,822.66.

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

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

Mr. Hall introduced the following resolution:

2. Resolution authorizing Garden State Fireworks to hold fireworks displays for Our Lady of Mt. Carmel Society during their annual feast from July 12-16 (with a rain date of July 17th) and on July 18, and on December 31, 2015.

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

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

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

The Mayor stated that Mrs. Kingsley remained the timekeeper.

Stephen Yellin of 130 Dogwood Lane stated that he appreciated the Council “taking” the executive session at the end of the meeting and encouraged that this practice continue.

Gerald Kuzmick of Eaton Court spoke about 1) drainage in our town and the storm drains. He asked about the progress of the storm drains. Discussion ensued with Mayor and Council about this issue; 2) Mr. Kuzmick stated that he feels we are falling down on getting things done -- we are slacking off and we don't have employees who are dedicated to getting the job done; he continued that these issues get dragged out (and acknowledged that the weather didn't help.) Discussion ensued to these points. Mrs. Kingsley stated that summer work has been budgeted for work on these (recurring) issues; The Mayor noted that only 17 cents of our tax dollar is going to the Township and all we can do is to keep working; Mr. Hall stated that he thought the employees worked very hard and very effective and spoke about “band with” and the fact that there are only so many people (to get the “work” done.) He spoke about the possibility of the Township advertising what they do on a real basis. Mrs. Kingsley noted that the budget process revealed that tools are needed to get “work” done. Mr. Kuzmick asked why we didn't have the tools (as the Township has been in existence a long time.) Mr. Hall spoke about the Township now using a Capital Plan in our budget process. 3) Mr. Kuzmick asked how many men were “down.” Discussion ensued about staffing; and 4) Mr. Kuzmick asked Mr. Hall to attend the Council meetings once his term ends.

Mr. Luis Cresimini came “about Mr. Delia.” The Mayor clarified if they were a tenant of Mr. Delia's. Mr. Cresimini stated yes. The Mayor asked if this was a complaint specific to Mr. Delia. Mr. Cresimini said no, the complaint was for the Town. The Mayor asked what the complaint was as he wanted Mr. Cresimini to go to the correct forum, i.e., if this was a landlord/tenant issue, there are avenues to deal with that. Mr. Cresimini said he had a letter for the town from an earlier time showing that the Township did address an issue for him. The Mayor stated that if there was another issue, the place to take that complaint wasn't “here.” Mr. Cresimini stated that he had an attorney and brought up some issues which concerned his landlord, Mr. Delia. The Mayor said that the particular problems couldn't be entertained with the Council.

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John Carlini of Eaton Court stated that he went on a nature walk yesterday with his wife and saw a lot of garbage. He mentioned the recent Boy Scout trip to Jersey City. Mr. Carlini stated that there is a possible solution to beautify the Township so that when you go for a walk, you won't see that stuff.

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

**EXECUTIVE SESSION – Potential Litigation – affordable housing compliance
Contract Negotiations/Land Acquisition – Little Flower Church**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and carried.

Mr. Pirone asked about the meeting adjournment procedure which would occur after the Executive Session. A resident asked about the January through March 2015 Public Meeting Minutes and discussion ensued about the Minutes moving to the website once approved by Council.

Upon roll call vote:
(7:58 p.m.)

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(9:50 p.m.)

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

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ADJOURNMENT

Moved by Mr. Pastore to adjourn, seconded by Mrs. Kingsley and upon roll call vote
(9:51 p.m.)

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

Approved: June 9, 2015