MINUTES OF THE TOWNSHIP COUNCIL
TOWNSHIP OF BERKELEY HEIGHTS
EXECUTIVE SESSION HELD ON MAY 5, 2015

CALL TO ORDER

Mayor Woodruff called the Executive Session to order at 7:07 p.m.

ROLL CALL
Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, Mr. Pastore, Mr. Pirone, and Mayor Woodruff answered present.
Also present was John Bussiculo Township Administrator, Joseph Sordillo Township Attorney and Ana Minkoff, Township Clerk.

EXECUTIVE SESSION –

1. **Attorney/Client Privilege-Litigation-Tax Appeals- Connell Co. & Alcatel Lucent**
2. **Attorney/Client Privilege-Potential Litigation – DPW**

Attorney/Client Privilege-Potential Litigation – DPW

Also present Mr. Patterson

Mr. Sordillo stated to Mr. Delia that the Executive Session is about a letter written by the DPW Department and the affect of it. He explained to Mr. Delia that he is not entitled to private counsel that it is not allowed by law. That there may be a future disciplinary action and that he has a right to discuss the matter in public.

Mayor Woodruff stated that Mr. Patterson will discuss the letter received from the Teamsters regarding Mr. Delia.

Mr. Patterson stated that the letter is a precursor to a grievance; there are underlying claims of harassment. He stated that it may go into arbitration; [redacted] There is no statutory authority, that this is just a claim, there is a potential that they will pursue action, the down side would be that we would spend a lot of money defending this case. [redacted]. He thinks that their claims that Mr. Delia refrains from public statements regarding DPW is probably a stretch.

Mr. Sordillo stated that in the past it has been discussed that the Township does not operate as a Committee form of Government and under the Mayor-Council-Administrator form of government specifically prohibits Council members from directly managing with employees. The Council has no authority in these matters as same is managed by the Administrator and Mayor; and if there is an issue, the Administrator handles it.

Mr. Hall asked what the penalty is, if the law is violated.

Mr. Sordillo stated that a complaint would be issued to the Local Ethics Board.

Mr. Pastore asked what we could do as a town to prevent this from happening.

Mr. Sordillo stated that the Council could file a Complaint with the Ethics Board.

It was decided that the Mayor would respond to the letter.

Mr. Patterson left at 7:29 p.m.

Attorney/Client Privilege-Litigation-Tax Appeals- Connell Co. & Alcatel Lucent

Also present Martin Allen, Robert Edgar and Michel Marceau

Mr. Allen stated that there are (2) appeals pending, initiated by Alcatel Lucent, they own two large trails that they would like designated as a farm assessment. Mr. Edgar has denied the Farmland assessment and will be meeting with them on June 1st.

Mayor Woodruff stated that he understands that Alcatel Lucent is being bought out [redacted]

* Mr. Allen stated that Connell Co. has been filing appeals since 2011; they did not file in 2012. [redacted] The office building and Lifetime Fitness also filed an appeal this year.

Mr. Pirone asked about a tax revaluation.

Mr. Allen stated that he is pro-revaluation, that if you look at the State there are certain counties that do not have a lot of revaluations. He stated that that it normally affects the homeowners who have owned their properties for a long time the most. He recommends revaluation, and stated that it will help with the county taxes.

It was agreed that it would be discussed during the Conference Session.

Adjourned at 7:50 p.m.

Second Executive Session – 9:54 p.m.

1. Contract Negotiations/Land Acquisition-Little Flower Church
2. Potential Litigation - affordable housing compliance

Contract Negotiations/Land Acquisition-Little Flower Church

Also present Michael Mistretta and Sandra Kelder.

Mr. Mistretta distributed a handout on different Scenario Concepts and gave a presentation to Council and Mayor on the potential development of the site and affect on the land transaction.

It was discussed that Jim Ramentol, architect, will present on May 26, 2015.

The Executive Session for Potential Litigation - affordable housing compliance was cancelled due to time.

Meeting adjourned at 11:10 p.m.

* Redaction
Attorney Client-Privilege & Pending litigation &
ongoing contract negotiations

APPROVED: September 6, 2016

Ana Minkoff

Township Clerk