

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JUNE 9, 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, Mrs. Kingsley, Mr. Pastore, and Mayor Woodruff answered present. Mr. Faecher, Mr. Hall and Mr. Pirone were absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

The Mayor announced that because the Council was one person short (elected Council people,) the Budget would be pushed to June 23rd.

FLAG SALUTE

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

CONFERENCE SESSION

There were no reports.

TOWNSHIP COUNCIL REPORTS

Mr. Delia - Mr. Delia spoke about 1) this Friday's L'Oréal volunteer day. Scheduled work will occur at the Springfield Avenue Soccer fields. Please thank anyone you know who works for L'Oréal; 2) the upcoming (Friday) 24 hour Bio-Blitz at the Watchung Reservation.

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

Mrs. Kingsley – Mrs. Kingsley thanked the small and large businesses in town who purchased the flags for the Memorial Day Parade. She also thanked the Chamber for their support and reiterated her thanks to the local businesses.

**Township Council Minutes
Public Meeting – June 9, 2015**

ADMINISTRATION REPORTS

Mayor Woodruff – The Mayor spoke: 1) the Pizza Hut has come down. He has been advised by Mr. Mae that they hope to be running in 3 to 4 months. This is a precursor to the roads being widened and a light going in; 2) the Governor Livingston Baseball team won the Group 2 State Championship. He congratulated Coach Roof on his 300th win and announced that the team would be honored on June 23rd; 3) his attendance at the Relay for Life. The new venue was great. As usual, it was a tremendous event. Linda Weber, Patti Broccoli and many others in town were extremely involved and they do such a great job. The County was very involved which was good to see; 4) Memorial Day went very well. Mr. Romankow has indicated that he is getting some positive feedback on helping to fund and support the Memorial. The Mayor encouraged anyone interested to contact Ms. Minkoff, Mr. Romankow, or Mr. Pastore.

Mrs. Kingsley added that the façade for the Suburban Optik eMedical Center has undergone significant renovation and the ribbon cutting was scheduled for the upcoming Thursday. Mrs. Kingsley thanked the Beautification Committee for their work with that building. This Committee will continue to work with other businesses in town.

Mr. Bussiculo – Mr. Bussiculo reported: 1) Mike Marceau and he met with FEMA to close out Hurricane Irene (the previous Thursday ;) 2) the paving at Glenside is now done; we have received \$150,000 back from the State; 3) Bob Bocchino and he will meet with Tilcon about Morris County Co-Op and road paving. The road schedule and condition of roads, post-Winter may require some juggling; 4) the DPW office is now complete and we are now just waiting for phone and data line installation; 5) the High School signs are being installed; 6) the commuter parking signs are now in; 7) drainage and debris and sewer clean up; 8) Handicap Ramp Pads have been replaced; 9) the Planter in front of Township Hall was removed; 10) the Police Department Steps were replaced; 11) one container of scrap metal was removed and we have received a check for it; 12) 39 tons of asphalt have been put down since the last meeting and specific roads were named; 13) The Rescue Squad had carpenter bees and Mr. Bocchino worked with them on treatment; 14) DPW attended the Mary Kay McMillin Community Day with a garbage truck; 15) Warren connection sewer fees (about \$125,000); discussion about the fees ensued; 16) the Chipping Program status/update; 17) a Speedi-Dri incident with the Chipping Truck which occurred that day; 18) the Lord Littell RFP update; and 19) the Bulk pickup bid update.

The Mayor asked about the \$215,000 for Snyder Avenue. Discussion ensued regarding the funding letter received. Further discussion ensued about the status of the work on Mountain Avenue and on the “other end” of Snyder Avenue.

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

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

**Township Council Minutes
Public Meeting – June 9, 2015**

APPROVAL OF MINUTES

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

Public Meeting – April 7, 2015

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

HEARING ON AGENDA ITEMS ONLY

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

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

Ms. Carol Matula asked about the Value Research Group special services resolution, specifically the total dollar amount which will be awarded. Mr. Sordillo said 1) there was no specific project associated with this resolution as it was a professional services contract for general appraisal services for the Township and we would have them on retainer; 2) we currently have Value Research Group on contract for tax appeal purposes; this resolution will allow the Township to have them on retainer in case we need them for appraisal services in general. Further discussion occurred regarding the meaning of “on retainer,” and the Business Entity Disclosure Certification.

Mr. Tom Foregger of 14 Dorsett Road also asked about the Value Research Group resolution specifically regarding the certificate showing the availability of funds. He asked whether such certificate would have the total amount for the contract. Mr. Sordillo stated that the wording may have been from a previous resolution and that wording can be taken out for this document. Discussion ensued on paying for these services using vouchers, line which will be used for payment, prior authorization to do work, similar professional services at the Township, and using the Township Tax Assessor to perform needed Appraiser duties (by law, this could be a conflict.)

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

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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated June 9, 2015 in the amount of \$908,216.76

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

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

Mrs. Kingsley introduced the following resolution:

2. Resolution authorizing the contracting with and hiring of Dr. Robert Burchell to prepare an expert report calculating the municipalities affordable housing obligation, and to serve as the Township's expert in any associated litigation at a cost not to exceed \$2,000.00.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Pastore and carried.

The Mayor and Mr. Sordillo elaborated on this resolution: it was directly related to the affordable housing litigation. About 100 other towns are hiring Dr. Burchell; if there are remaining monies from this contract, it will be returned proportionally to the towns; Dr. Burchell will opine on our behalf; the order to show cause will be filed on or before July 8th; and Mr. Mistretta's firm has done a lot of work in response to the other side's submittals.

Upon roll call vote:

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

Mr. Pastore introduced the following resolution:

3. Resolution authorizing a Professional Services Agreement with Value Research Group, LLC for the real estate appraisal and consulting services for the Township.

Moved by Mr. Pastore do approve resolution #3, seconded by Mrs. Kingsley and carried.

Mr. Sordillo stated that as discussed in public comment, paragraph 3 of page 2 of the resolution will be deleted.

**Township Council Minutes
Public Meeting – June 9, 2015**

Upon roll call vote:

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

Mr. Delia introduced the following resolution:

4. Resolution authorizing a change order with Top Line Construction in the amount of \$50,769.09.

Moved by Mr. Delia do approve resolution #4, seconded by Mrs. Pastore and carried.

Mr. Bussiculo spoke about 1) the additional work needed associated with this resolution, i.e., rolling, beating and road stabilization work, and 2) appropriate checks were made with counsel and with the State.

Upon roll call vote:

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

Mrs. Kingsley introduced the following resolution:

5. Resolution authorizing the computation of reserve for uncollected taxes.

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

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

**Township Council Minutes
Public Meeting – June 9, 2015**

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 resolution:

(6)

- a. Resolution appointing Andrew Ippolito, to the active roster of the Berkeley Heights Volunteer Fire Co.
- b. Resolution appointing Gerard Peyton, 38 Brook Street, Berkeley Heights, to the active roster of the Berkeley Heights Volunteer Fire Co.
- c. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayments:
 - 1. Wayne & Patricia Darling 29 Greenbriar \$2,633.14
 - 2. John J. Romano 7 Putnam Ave \$ 300.00

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

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

The Mayor stated that Roman Numeral 11 (the Municipal Budget Adoption) was adjourned to June 23rd.

CITIZENS HEARING

Moved by Mr. Pastore to open the Citizens hearing and carried.

Mr. Delia asked if the Introduction of Ordinance should occur before the Citizens Hearing. The Mayor said that his statement made sense and agreed to introduce the Ordinance.

**Township Council Minutes
Public Meeting – June 9, 2015**

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for June 23, 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 CHAPTER 2.100 ENTITLED “POLICE DIVISION” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE NEW SECTION 2.100.100 TO BE ENTITLED “OUTSIDE EMPLOYMENT OF OFF-DUTY POLICE OFFICERS.”

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk is offered on first reading and the date of June 23, 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. Pastore and carried.

Mr. Delia asked that we explain or provide the reasoning with this resolution and asked the difference from what is currently being done. The Mayor spoke about the resolution namely: 1) police officers who are off duty and providing services for town events, and construction (trust work;) 2) paying officers is coming from “one pocket and moving to another pocket;” 3) thanked the Police Department; 4) the Police Department did concur with us; a formula was developed; 5) this formula will benefit groups such as Mount Carmel, the street fair, and the summer concert series; 6) there will now be a different structure for town events versus JCP&L and construction work and spoke about some of the concerns with the proposed structure; 7) about a concern about the pay for an officer who is in charge when there are 4 police officers working (this issue has been addressed;) 8) in the long run, he believes, savings will be incurred by the Township; 9) the Chief has a system in place where the work is sent out evenly to the officers regardless of their rank or number of years.

Upon roll call vote:

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

CITIZENS HEARING

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

Upon roll call vote:

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

**Township Council Minutes
Public Meeting – June 9, 2015**

Mr. Howard Baum of 52 Crest Drive stated 1) he had lived in Berkeley Heights for the last 12 years; 2) he wanted to represent the children of the community appropriately; he was at the last Council meeting and discussed the issues regarding the dangers of student parking and student vehicles speeding up Crest Drive and Crest Circle. He wanted to refresh us on some of the issues as he didn't think he completely discussed them last time, i.e., Crest Drive and the surrounding streets are very narrow, there are no stop signs, no yellow lines, and no sidewalks; 3) with the students parking (there,) the streets are more narrow and visibility is being affected; there are also buses and garbage trucks on the streets. On a normal weekday morning, there are walkers to the high school, middle school and elementary school kids walking up to the bus stops (and cited specific streets;) he also spoke about landscapers, and parents driving to work. All of this traffic occurs between 7:00 and 8:00 a.m.; 4) With the recent parking changes, students are speeding around and parking on these narrow streets. This parking affects visibility and makes it difficult for two cars to cross. With the one-sided parking, there are now students doing "u"turns; 5) after the last meeting, he was very pleased with the Council's receptiveness; the morning after the Council meeting, Mr. Faecher, a member of the School Board and a police officer were observing the chaos on his street; 6) a question which came up regarding the town's liability in the event that something happened made him feel he must re-think his responsibility as a parent; This debate is about responsibility not liability; 7) This issue can't wait and shouldn't have to wait; we don't need another study; 8) It is our responsibility to resolve the dangerous issues quickly; his "ask" tonight is to expand the no parking zones to all of Crest Drive, Crest Circle and Gallinson to Summit Road, and on Countryside Drive to Upper. Mr. Baum highlighted the bus stop areas on his presentation. He would like the vote tonight; 9) He introduced his two sons and two children who are neighbors; There are 11 students in 7 nearby houses; 10) He asked that we pretend these children are ours or our nieces or nephews; the dangers on these streets; the streets are ill-suited for the traffic; and 11) He thought it was unlikely that the Council had been on these streets recently.

Mrs. Kingsley stated that Mr. Faecher has been "up there" almost every day since the last Council meeting and he calls Mrs. Kingsley regularly to report on the traffic (which is a mess.) She spoke about "this" being addressed before September.

The Mayor agreed with the resident that a study wasn't needed. He asked the Council what their feelings were. Mrs. Kingsley stated that she would like to speak with the Police Department because she thinks it goes broader than Crest and that we should do our homework on how far down we go. Mr. Pastore and Mrs. Kingsley agreed with the Chief's comments (i.e., go a little further.) Mrs. Kingsley said we need to get a proposal from the Police Department and then get this back on the agenda. Mr. Delia agrees with everyone and thought Mr. Baum did a great job approaching this issue. The Mayor stated that we are all in agreement there will be no more studies; we will await the Police proposal/position; and then we will act immediately.

Ms. Carol Matula of 5 Hastings Road asked about the Police Ordinance and analysis of the \$50 fee associated with police vehicle use. Discussion ensued on the use of the police vehicle. Ms. Matula commented that the fee seemed low. The Mayor commented that it may be low and may be something we need to look at. Mr. Delia commented that our older cars are usually used for trust work.

Mr. Sincaglia of 22 Robbins asked a question about Union Avenue ('knows it is not our jurisdiction.) Discussion ensued whether Union was a County Road or a New Providence Road. Mr. Bussicula said he would call New Providence the next day on this matter. Mr. Sincaglia also stated that Mr. Baum's neighbor came to their Board meeting last Thursday and they are looking into a suggested software package. He also stated that they are aware that there is some underutilization of the lot. Finally, he stated

**Township Council Minutes
Public Meeting – June 9, 2015**

that a resident from Sussex told him some months ago: it is more convenient for students to park in the streets than in the parking lot.

Mr. Tom Foregger of 14 Dorset Road asked about the consultant (Dr. Burchell) and whether every town is paying \$2,000. Mr. Sordillo explained the fee arrangement. Mr. Foregger asked if the amount was for a spreadsheet. Discussion ensued that it would be more than that and the Mayor said he would defer to Mr. Mistretta or our Affordable Housing Counsel to speak to that. Mr. Mistretta said he wasn't currently prepared to speak to that. Mr. Foregger asked how one could be an expert or how one could get a job like this. Mr. Sordillo said that Mr. Burchell is one of the few experts in the field. Mr. Foregger asked what makes him an expert. Discussion ensued on this question.

Ms. Camille Aragona of 56 Chaucer Drive had a question regarding COAH and the building in town, i.e., Berkeley Florist, the SubZone, and specifically whether they would have to build low cost units. Discussion ensued including that a percentage of the units would have to be built unless the building is for 8 townhouses. Continued discussion ensued on future building and low cost housing units. Ms. Aragona asked about what was going to go into Berkeley Meadows. Mr. Bussiculo stated that nothing had come before them on that property.

Mr. Gerald Kuzmick of Eaton Court asked about the meeting next Tuesday at the High School and wanted to know the total subject matter to be discussed. Mrs. Kingsley stated that an agenda and an announcement would be coming out in the press shortly. The purpose of the meeting is two-fold: 1) due diligence for the Park Avenue site and the viability of constructing and/or new construction here; and 2) examining the alternatives for development of either the Hamilton Avenue campus or the Park Avenue campus should the Township moved forward with development. Mrs. Kingsley also stated that the presentations would be followed by a Question and Answer session.

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

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

**Township Council Minutes
Public Meeting – June 9, 2015**

EXECUTIVE SESSION –

1. Contract Negotiations/Land Acquisition-Little Flower Church.
2. Contract Negotiations- Verizon Telecommunications – Diamond Hill Road.

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:55 p.m.)

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

Mr. Sordillo reminded all that there was no intended official action expected to be taken after the Executive Session.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(9:45 p.m.)

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

ADJOURNMENT

Moved by Mr. Pastore to adjourn, seconded by Mrs. Kingsley and upon roll call vote
(9:46 p.m.)

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

Approved: July 21, 2015

