

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JULY 7, 2015**

CALL TO ORDER

At 7:07 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.

FLAG SALUTE

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

CONFERENCE SESSION - - Redevelopment Discussion

The Mayor spoke about the continued discussion on redevelopment, concurrence by Council to proceed with the exchange, and with Hamilton Avenue included. The Mayor spoke about the Municipal Building at Park Avenue plan (two options presented.) He continued that Mr. Iovino will appear and answer questions with respect to the rendering and stated that tonight's Redevelopment discussion would focus on Park Avenue. The Mayor noted that the last session would deal with the taxes.

Mr. Pirone spoke about 1) residents' front building discussions, 2) that the plans (both) don't sway him in either direction; and 3) the number one priority is parking.

Mr. Delia stated 1) he had a lot of questions; and 2) the cost should have been addressed at the beginning.

Mr. Hall spoke about 1) the importance of cost; and to come to that conclusion, we need to be specific and have a more ordered discussion; 2) the next meeting will included discussion on the Hamilton Avenue property; 3) we can then discuss P.I.L.O.T. as well as cost and tax implications.

Mr. Delia spoke: 1) the plan on the left makes more sense – it would be more visible from Park Avenue and Plainfield Avenue (it should be seen;) 2) the plan on the right is hidden behind the houses; 3) he would not be in favor of buying the Church's property; 4) suggest we keep the library where it is; 5) about debt and recommended not buying the library yet as it could be \$3 to \$4 million less; 6) "things" can be cut back.

Mr. Faecher stated 1) he wasn't ready to commit either way; 2) his first thought was to build the complex here; 3) he thinks Plan B is a better design; one resident has expressed their concern over Plan B; 4) we need to speak to the neighbors and hear their concerns; 5) he thinks both plans meet our needs and wants to hear more about Plan A vs. Plan B; 6) he doesn't agree in proceeding in a piece meal fashion; there are historic low interest rates.

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Mr. Pastore stated 1) he likes a combination of the two plans; 2) he doesn't like Plan B proposal's facing the tracks; and 3) he would like to keep the building away from the residents as much as "you" can.

Mr. Hall said that broadly speaking, he is more in favor of Plan B.

Meeting CD did not start recording until 7:31 p.m.

Mr. Hall spoke about zoning issues, parking, and setbacks. Further discussion ensued by Mr. Iovino. Mr. Hall stated he was sympathetic to building occurring near anyone's home. Mr. Hall asked about traffic flow between the railroad tracks and the front of the building. Discussion ensued. Mr. Hall also asked about Senior Citizens accessing the Library at night as well as safety. Discussion ensued. Mr. Hall stated that he favored Plan B and noted some reasons including that it was more efficiently laid out and more welcoming to the Community.

Mrs. Kingsley stated that she wasn't wedded to Plan A or Plan B yet. She stated that there were 3 things to accomplish: 1) maximize the parking for the commuters and for the residents who use the facility (Plan B does that;) 2) we should a) respect current zoning with whatever plan is chosen; b) maximize efficiency and effectiveness for all of our functions; 3) balance aesthetics with the surrounding neighborhood. Mrs. Kingsley said she would like to see a 3-D rendition of what works before she signed off on a plan.

The Mayor said that he didn't want to be redundant. He stated that from a functional standpoint in respect to the use of the building, what sticks out to him is the Police, and furthered that he saw a distinct difference between Plan A and B and how the Police needs are addressed. He would like to see how "it" can be adjusted. He furthered discussed parking and noted that it was paramount, accomplished it with Plan B. The Mayor also appreciated the immediate residents' concerns. The Mayor thought Mr. Hall's (echoed by Mrs. Kingsley) reference to respecting the zoning was important. The Mayor further continued the discussion with remarks including stating that he needed to be shown that the Police situation is adequately respected. The Mayor stated his opposition to building in portions.

Mr. Iovino responded to feedback received, including setbacks, zoning, sight lines, a marker (a gateway to the town,) his preference for Plan B, his interest in meeting with the neighbors, his hesitant feeling "getting into" the subjective matter of aesthetics; and a 3D model.

The Mayor asked if there was consensus that Mr. Iovino be charged with preparing a 3D diagram with respect to A or B. Mr. Iovino suggested that we obtain neighbor feedback and then move forward with the 3-D figure.

Mr. Faecher asked about the height of the building, and how it compares to zoning requirements. Discussion continued (Mr. Iovino.)

Moved by Mr. Pastore to open the public hearing on the Conference Session, 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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Mr. Kuzmik asked about Plan B, specifically a proposed parallel passageway to the Track which will have two-way traffic. Discussion ensued on this issue (Mr. Iovino;) current congestion at the Park Avenue lot entrance (Mr. Kuzmik;) and proposed corner wedge of the lot.

Mr. Foregger asked about the 5 houses and zoning status (discussion ensued, R10 was the answer) and for lots behind it (discussion ensued whether it was OL.) Mr. Foregger asked about the interaction between setback requirements; discussion ensued.

Ms. Matula stated that there was no reason to rush for working out contracts or 3D models at this point. She asked about the plans' drawings (including Little Flower, i.e., "apples to apples;") whether there was a study for certain size buildings, including the size of the offices (i.e., Mayor and Library Director;) Discussion ensued. Ms. Matula asked about the number of parking spots proposed. Discussion ensued.

Mr. Charlie Pratt of 45 Park Avenue. He spoke about: 1) he was representing most of the people here; 2) setbacks; 3) residents who had been here for a long time (a lot longer than people who serve on Council;) 4) they are not saying, "don't build – they realize something has to happen, i.e., there is a way to develop harmony in this; 5) setbacks; 6) diminished property values; 7) noise; 8) no light; 9) no privacy; 10) a harmonious buffer; 11) size of the buffer (i.e., 28 foot tree;) there won't be a buffer; 12) vanishing point visibility; 13) Plan B is shoved right up against the residences; 14) parking and headlights; 15) "just because you can, doesn't make it right;" 16) Plan B is pretty damaging; 17) A realtor told a resident "good luck" when asked about the site plans; 18) we look forward to meeting with the professionals before a 3 D rendering; 19) we hope that you stick to what you said.

Mr. Stephen Yellin of 130 Dogwood Lane asked about signage for the new facility, particularly coming from both Springfield Avenue and Plainfield (both size and the look.) Discussion ensued (Mr. Iovino.) Mr. Yelling spoke about a tradeoff and proposed adjustment, i.e., greater distance between proposed site and current houses. Discussion ensued (Mr. Iovino.)

Mr. Hall asked about eliminating one lane with regards to Plan B. Discussion ensued.

Mr. Jess Germansky of Lawrence Drive spoke about Option C and how this Option fit into the schedule of Park Avenue "tonight," Hamilton Avenue, and next time, financing. Mr. Hall responded that the intention was to have an ongoing collaborative, constructive discussion. Discussion ensued. Mrs. Kingsley stated that all of the financial things were still going to be an estimates (until we get to an RFP point.) Mr. Germansky asked about the 3D specifics (i.e., model or computer graphic.) Discussion ensued. Mr. Germansky asked about shifting Plan A to the left, and seeing more of the plan. He also stated that he agreed with Mr. Pastore and is not in favor of the building facing the tracks.

Mr. Peter Traub of 81 Park Avenue suggested buying nearby residents' homes.

Councilman Delia asked that people keep his ideas open, i.e., moving the Recreation Center or Library to Snyder Avenue would alleviate some of the "tight fit" problems and parking.

Mr. Pirone asked whether there was a reason for not taking Plan B and shifting it to the front corner. Discussion ensued. Mr. Hall stated that everyone agrees that more work has to be done. He asked that we choose a path (A or B) to make a rendering. The Mayor suggested Mr. Iovino first meet with the homeowners. Mr. Hall suggested that broadly speaking 1) the architect should develop the drawings after meeting with the residents; 2) the Clerk advertise the meeting; 3) Mr. Iovino meet with the residents. Discussion ensued on this suggestion. Mr. Faecher suggested to "have the process" and not necessary to commit to Plan A or Plan B, and commit the time and effort. Mrs. Kingsley suggested that we wait for Mr. Iovino's recommendation.

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Mr. Bussiculo asked about switching the front door to the front of the building instead of the back side. Discussion ensued.

Next steps were discussed, i.e., 1) residents within 200 feet of this property being notified for a meeting; 2) appropriate protocols to follow; 3) Hamilton Avenue property will be discussed at next meeting.

Mr. Bussiculo asked about the Plan B Plaza's location in the north side of the building, i.e., there is no sun (ice and snow will be there.) Discussion ensued (Mr. Iovino.)

Hearing no voices, moved by Mr. Pastore to close the public hearing on the Conference Session, seconded by Mr. Pirone 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

TOWNSHIP COUNCIL REPORTS

The Mayor stated that he understood Mr. Faecher had a topic to discuss which was appropriate for the Council session.

Mr. Faecher stated that he wanted to discuss parking near the High School: 1) residents have come before us on several occasions; 2) he visited the high school area after the enactment of the Ordinance and observed the parking problem, "like water flowing downhill;" 3) he had the opportunity to meet with Chief DiPasquale and Lieutenant Deitch to discuss the parking issue; 5) While this aspect of the parking is not a safety issue, it is an ongoing quality of life concern for the residents; 5) he proffered a further modification of the parking ordinance for the Council's consideration and gave specifics, including the following a) time restrictions to Crest Circle; b) time restriction further on Crest Drive (from Gallinson to Countryside Drive; c) extend the restriction on Gallinson from Crest Drive to the intersection at Summit Road, noting this is the logical next step and will hopefully mitigate and reduce the problem. He would propose 1) as soon as possible and 2) will work with Attorney Sordillo on modifying the ordinance accordingly if the Council is favor of it. Discussion ensued included proposed parking restrictions on Summit Road (Mrs. Kingsley.) Discussion further ensued about 1) amending the ordinance versus amending our Code; 2) whether the Police reviewed and supported the proposal; 3) time restrictions; 4) safety; 5) because Summit Road is wider, there may not be the problems we have seen on other roads near the high school (Mr. Delia;) 6) "doing everything up the hill above Chestnut" (Mrs. Kingsley;) 7) whether the high school had done anything; 8) getting this on the next Council session (Mayor.)

Mr. Delia commented on last meeting's statement that "This isn't a democracy, it's a democratic republic." The comment bothered Mr. Delia and the residents. He stated that he works for the residents (as an elected official.) Mr. Delia stated that the residents should have a choice to vote on the land swap (even if is non-binding.)

Mr. Faecher stated that the affordable housing papers were filed at the end of last week to make sure we met the deadline. He said that with the exhibits, it was quite a document.

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Mr. Hall commented on the resident’s question regarding the current construction on Springfield Avenue (upcoming CVS). The question was about the positioning of the exit on Springfield Avenue and it was skewed in one direction. Mr. Hall spoke about the application and how the design supports the right turn only.

Mr. Hall noted that Mr. Sincaglia reached out to him regarding statistics as it relates to the redevelopment plan. He continued that work on expected number of students is in progress and is expected in two weeks.

Mr. Pirone had nothing to report.

Mr. Pastore spoke about : 1) he attended the street fair (great event;) 2) the Recreation has its first Wednesday night concert tomorrow night; and 3) the Snyder Avenue Spray Park is now reopened.

Mrs. Kingsley spoke about 1) presiding over the ceremony for Captain Schaeffer. She commented on the turnout he received that day (i.e., retired police, the police officers, the Fire Department, and children in town;) 2) it is a pleasure driving around Berkeley Heights and gave a “shout out” to the DPW who are actively filling potholes; and urged patience as the Township tackles the potholes; as well as patience for what goes on with Springfield Avenue (and need the residents help to be pro-Berkeley Heights;) 3) the Recreation Camp kicked off last week and stated that it is the best bargain in Berkeley Heights -- they “do” a phenomenal job and the kids have so much fun.

ADMINISTRATION REPORTS

Mr. Bussiculo – Mr. Bussiculo reported on 1) the Passaic River Desnag project; 2) Glenside Road; 3) Park and Kline Roads; 4) “Gov” deals; 5) street lights which are out (Police completed a list; ordinance doesn’t address) 6) businesses who hook up street lights to their parking lot lights; 7) update from the County on Mr. Delia’s question on the Open Land Trust (regarding one lot in the wetlands.) Discussion on wetlands ensued; 8) OEM Meeting was held today regarding Mount Carmel. Mr. Bussiculo commented on a) the very professional and passionate people that work here; b) the coordination between Police, Fire, EMS, and DPW – they have laid out so well; and c) “hats off” to the departments; 9) Catch Basins; 10) Sewer Truck; 11) Sweeper; 12) Chipping completed; and 13) Potholes. Mr. Hall commended the Sweeper/Road Department efforts.

Mayor Woodruff – The Mayor thanked Mr. Pastore and Mrs. Kingsley for serving as Actor Mayor when he was gone. The Mayor also offered his condolences to the Cohen family as Dr. Cohen passed away about 10 days ago -- Dr.Cohen was a member of the Board of Health for about 25 years.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, 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

APPROVAL OF MINUTES

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

Public Meeting – May 5, 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. Hall to open the Hearing on Agenda Items Only, 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

Mr. Tom Foregger of 14 Dorset Road asked how many units of affordable housing we claim. Discussion ensued: the reasonable development potential was 22 units, based on vacant land assessment (Mr. Faecher;) the fair share housing plan (Mr. Bussiculo.)

Mr. Foregger asked what streets have been repaved and are there any more to do. Mr. Bussiculo said he could get the list to Mr. Foregger. Discussion ensued.

Ms. Carol Matula of 5 Hastings Road asked about the areas where the affordable housing is supposed to go. Discussion ensued.

Mr. Howard Baum of 52 Crest Drive thanked the Council and Police regarding the parking around the school. He wanted to mention two things: 1) the time restrictions on the signs are important to the community; 2) extending the no parking around the whole community is a great idea. He would extend the “no parking” signs all the way to the end of Crest Drive. He also recommended Countryside Drive, at least down to Upper.

Hearing no voices, moved by Mr. Hall to close the Hearing on Agenda items, seconded by Mr. Faecher 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 ORDINANCE INTRODUCED ON
June 23, 2015.**

The Clerk presented and read:

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS,
COUNTY OF UNION STATE OF NEW JERSEY, CONSENTING TO THE
PETITION OF LIGHTOWER FIBER NETWORKS TO UTILIZE THE
TOWNSHIP’S RIGHTS-OF-WAY WITHIN THE TOWNSHIP OF
BERKELEY HEIGHTS, AND AUTHORIZING THE AGREEMENT
SETTING FORTH THE TERMS AND CONDITIONS OF SAME.”**

Explanation: This Ordinance consents to the petition of Lightower Fiber Networks to utilize the Township’s rights-of-way for the purpose of operating a telecommunications network, and authorizing the Agreement setting forth the terms and conditions of same.)

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

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 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

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated July 7, 2015 in the amount of \$586,768.78

Moved by Mr. Delia to approve resolution #1, 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

Mr. Faecher introduced the following resolution:

2. Resolution authorizing renewal applications for 2015/2016 Alcoholic Beverage Licenses.

Moved by Mr. Faecher to approve resolution #2, 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 introduced the following resolution:

3. Resolution authorizing the Stipulation of Settlement relative to the tax appeal of James Dale Enterprises Inc., 714 Springfield Avenue, Block 504 Lot 2.

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

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

Mrs. Kingsley introduced the following resolution:

4. Resolution authorizing the Stipulation of Settlement relative to the tax appeal of James Dale Enterprises Inc., 730 Springfield Avenue, Block 504 Lot 1.

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

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

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Mr. Pastore introduced the following resolution:

5. Resolution authorizing the Stipulation of Settlement relative to the tax appeal of James Dale Enterprises Inc., 735 Springfield Avenue, Block 501 Lot 1.

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

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

Mr. Pirone introduced the following resolution:

6. Resolution endorsing the submission of the Year 2014 Recycling Tonnage Grant application by Robert Bocchino, Township Engineer.

Moved by Mr. Pirone to approve resolution #5, 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. Delia introduced the following resolution:

7. Resolution endorsing the submission of the Year 2015 Food Waste, Tire Clean-up & Public Space Bonus Recycling Grant application by Robert Bocchino, Township Engineer.

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

The Mayor asked what doesn't that grant cover?

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. Faecher introduced the following resolution:

8. Resolution authorizing the award of contract to Regional Industries, LLC., 800 East Grand Street, Elizabeth, NJ, for the Residential Clean-Up, in the amount not to exceed \$128,000.00.

Moved by Mr. Faecher to approve resolution #8, and carried.

Mr. Delia asked if there was any way to get more than one bid on this. Discussion ensued. The Mayor then asked for second on the motion. Mr. Pirone seconded the motion 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. Pastore introduced the following resolution:

9. Resolution appointing Patricia Donahue as Registrar of Vital Statistics for a (3) year period.

Moved by Mr. Pastore to approve resolution #9, 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

CITIZENS HEARING

Moved by Mr. Pirone to open the Citizens hearing, 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 Mr. Bussiculo would time everyone (for 3 minutes.)

Mr. Stephen Yellin of 130 Dogwood Lane stated that he saw the Affordable Housing notice for our town (and Summit and another municipality) in Sunday's Star Ledger. He asked about this notice in the Star Ledger (versus the Courier.) Discussion ensued including the statement that both papers are our official newspapers (Mr. Sordillo.)

Ms. Matula of 5 Hastings Road asked about the paving of Union Avenue in New Providence. Discussion ensued (Mr. Bussiculo.) Ms. Matula asked about tax appeals and revenue lost. Discussion ensued (the Mayor and Mr. Marceau.)

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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

**ADJOURNMENT
(9:19 p.m.)**

Moved by Mr. Hall to adjourn, seconded by Mr. Pirone 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

Approved: August 18, 2015