

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JULY 21, 2015**

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**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. Hall, Mrs. Kingsley, Mr. Pirone and Mayor Woodruff answered present. Mr. Faecher and Mr. Pastore 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 - Redevelopment Discussion - 33Hamilton Avenue**

**Meeting CD did not start recording until 7:10 p.m.**

The Mayor opened the Conference Session summarizing recent Redevelopment actions including 1) authorizing Mr. Sordillo to execute the necessary documents to enter into an agreement with the Church; 2) Mr. Iovino's attendance at our last meeting; Plan A and Plan B were discussed; Mr. Iovino recommended Plan B; 3) based upon discussion and feedback from the citizenry, we arranged for a meeting (which took place last night) with various citizens, particularly those who are contiguous to the property as well as those who are 200 feet from the property.

Mr. Hall stated that tonight's focus would be on Hamilton Avenue (and last meeting's focus was on Park Avenue; and next week's focus would be on taxes;) Mr. Hall stated that it is hard to talk about the financial impact if we haven't framed the discussion in regards to what we are doing with the properties. Mr. Hall continued: 1) next week, we will have a tutorial on the P.I.L.O.T. issue; 2) the discussion last meeting which resulted in last night's meeting: 55 homes were invited and roughly 25 people attended.

Mr. Bussiculo stated that the meeting was very positive. Mr. Iovino was able to answer a lot of the questions last night. For those which he wasn't able to answer, he wrote down notes (to address as the project moves along.) Mr. Bussiculo asked Mr. Pratt to "give us the residents' side."

Mr. Charles Pratt spoke: 1) the meeting was well-attended; 2) the core group (the people with property lines) were all there; 3) the meeting was done in a way with explanations, whys and why nots; "back and forth;" Mr. Iovino listened; 4) the major push from the residents was "get it back," more like an A scenario (but not all A; and some form of C;) 5) the meeting was very professional; 6) about the reshaping process; 7) we are all looking for something that works for everybody.

**Township Council Minutes  
Public Meeting – July 21, 2015**

Mr. Hall spoke about the specific plans (which Mr. Pratt referred,) the original mandate to the architect was to determine very quickly whether all the services could fit on the property. Mr. Hall found it interesting that the concerns referred to things off the property, i.e., traffic. Mr. Hall stated that as this moves forward, there will be traffic studies and a whole range of studies which will speak to those concerns.

Mr. Delia proposed that we all walk over to the property tonight. He spoke about 1) measuring where 30 feet was; 2) envisioned the building on the property; 3) also looked where Plan B and Plan A would be in respect to the property; 4) he suggested we walk over there now as it would give an insight into how crazy it would look to put Plan B in place; 5) Plan A is less offensive to the residents; 6) Plan A is a good 150 feet closer to the center of town. Discussion ensued (Mr. Hall, Mr. Delia, the Mayor.)

The Mayor asked Mr. Bussiculo if he discussed with Mr. Iovino about developing a conceptual plan, with respect to taking it to a schematic level. Mr. Bussiculo replied that Mr. Iovino sent over a proposal today, with time frame and cost estimate. The Mayor read specifics from the proposal (a copy of which is attached to the permanent minutes.)

The Mayor stated that he would ask the elected officials their thoughts with respect to the development of the current Little Flower site. The Mayor spoke about 1) referenced Mr. Mistretta's Concept Plan 2 at the Hamilton Avenue campus; 2) The Mayor stated that Mr. Mistretta is a township planner, not a contractor; 3) we made a request of him regarding how many plans could conceptually fit; 4) concerns about density and funding.

The Mayor asked Mr. Pirone if he had any thoughts regarding the Hamilton Avenue campus presentation, most particularly Concept Plan 2.

Mr. Pirone stated that he was in favor of Concept Plan 2. He elaborated his opinion (i.e., maximize revenue, keep units down to 6 per acre.)

Mr. Delia stated 1) that we should not be in the business; we should not buy property to re-sell; 2) it is ridiculous to get involved with the Church; 3) the property cost is \$4.5 million not \$2.8 million; 4) what will happen if we can't get \$4.5 million for this property; 5) this is not our money to be buying and selling land; this is the residents' money; we shouldn't be gambling with the residents' money; 6) what if the Church closes and elaborated (i.e., most of churchgoers are residents, churchgoers don't want to see the money go to the Diocese;) 7) we should take our time with this and do it right and elaborated (i.e., we are trying to appease the Church.)

Mrs. Kingsley stated 1) that this transaction is about what we do to get the municipal development that we need and have the proper services offered to the residents in town; 2) right now, we all think staying in Park Avenue is optimal (citing a) its historical value, b) close to town, c) kicks off the downtown development district; 3) redevelopment by itself would mean spending \$28 to \$30 million. The Little Flower opportunity is a unique opportunity to take another parcel of land and redevelop it and sell it and actually fund a significant piece of the transaction. It would be fiscally irresponsible for us not to seriously consider that option. At the end of the day, we need new facilities. Our detectives have been in temporary trailers for over 20 years. The "wait and move slowly" doesn't work because it never gets done. We are doing a disservice to our employees and to our residents with the facilities that we currently have today; 4) whatever we do, we should buy the land, look to develop it; are we doing it in a responsible way and respecting the a) current zoning of that neighborhood and b) respecting the current

**Township Council Minutes  
Public Meeting – July 21, 2015**

density of which we develop this town; 5) she was in favor of the transaction at Little Flower; and then we can carefully put the specs together to take the land out to bid to a developer (and control the density and size of the buildings.)

Mr. Hall spoke about 1) the Township not being developers; 2) addressing the needs of the town; 3) since the 1970's, the community has struggled with this; 4) we have a very large property that does not generate taxes; 5) this tax revenue will help us manage our tax bills; 6) the Hamilton Ave property is very valuable to our town; 7) with respect to the property, he favors the town house development; 8) being very concerned about density; 9) he is a big fan of the redevelopment plan; 10) the expected number of students (with feedback from John Sincaglia.)

The Mayor stated he strongly supports this plan. He spoke about the School Board comments regarding Mr. Mistretta's figure with respect to the school figures (referencing a recent article.) The Mayor said their comment implicated that Mr. Mistretta's information was incorrect or not based on fact. The Mayor said he doesn't fault the School Board for wanting it to be accurate but stated that it doesn't advance anything when School Board individuals are suggesting that the figures are false.

The Mayor thanked members of the Council for their comments this evening.

Moved by Mr. Hall to open the public hearing on the Conference Session, seconded by Mr. Pirone, and upon roll call vote:

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

Mr. John Sincaglia stated that he didn't make statements to the newspaper. He said he had discussions with Mr. Hall. He doesn't think the Board made public statements. In terms of the density issues, Mr. Sincaglia said that 1) no one to his knowledge made a statement; 2) he was disturbed that this came out, 3) it wasn't their intent, and 4) certainly not his.

Mr. Yellin of 130 Dogwood Lane stated that he had the article. Discussion ensued, including discussion about the phrase "real world numbers."

Ms. Camille Aragona of 56 Chaucer Drive said that the architects have done a great job. She spoke about an email she wrote where she questioned how we can put a property that we don't own as redevelopment. Discussion ensued (Mr. Hall.) Mr. Sordillo spoke about consent, redevelopment law, municipalities and eminent domain. Ms. Aragona spoke about the Church's plans during May 2010. Ms. Aragona said the Church had their opportunity and we are bailing the Church out. Discussion ensued (the Mayor.) Further discussion ensued regarding the Church closing (Ms. Aragona, Mrs. Kingsley.) Mr. Hall asked that we limit the conversation to Hamilton Avenue. Ms. Aragona asked about putting the property in the redevelopment act. Discussion ensued about the timing (Mr. Hall.)

Hearing no voices, moved by Mr. Hall to close the public hearing on the Conference Session, seconded by Mr. Pastore and upon roll call vote:

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

## **TOWNSHIP COUNCIL REPORTS**

Mr. Mistretta identified himself as the Township Planner. Discussion ensued regarding timing of the redevelopment study and Planning Board meeting timing. Mr. Mistretta stated that the final link would be an analysis of the financials. He also stated that the due diligence on the Hamilton Avenue property would be very important, and other steps which would need to be completed (i.e., title, environmental, legal, remediation, engineering, survey.) Discussion ensued on whose office would work on the documents (i.e., legal versus planners.) Mr. Mistretta will submit a proposal to work on these steps. The Mayor asked for a straw poll regarding Mr. Hall specifically requesting that Harbor Consulting complete that which they already began in respect to documentation. The straw vote was 3 Aye (Hall, Kingsley and Pirone) and 1 Nay (Delia.)

**Mr. Delia** – Mr. Delia proposed that we purchase the Kings property. He suggested we change the zoning and make a profit on that. Discussion ensued (the Mayor, Mr. Hall and Mr. Delia.) Mr. Delia said that we should not be in the development business.

Mr. Delia stated that last week he sent a letter to the Council regarding putting the redevelopment plan on the ballot. Mr. Delia stated that he didn't receive any responses. Mr. Delia again proposed that this be put on the ballot to let the voters decide (whether it is binding or non-binding.) He asked the Council to respond now. Discussion ensued: Mrs. Kingsley stated 1) it is premature (i.e., go through due process,) and 2) we are being open and transparent to the public in every step of this process and are seeking input from the residents. Mr. Hall stated that he does not support a non-binding referendum and elaborated. Mr. Pirone stated that he does not support for the same reasons as Mrs. Kingsley and Mr. Hall.

Mr. Delia spoke about the passing of two employees (Ms. Travers in the Tax Assessor Office) and former employee, Champ, in the DPW.

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

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

**Mrs. Kingsley** – Mrs. Kingsley had nothing to report.

## **ADMINISTRATION REPORTS**

**Mr. Bussiculo** – Mr. Bussiculo reported about 1) pothole repairs; 2) street sweeper; 3) curb line; 4) Sections 1, 4 and 5 are now complete; he corrected last meeting's report in that section 5 had been reported as complete and it wasn't; 5) inlet repairs; 6) library lot striping; striping on Snyder and Oak Way; 7) tree trimming; 8) reviewing the ordinance on shoveling fire hydrants out; 9) fire department generator; 10) the Mayor and he met with the County last week; 11) brine on a road before a snow storm;

**Township Council Minutes  
Public Meeting – July 21, 2015**

12) 3 workers were replaced at DPW (one went to Waste Water;) 13) saw a demo of easement cleaning equipment; 14) Union Ave report (New Providence;) and 15) pump at Sewer Plant went down today.

**Mayor Woodruff** – The Mayor reported that 1) Mr. Bussiculo and he met with Union County Economic Development Response team. It was very productive (i.e., mapping opportunities, school visuals, grant discussion;) 2) he received a letter from three young students in Berkeley Heights and read excerpts from the letter; 3) he received a memo from Affordable Housing Counsel. Our papers were submitted on July 8<sup>th</sup>. He further discussed the 5 month start time, and a recent decision regarding Monroe Township (it was favorable to the Township.)

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

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

**APPROVAL OF MINUTES**

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

**Public Meeting – May 19, 2015**

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

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

**Public Meeting – June 9, 2015**

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

**HEARING ON AGENDA ITEMS ONLY**

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

**Township Council Minutes  
Public Meeting – July 21, 2015**

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

Ms. Carol Matula of 5 Hastings Road asked if there was a donation to the Amber Memorial on the Bill List. Discussion ensued. The Mayor stated there was no allocation in the budget for that.

Mr. Ted Romankow of Bristol Court spoke about 1) the County grant application; 2) softball game between the Fire Department and the Police Department; 3) plans to speak to the students at the high school regarding the background of the memorial as well as those who served; 4) social media update; 5) we will honor all the veterans who live and work in Berkeley Heights; 6) they applied for the grant; thanked various people. The Mayor asked about the matching money and fundraising time limit deadlines.

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

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

## **RESOLUTIONS**

### **Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated July 21, 2015 in the amount of \$154,325.13.

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

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

### **Mr. Hall introduced the following resolution:**

2. Resolution authorizing the sale of surplus personal property no longer needed for public use on an online auction website ([www.GovDeals.com](http://www.GovDeals.com)).

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Pirone and carried.

Mr. Delia asked about what would be on this auction. Mr. Bussiculo said he could provide the list. Discussion ensued that the list was in the packet.

Upon roll call vote:

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

**Mrs. Kingsley introduced the following resolution:**

3. Resolution authorizing the application for “Kids Recreation Trust Fund” grant for the Memorial Park Committee.

Moved by Mrs. Kingsley to approve resolution #3, seconded by Mr. Pirone and carried.  
Mr. Delia thanked the veterans.

Upon roll call vote:

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

Mr. Pirone stated that he would like to make note that we have received a letter on July 21<sup>st</sup> from Mr. Iovino. He would like to make a motion that we move forward with Mr. Iovino to make conceptual plans (for the Park Avenue site.) There was a second motion. Attorney Sordillo noted that the resolution would be moved this evening, and at the following meeting, it would be memorialized with a Professional Services Agreement. Mr. Delia stated that before we spend money, he asked people to look at the property and take a closer look at the ramifications of the two plans, as well as see if there is a Plan C (and spoke about his previous suggestions and that spending money on this was not a good idea.)

Upon roll call vote:

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

**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. Pirone introduced the following resolutions:**

**(4. a – d)**

- a. Resolution authorizing a block party on Chaucer Drive and Cromwell Court on September 12, 2015 from 3:00-7:00 p.m., with a rain date of September 13, 2015.
- b. Resolution removing Kelly Connelly, 92 Midvale Avenue, Millington, NJ, from the Berkeley Heights Fire Department Active Duty Roster.
- c. Resolution removing Sarah Haddican, 2 Old Smalleytown Road, Warren , NJ, from the Berkeley Heights Fire Department Active Duty Roster.
- d. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayments:
  1. Nark & Margaret Cranston 91 Hamilton Avenue \$2,940.66

Moved by Mr. Pirone to approve Consent Agenda resolutions #4a through d, seconded by Mr. Hall and upon roll call vote:

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

**CITIZENS HEARING**

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

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

Mr. Gerald Kuzmick of Eaton Court stated that he took note this week that there was an abandoned car (where the fireworks were.) Discussion ensued that it was County or Mount Carmel property. Mr. Kuzmick said there were no plates on it. Mr. Bussiculo said he would look into it.

Mr. Rob Walton of JCP&L gave an update of recent activity. The Mayor spoke about the close contact with Mr. Walton's office and the Administration office. Discussion ensued about Lone Pine Drive (meeting scheduled for this Friday.)

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

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

**INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for August 4, 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 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 further amends the parking regulations on portions of various roadways near the Governor Livingston High School.)**

Mrs. Kingsley discussed this ordinance (Mr. Faecher’s efforts, this ordinance attempts to tackle all of the streets that could be affected (surrounding the high school.))

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, that August 4, 2015 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Hall and carried.

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

**ADJOURNMENT  
(8:38 p.m.)**

Moved by Mr. Delia to adjourn, seconded by Mrs. Kingsley and upon roll call vote

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

**Approved: August 18, 2015**