

**MINUTES OF THE TOWNSHIP COUNCIL
TOWNSHIP OF BERKELEY HEIGHTS
EXECUTIVE SESSION HELD ON SEPTEMBER 1, 2015**

CALL TO ORDER

Mayor Woodruff called the Executive Session to order at 8:00 p.m.

ROLL CALL

Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Hall, Mr. Pastore, and Mr. Pirone answered present.

Absent – Mayor Woodruff

Also present was John Bussicula Township Administrator, Joseph Sordillo Township Attorney and Ana Minkoff, Township Clerk.

EXECUTIVE SESSION –

- 1. Attorney/Client Privilege/Contract Negotiations-Verizon Telecommunications Tower**
- 2. Attorney/Client Privilege – Matula v. Berkeley Heights**
- 3. Attorney/Client Privilege-Litigation-Affordable Housing**

Attorney/Client Privilege/Contract Negotiations-Verizon Telecommunications Tower

Mr. Sordillo discussed the renewal of the Verizon Wireless Diamond Hill lease. He stated that it could be renewed without going out to bid; they are proposing a 3% increase or the Consumer Price Index, whichever is greater. They would like to start with a 2.5% increase at the beginning of the lease.

All agreed to renew.

Attorney/Client Privilege-Litigation-Affordable Housing

Mr. Sordillo stated that the litigation is moving forward. Dr. Burchell had a stroke and has some speech issues; there is a concern about what to do next. There will be a meeting next Thursday at Rutgers amongst the attorneys for the participating municipalities. Dr. Burchell's draft report is almost completed. There are (2) options for the group: (1) hire Econsult, the expert hired by the the League of Municipalities; or (2) hire Dr. Burchell's assistant to complete his work. The current the consensus within the Group so far is to hire the assistant. The cost would be the same.

Mr. Faecher stated that since the data is available, it should not matter that much.

All agreed to go with the assistant.

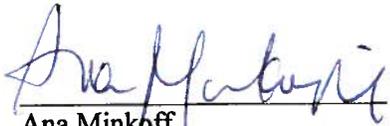
Attorney/Client Privilege – Matula v. Berkeley Heights

Mr. Sordillo stated that the Appellate court issued a decision, which remanded the matter to the Trial Court to allow discovery on whether the Council had a conflict of interest. The question of conflict of issue on the Resolutions will go back to Judge Cassidy. The Judge dismissed the entire complaint, while that was good for the town; it was procedurally incorrect based on recent case law. A date for the case management conference has been set as the Judge is moving this quickly. Mrs. Matula has filed another

motion seeking a different Judge. Mr. Sordillo advised that he will need to speak to each member of Council and Mayor individually to discuss the issue of potential conflicts of interest.

Adjourned 8:18 p.m.

Approved: September 20, 2016



Ana Minkoff
Township Clerk