

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD SEPTEMBER 15, 2015**

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**CALL TO ORDER**

At 7:06 p.m., The Mayor 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. Pirone and the Mayor answered present. Mr. Pastore was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

**EXECUTIVE SESSION - Attorney Client Privilege/Litigation – Affordable Housing**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(7:07 p.m.)**

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

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:30p.m.)**

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

**FLAG SALUTE**

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

**CONFERENCE SESSION -**

The Mayor asked if anyone had anything they would like to bring up for the Conference Session. Mr. Delia asked whether we would be bringing up the C.O.s for the resale of houses, specifically passing an ordinance regarding this issue. Mr. Bussiculo stated that work was being done on this issue and gave a

time frame (probably by next week.) Mr. Delia commented that realtors would have a good “pulse” on this issue.

## **TOWNSHIP COUNCIL REPORTS**

**Mr. Delia** – Mr. Delia spoke about 1) the Bill List, specifically the use of outside police officers for Trust work. Discussion ensued; 2) the Township will be receiving 40 trees and the Environmental Commission has asked for interested residents. Mr. Delia spoke about their location (right of ways, front yard, etc.) He also discussed how power lines on a property would affect the type of tree selected. Finally, Mr. Delia spoke about the funding and if anyone has interest, they should call the Clerk’s office. Mr. Hall spoke further about the program.

**Mr. Faecher** – Mr. Faecher commented on the Affordable Housing front, specifically: 1) the need to be guarded in our comments as we are in the midst of active and ongoing litigation (and will be for some time); 2) Berkeley Heights’ motion for immunity against Builder Remedy lawsuits was granted; 3) Developers’ applications (previously referenced) seeking Builder’s Remedy-type relief were denied. Mr. Faecher elaborated; 4) we have until December 2<sup>nd</sup> to file our plan with the Court; 5) we have good news in that we prevailed in that motion.

**Mr. Hall** - Mr. Hall commented on the Redevelopment Plan: 1) the Redevelopment plan/study will be presented tomorrow at the Planning Board Meeting at 7:30 p.m.; 2) The properties which will be included in the Redevelopment study (i.e., the Library, Snyder property and Hamilton) will be viewed independently. The Planning Board will look at the merits of whether the property lends itself to redevelopment; 3) The results of that meeting will be passed back to the governing body.

**Mr. Pirone** – Mr. Pirone read his September 13<sup>th</sup> letter to the Editor for Tapinto Berkeley Heights (a copy of which is attached to the permanent minutes.)

**Mrs. Kingsley** – Mrs. Kingsley stated that she echoed Mr. Pirone’s comments. She stated that she attended both events as well. Mrs. Kingsley stated that her 9 year old thought the wet down was one of the coolest events. The event was very well done by the Rescue Squad. Mrs. Kingsley gave a shout out to the Police Department for winning the softball game. She remarked that everyone was a trooper for playing in the rain, and said the event was a lot of fun, thanks to the Police and Fire Departments.

## **ADMINISTRATION REPORTS**

**Mayor Woodruff** - spoke about: 1) the 9/11 Memorial was this past Friday. The Mayor thanked the DPW for the immaculate condition of the property. The Mayor also thanked our Services, i.e., Fire, Police, and the Rescue Squad (all who participated.) The Mayor commented that it was a solemn moment and he thanked all who attended (including Assemblyman Bramnick and Senator Kean;) 2) receiving complaints from residents regarding residents in town who park their boats proximate to their homes. The Mayor spoke about the boats being an eyesore. He asked Mr. Bussiculo about this issue. Mr. Bussiculo stated that the ordinance regarding this issue is weak, i.e., it doesn’t spell out what you are not allowed to do. He elaborated and stated that the ordinance would need to be strengthened before Mr. Bocko could cite people. Discussion ensued (the Mayor, Mr. Hall, Mr. Faecher, Mr. Pirone, and Mr. Sordillo.) The Mayor asked Mr. Bussiculo to get some information for the next meeting regarding this issue.

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**Mr. Bussiculo** – Mr. Bussiculo reported about 1) 23 tons of asphalt were put on potholes; 2) the street sweeper did 142 miles of roadway and all sections have now been swept twice; 3) chipping update; 4) catch basin repair update; 5) line striping update; 6) GL sign update: signs are not in; half of the posts are up; 7) shared services with New Providence: the brush hog was out on certain roads; 8) a gate for the DPW yard has been ordered; 9) brine process update; Mr. Faecher asked if there was secondary containment; 10) costs of making the brine; 11) safety effect of brine before a storm; 12) the Waste Water Treatment filed their monthly report with the DEP – there were no permit violations; 13) the grease trap inspection program is ongoing – program is conducted on Mondays and Fridays; 14) there are vegetable oil and Motorola oil tanks at the DPW yard as well as a bin for scrap metal; 15) another vendor looked at the boiler; 16) street cleaning has started (on Holly Glen;) 17) dead tree removal; Mr. Hall had a question. Mr. Bussiculo said he would follow up; 18) Fire Department generator; 19) additional road paving; 20) Bulk pickup; 21) we are following up with the GPS matter (vendor issue;) 22) CVS sent the Township proposed relocations for sewer and water services; 23) Fire Department Apron; 24) Fall Programs begin on Saturday for the Recreation Department; and 25) Recreation Department Update (helped/ing with the Rescue Squad, Softball Event and the upcoming 5K events.)

The Mayor asked Mr. Bussiculo about the Utility Pole and Mr. Frankie Mae. Discussion ensued.

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

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

**APPROVAL OF MINUTES**

Moved by Mr. Faecher to approve the following minutes, seconded by Mr. Hall and carried:

**Public Meeting – September 1, 2015**

**Executive Session – April 23, 2013; May 8, 2013; June 11, 2013; June 25, 2013**

Mr. Sordillo stated that Mr. Faecher could not move the approval of the Executive Session minutes as he was not present at those meetings.

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

**Public Meeting – September 1, 2015**

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

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

**Executive Session – April 23, 2013; May 8, 2013; June 11, 2013; and June 25, 2013**

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

**HEARING ON AGENDA ITEMS ONLY**

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

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

The Mayor announced that Mrs. Kingsley would be the timekeeper.

Mr. Hall asked Mr. Bussiculo about the third party stream clean up. Discussion ensued.

Ms. Carol Matula of 5 Hastings Road asked for more details on the affordable housing, i.e., the number of units. Mr. Faecher spoke about last meeting's discussion regarding 1) developers who had filed motions to intervene; and 2) seeking builders' remedy relief. He elaborated, and then discussed the Supreme Court's decision (i.e., the Court decided those motions were premature; we were granted immunity; the developers have been given limited rights to review the plan) as well as the Township's December plan due date (to the Court.) Mrs. Matula asked about the July deadline. Mr. Faecher provided an overview of the July deadline and the ensuing events.

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

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON  
SEPTEMBER 1, 2015.**

The Clerk presented and read:

**1. “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Section 2.100.100 to be entitled “Outside Employment of Off-Duty Police Officers” of Chapter 2.100 entitled “Police Division” of Title 2 entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to revise same.”** Explanation: (This ordinance further amends and revises the requirements and procedures to retain the services of off-duty police officers of the Township of Berkeley Heights.”)

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pirone and upon roll call vote:

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

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Faecher and upon roll call vote:

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

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. Hall and upon roll call vote:

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

## **RESOLUTIONS**

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

1. Resolution approving Bill List dated September 15, 2015 in the amount of \$204,609.33.

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

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

**Mr. Pirone introduced the following resolution:**

2. Resolution authorizing the Addendum No. 2 to Lease Agreement with Verizon Wireless to renew and amend the existing Lease Agreement.

Moved by Mr. Pirone to approve resolution #2, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley and Mr. Pirone.  
Nays: None  
Abstain: None  
Absent: 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. Hall introduced the following resolutions:**

**(3. a-f)**

Moved by Mr. Hall to approve resolution #3a through f, seconded by Mrs. Kingsley, and carried.

Mr. Delia commented that “b” are usually resolutions. He asked why they were in the Consent Agenda. Mr. Delia asked that we vote on “d” separately as he didn’t want to vote for 3d.

- a. Resolution authorizing a block party on Berkshire Drive, on September 26, 2015 from 3:00 p.m.–7:00 p.m.
- b. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayments:

1.Mahmoud Abdalla & Jennifer Muhs	331 Diamond Hill Road	\$1,934.89
2.Yuri & Anna Krapivin	23 Daisy Road	\$63.72
3.Frank & Suzanne Sabatino	15 Fawn Circle	\$356.05
4.Joseph & Kristen Denahan	278 Timber Drive	\$125.59
5.Anthony & Karen Simonelli	283 McMane Ave.	\$62.67

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- c. Resolution authorizing the Tax Collector to refund the duplicate third quarter 2015 tax payments:

1.Louise Fabo	78 Baker Avenue	\$1,992.60
2.Glenn Matthew Chaleff	6 Brook Street	\$2,677.05
3.Christopher & Tina Heintz	28 Baldwin Drive	\$6,482.02
4.Michael & Mara Cruwys	416 Emerson Lane	\$2,550.49
5.Michael & Elise Ornstein	15 Pinnel Court	\$4,797.23

- e. Resolution authorizing a road closure on Hamilton Avenue between Plainfield Avenue and Roosevelt Avenue on October 11, 2015 from 8:00 a.m. to 4:00 p.m., with a rain date of October 18, 2015, for the Berkeley Heights Fire Department Hot Rods on Hamilton.
- f. Resolution approving a block party on September 26, 2015 from 2:00 p.m. – 8:00 p.m. on the corner of Club Drive & Club Lane.

Moved by Mr. Hall to approve resolution #3a through c, e and f, seconded by Mrs. Kingsley, and upon roll call vote:

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

- d. Resolution authorizing the refund of tax appeal for the years 2012, 2013, 2014 and 2015, in the amount of \$53,041.53, for the property located at 714, 735 & 730 Springfield Avenue, to Law Office of Nathan P. Wolf, LLC and James-Dale Enterprises, Inc.

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

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

The Mayor stated that we had an addition.

**Mr. Faecher introduced the following resolution:**

**ADDITION:**

4. Resolution authorizing the Township to enter into an Amendment to the Shared Services Agreement for the contracting with and hiring of a new expert to prepare an expert report calculating the municipalities' affordable housing obligation and to serve as the Township's expert in any associated litigation.

Moved by Mr. Faecher to approve resolution #4, seconded by Mrs. Kingsley and carried.

Mr. Sordillo spoke about this addition, specifically the reason for this resolution was because the Township's expert, which had been previously approved, has become ill. He also stated that, at this time, no additional funds would be required.

Upon roll call vote:

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

**CITIZENS HEARING**

Moved by Mr. Delia to open the Citizens hearing, seconded by Mr. Hall, and upon roll call vote:

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

Mr. Stephen Yellin of 130 Dogwood Lane asked about a previous meeting recommendation for "combination with bulk pickup service" (and stated that he wasn't sure what was being said.) Mr. Bussiculo spoke about discussions with our current Recycling vendor regarding garbage pickup, recycling and doing multiple bulk pickup dates. Discussion ensued a) whether a referendum was needed for garbage/recycling changes, b) pricing, and c) Scotch Plains garbage practices.

Mr. Gerald Kuzmik of Eaton Court commented on the street sweeper doing a fantastic job. He stated that he didn't want to open a Pandora's Box but asked if there should be a publication for the residents letting them know the sweeper schedule so that cars and garbage cans will be off the street during sweeper cleaning. Discussion ensued.

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Mr. Tom Foregger of 14 Dorsett spoke about the placement of garbage and recycling cans. He also commented on the bundling/recycling/pickup. Mr. Foregger spoke about the assessed value of properties in Berkeley Heights: there is a tremendous variation. Discussion ensued regarding bundling garbage rates into taxes and the possible variation for residents' contributions.

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

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

**ADJOURNMENT**

Moved by Mrs. Kingsley to adjourn, seconded by Mr. Hall and upon roll call vote:  
**(8:23 p.m.)**

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

**Approved: October 6, 2015**