

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

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**CALL TO ORDER**

At 7:07 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, Mrs. Kingsley, Mr. Pastore, Mr. Pirone and the Mayor answered present. Mr. Hall was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

**PROCLAMATION – Mr. Len Berkowitz – Environmental Committee**

The Mayor asked Mr. Berkowitz to come forward. The Mayor spoke about Mr. Berkowitz's leadership with the Environmental Commission and spoke both about the great strides the Committee has accomplished as well as his length of service (15 years.) The Mayor read the Proclamation. Mr. Berkowitz thanked the Township, the Council and his wife and elaborated on the Commission's accomplishments. Mr. Berkowitz made one "commercial announcement" in that he requested help for the establishment of a community garden.

The Mayor stated that the Executive Session would be moved to the conclusion of the meeting.

**FLAG SALUTE**

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

**CONFERENCE SESSION - Discussion on Hamilton Avenue Property**

The Mayor asked Mr. Faecher about the guests in attendance. Mr. Faecher spoke about two Governor Livingston Audio Visual Students who were at the meeting in a pilot study capacity: Bernie Green (Senior) and Peter Illis (Junior.) Mr. Faecher spoke about the help they would be providing for the evening.

The Mayor spoke about proceeding further with respect to redevelopment and stated that Mr. Mistretta was here to speak about tonight's topic specific to Hamilton Avenue.

Mr. Mistretta stated that he was asked to give an update on where we are with the Hamilton Avenue project and stated that he would walk through a Power Point presentation. His presentation discussion included the aerial plan, survey work, studies conducted, wetlands lines, flood plain lines, DEP classification, next steps with the DEP, and environmental analysis. Mr. Faecher asked for clarification

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on the drawing. Mr. Mistretta spoke about buffers. The Mayor asked about the buildable area (and whether Mr. Mistretta's mind had changed based on the recent mapping efforts.) Discussion ensued. Mr. Mistretta spoke about their work on several steps in the process (i.e., feasibility, redevelopment study, environmental analysis.) He stated that the next step was the preparation of a redevelopment plan and elaborated. He then spoke about starting work on the redevelopment plan's design standards and elaborated. Mr. Mistretta then spoke about starting work on the off-site improvements (i.e., traffic study, drainage and more.) Mr. Mistretta spoke about further steps, i.e., Council adoption of a Redevelopment Plan, new overlay zoned for the property, Planning Board input and report, Council Public Hearing on adoption of the plan, Workshop Meeting on a Saturday (currently scheduled for Saturday, January 23<sup>rd</sup>) and the importance of community input. Mr. Mistretta stated that once the Council adopts the Redevelopment plan, then we would proceed with a RFQ process and elaborated. The Mayor asked Mr. Mistretta some questions about the RFQ (Request for Qualifications) process. Mr. Mistretta elaborated. The Mayor then asked/discussed about who would be a gatekeeper in this process as well as Mr. Mistretta's role. Discussion ensued. Mr. Sordillo likened the process to the bid process. Mr. Mistretta then spoke about the RFP (Request for Proposal) process and requirements. The Mayor asked about our two sites and whether the RFQ and RFP processes would be two parallel tracks occurring about the same time. Mr. Mistretta responded. Discussion ensued. Mr. Mistretta closed with a concept plan slide. Mr. Faecher asked about the ditch. Mr. Mistretta responded.

The Mayor asked if members of the public had any questions and to come up to the dais.

Mr. John Sincaglia of 22 Robbins Avenue asked Mr. Mistretta about the darkly shaded housing units. Mr. Mistretta responded. Discussion ensued regarding square footage and garages of the townhouses, the RFQ process, COAH (including topics of number, size and density of units, obligations, the Court Master.)

Mr. Sander Raaymakers of 180 Timber asked about the flood plain delineations review and expected decision. Mr. Mistretta responded. Discussion ensued.

Mr. Jess Germansky of 30 Lawrence Drive asked about the waterways, the buffers, classifications and proceeding with the design. Mr. Mistretta responded. Discussion ensued. Mr. Germansky also asked about density. Mr. Mistretta responded. Discussion ensued.

Mrs. Kingsley asked when we could expect a ruling from the DEP regarding these delineations. Mr. Mistretta responded. Mrs. Kingsley asked about the timing of how to do these plans (i.e., this is a funding vehicle to get the Park Avenue costs down.) Discussion ensued. Mr. Mistretta stated that the developers would get a clean slate and they would present their own options, designs, and layouts to how they see this community. Further discussion ensued. In regards to January 23<sup>rd</sup>, Mr. Germansky asked/commented that all of the questions which get raised are captured and elaborated. Mr. Faecher commented about the wetlands, buffers, etc., in light of the property already having significant fill (i.e., buildings and parking) and elaborated. Mr. Mistretta further elaborated.

Mr. Stephen Yellin of 130 Dogwood Lane asked about the timing of an affordable housing ruling. Mr. Faecher responded. Mr. Yellin commented that he appreciates the Open House event and elaborated.

Mr. Pirone asked if we would attract larger building companies/organizations if we had the RFPs and RFQs at the same time. Discussion ensued (Mr. Pirone, Mr. Mistretta, the Mayor.)

Mr. Delia asked about saving costs at Hamilton Avenue and its relation to "us." Discussion ensued (Mr. Delia, Mr. Mistretta, Mrs. Kingsley, and Mr. Faecher.)

## **TOWNSHIP COUNCIL REPORTS**

**Mr. Delia** – Mr. Delia stated that even though Mr. Berkowitz had left, he wanted to personally thank him for all his efforts over all the years. Mr. Delia elaborated about Mr. Berkowitz' tenure. Mr. Delia stated that he guessed that Mr. Bussiculo would talk about the Inventory Sale. Mr. Bussiculo stated that about \$17,000 was raised. Mr. Delia stated two sales were done this year and that was the way it was supposed to be done. He stated that he was really glad that it was being done this way but that he was very unhappy because for so many years we gave away stuff or it was stolen and elaborated. Mr. Delia stated that he was unhappy with what the River clean up company did (at the end of his street) and spoke about trees/debris being left in the river and on the bank. Discussion ensued (Mr. Bussiculo, Mr. Bocchino, Mr. Delia.)

**Mr. Pirone - Mr. Pirone** spoke about the First Annual Christmas Walk and commented about how many people 1) came to the Christmas Lighting and 2) stayed around for the whole walk and elaborated. He spoke about requests he received to close the streets and spoke about contacting the County to close Springfield Avenue for two hours during the event. Mr. Pirone stated that we should continue doing it year after year. He stated his hopes that it was beneficial to the businesses as it was to the people who came out. The Mayor then spoke about the road closing and commented that "they" did a tremendous job (with the Walk) and elaborated.

**Mr. Faecher** – Mr. Faecher stated that he spoke about the Affordable Housing status and stated that as an offshoot of that, we need to seriously look at an infrastructure analysis with all these development projects coming up. Mr. Faecher wished everyone a Happy Holiday.

**Mr. Pastore** – Mr. Pastore stated that he thought the Winter Walk was a great event, the Tree Lighting was excellent and well-attended and the Santa Visit was well-attended. Mr. Pastore wished everyone a Merry Christmas and Happy Hanukkah (and acknowledged that it was already over.)

**Mrs. Kingsley** – Mrs. Kingsley stated that the Winter Walk was put together by the local businesses and acknowledged the four women who organized it. In regards to the Santa Day, she gave a "shout out" to Mr. Barton and the whole Recreation Department. Mrs. Kingsley also gave a "shout out" to the First Responders (the Rescue Squad and the Fire Department.) She stated that we are so lucky in this town that we have such fantastic and dedicated volunteers and asked that we recognize them during this holiday time. Mrs. Kingsley wished everyone a happy and safe holiday.

## **ADMINISTRATION REPORTS**

**Mayor Woodruff** - spoke about attending a Mayor's meeting during the next day regarding the Pipeline issue and elaborated. The Mayor also gave a "shout out" to Santa and thanked him.

**Mr. Bussiculo** – Mr. Bussiculo reported on the following: 1) he thanked Mr. John Broccoli who hooked up the lights for no charge (around Heritage Square) in time for the Winter Walk; 2) Recreation Program update – online registration began last week and programs are filling up quickly; 3) electronic recycling – County may no longer accept; 4) Firehouse generator; 5) CVS Lone Pine signal; 6) CVS plans to open on December 26<sup>th</sup>; 7) Inlet Repairs; 8) no safety issues at the Wastewater Treatment Plant for November; 9) Leaf Pickup Update; 10) Street Sweeper Update; 11) Wreath Arrival Update; 12) Pedestrian Walking Lights replacement at Mountain and Plainfield; 13) 10 yard container for cardboard and newspaper collection; 14) Give Tin Claw Report feedback to him; 15) Gov Deal Update; 16) Leaf Vacuum Purchase Proposal (Council took vote and approved purchase;) 17) A Meeting regarding how to operate during a Snow Storm or Emergency occurred and we are developing standard operating procedures; and 18) Website update.

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The Mayor also reported: 1) the Connell Corporation appeared before the Planning Board last week and are proposing a park (near Building 100 and Building 200) as well as a path around their entire facility (the path will be open to the Public;) 2) that Mr. Kevin Hall will be honored at the next meeting for his service and elaborated.

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

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

**APPROVAL OF MINUTES**

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

**Public Meeting – - November 10, 2015**

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

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

**Executive Session – September 18, 2012, October 9, 2012, December 18, 2012  
April 9, 2013, July 23, 2013, August 20, 2013**

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

**HEARING ON AGENDA ITEMS ONLY**

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

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

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The Mayor announced “three minutes“ and that Mrs. Kingsley would be the timekeeper.

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

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

**Public Hearing and Final Adoption of Ordinance introduced on December 1, 2015:**

The Clerk Presented and Read:

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS,  
COUNTY OF UNION, STATE OF NEW JERSEY, GRANTING A WATER  
AND SEWER LATERAL AGREEMENT TO BERKELEY  
DEVELOPMENT CO., LP, WITHIN THE TOWNSHIP’S RIGHT-OF-  
WAY KNOWN AS LONE PINE DRIVE.”** (Explanation: This Ordinance  
granting a Water and Sewer Lateral Agreement to Berkeley Development Co.,  
LP, for the construction and maintenance of water and sewer laterals within the  
Township’s right-of-way known as Long Pine Drive to service the property  
located at 394 Springfield Avenue as pursuant to the terms of the Planning  
Board’s grant of land use approval.)

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

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

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

**RESOLUTIONS**

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

1. Resolution approving Bill List dated December 15, 2015 in the amount of \$629,918.60.

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

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

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

2. Resolution authorizing the insertion of additional revenues in the budget of the year 2015, in the amount of \$5,000.00 for the “Drive Sober or Get Pulled Over Year End Holiday Crackdown”.

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

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

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

3. Resolution authorizing transfers within the 2015 Municipal Budget and Reserves.

Moved by Mr. Pastore to approve resolution #3, seconded by Mr. Pirone and carried.

Mr. Delia noted that one of the pages anticipated fire hydrant shoveling (for \$1,000.) Discussion ensued.

Upon roll call vote:

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

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

4. Resolution awarding a contract for a One (1) Gallon Heavy Duty Model 403 U Series Stainless Steel Dump Body – or approved equal, to Cliffside Body Corp., 130 Broad Avenue Fairview, NJ 07022, in the amount of \$20,950.00.  
\*\*\*\*\* **(REVISING RESOLUTION #240-2015)** \*\*\*\*\*

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

Mr. Delia asked why this was \$3,000 more and whether this should be sent out to bid. Mr. Bussicula and Mr. Sordillo responded.

Upon roll call vote:

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

**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 resolutions:  
(5. a-b)**

5. **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.
  - a. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayment:

1. Menza & Beissel Home	528 Old Brook Lane	\$5,611.25
2. Evan & Sharon Moll	237 Lincoln Street	\$2,709.45
3. Michael & Kristen Cacicdo	21 Willow Way	\$1,906.72
  - b. Resolution authorizing redemption of Tax Sale Certificate #14-00003 to US Bank CUST PC5 Sterling National for Block #3301, Lot #64, located at 17 Emerson Lane in the amount of \$34,060.02.

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

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

**CITIZENS HEARING**

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

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

Ms. Camille Aragona of 56 Chaucer Drive asked for more than three (3) minutes. She stated that she had two different feelings: pride and sadness. Ms. Aragona stated that she was Mr. Mondelli's caregiver and his Power of Attorney. Ms. Aragona asked that on his behalf, Mr. Mondelli wanted something presented to the Town to be hung in Town Hall and she stated that it is the only one that exists. Ms. Aragona stated that what she had before her was a map of the original Berkeley Heights. The Mayor stated that he thought the Council would agree with him: that it will be hung in Town Hall and when we move to the new Town Hall, it will be hung prominently displayed. The Mayor thanked Ms. Aragona and asked that she give Mr. Mondelli our best.

Mr. Charlie Pratt of 45 Park Avenue stated that he observed New Providence's use of the "Claw." He stated that the Claw did a decent job but it didn't get enough of the leaves and elaborated. Mr. Bussiculo and Mr. Bocchino responded.

Mr. Jess Germansky stated that he thought the Winter Walk was a fabulous event and said, "job well done." Mr. Germansky also noted that there is no pedestrian gate near Peppertown Park. Mrs. Kingsley and Mr. Bussiculo responded.

Mr. Stephen Yellin expressed how pleased he was that the meetings were being televised and hoped this program would lead to something being done on a permanent basis. Mr. Yellin spoke about his mental checklist when he first ran for Council and elaborated. He spoke about his reputation in his political role. Mr. Yellin stated that he wanted to give credit where credit was due. He stated that he wanted to give credit to Mr. Pastore and the Communications Committee for having a hand (he assumed) in making this happen, and the progress on the website. Mr. Pastore stated that it wasn't just him – it was the whole Council. Mr. Yellin wished Happy Holidays to all and elaborated.

Mr. Nelson Stauber of 125 Park Avenue stated that Mayor Woodruff was probably the only Mayor in Berkeley Heights who has a school and a street already named for him and elaborated. He asked about the traffic light on Springfield Avenue and asked whether that was Council's wish or was it part of the package for CVS. Mrs. Kingsley responded. Mr. Stauber stated that he thought that the entrance to CVS opposite Sherman is a disaster waiting to happen and elaborated. The Mayor and Mrs. Kingsley asked for clarification. Discussion ensued. Mr. Stauber wished Happy Holidays to all.

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Mr. John Sincaglia stated that he was concerned with the traffic light's timing at Springfield and Snyder. Mr. Bussicula responded. Discussion ensued. Mr. Sincaglia wished all a Merry Christmas and Happy New Year.

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

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

**EXECUTIVE SESSION- Land Acquisition – Plainfield Avenue**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(8:45 p.m.)**

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

The Mayor stated that this should be a short meeting and reminded all that they would be coming out of the Executive Session to adjourn. He wished a Merry Christmas to all.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(8:53 p.m.)**

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

**ADJOURNMENT**

Moved by Mr. Faecher to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(8:54 p.m.)**

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

**Approved: February 9, 2016**