

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JANUARY 26, 2016**

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**CALL TO ORDER**

At 7:06 p.m. Mayor Woodruff called the meeting to order and stated 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 this meeting, all in accordance with the Open Public Meetings Act.

**ROLL CALL**

Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore, Mr. Pirone, and Mayor Woodruff answered present. Also present were 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 –**

Mayor asked if there was anything tonight.

Mr. Delia stated he would wait two weeks.

There were no items for discussion.

**TOWNSHIP COUNCIL REPORTS**

**Mr. D'Aquila** – Mr. D'Aquila thanked the DPW for their hard work with the snow this weekend.

**Mr. Delia** – Mr. Delia spoke about 1) the parking at Sub Zone and elaborated. Discussion ensued including conversation about an Ordinance, working with the County, whether YMCA employees were parking there (it doesn't seem so,) preparing a resolution with a recommendation and then asking the County to adopt something similar. Mrs. Kingsley spoke about being careful and elaborated. Mr. Pirone spoke about having a Lieutenant look at the streets in the surrounding (train) area, as well as him not appreciating the term "spot zoning." He further elaborated on his preference on how to move forward. The Mayor asked if there was a difference between streets which front businesses and those streets which front residences. Discussion ensued. Mr. Faecher compared their last foray into parking as it being like water, i.e., it moves to where there is the least resistance and stated that he was in favor of the Police looking at it first and then taking action. Mr. Delia stated that it was at least the third time that he brought this up and elaborated including asking for 2 hour parking from Berkeley Avenue to Station Street. The Mayor asked for a straw vote on Mr. Delia's proposal. Mrs. Kingsley stated that she would like to hear from their traffic officer. Mr. Faecher agreed.

The Mayor left the dais to move his car. Discussion continued regarding Mr. Delia's proposal. The Mayor returned to the dais. Mr. D'Aquila suggested we draft a resolution and keep moving at the same

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time. Mr. Pirone stated that he was willing to wait two weeks for the Police Department. Mr. Pastore stated that he agreed with Mr. D'Aquila that we could run this in parallel. Further discussion ensued. The Mayor asked that Mr. Bussiculo speak to the Chief regarding a report on this matter and asked that we be prepared to take action in two weeks.

Mr. Delia also discussed: 2) the statute that Mr. Mondelli donated to the Town and stated that it was the probably the best looking thing in Berkeley Heights and elaborated.

**Mr. Faecher** – Mr. Faecher thanked the DPW and stated that they did a tremendous job and elaborated. He also thanked most of the residents for their patience. Mr. Faecher also thanked the late Mr. Mondelli for the statute and elaborated as well as thanked the Committee on a great job, and specifically named certain members of the Committee.

**Mr. Pastore** – Mr. Pastore stated that he wanted to mention the statute as well and elaborated.

**Mrs. Kingsley** – Mrs. Kingsley spoke about a “hats off to the DPW” for how hard they worked and elaborated about their efforts (during the snow storm.) Mrs. Kingsley also spoke about how fantastic the Alert System was and elaborated. Mrs. Kingsley stated that she thought the statute was breathtaking and elaborated.

The Mayor asked that Mr. Bocchino convey the appreciation of the efforts made during the storm.

The Mayor spoke about the statute and being a proponent of re-examining how we treat the property (Memorial Park) on a 365 day basis and elaborated.

The Mayor spoke about the YMCA and their interest in entering into an Agreement with the Township (regarding property near Snyder Park.) The Mayor said the YMCA is expected to come to us in the next month or so with a proposal. The Mayor stated that he asked the YMCA to contact Mr. Mistretta. The Mayor further elaborated on this endeavor.

**Mr. Pirone** – Mr. Pirone stated that the Board of Health met and gave an inspection contract update. Discussion ensued.

**Mr. Bussiculo** - Mr. Bussiculo spoke about 1) the gates at the Rail Road station. He spoke with the Supervising Engineer of Lifesaving Equipment in Trenton. Mr. Bussiculo, per his instruction, sent him a letter. Today Mr. Bussiculo was contacted by said Supervising Engineer and “they” are sending someone out to look at the gates; 2) Building Department activity update; 3) a recap of snow storm preparedness and post mortem. Snow accumulation was 31 inches. The Mayor asked if there was a way that the brainstormed ideas could be codified, i.e., get a document that the Council could look at; 4) Tin Claw update; 5) Leaf Shoot for the garbage truck update; 6) Fire Department Meeting (for Fire Truck order) update – he is waiting for a Fire response for a meeting date. The Mayor responded and stated his concerns.

Mr. Bussiculo stated that he would like the Council’s thoughts on the Tin Claw and the Leaf Shoot. The Mayor asked for the Council’s thoughts. Mr. D'Aquila stated that he was for it. Mr. Pirone stated that it was a time saver. Mr. Pastore stated that he was definitely for it. Mrs. Kingsley stated that she was in favor. Mr. Faecher spoke about the costs, safety, and speed and said he was for it. Mr. Delia stated that he thought it was a waste of money and elaborated. Discussion ensued. The Mayor stated that his math saw it as 5 to 1 and that Mr. Bussiculo was so authorized.

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

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

**APPROVAL OF MINUTES**

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

**Public Meeting – December 1, 2015**

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

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. D'Aquila to open the Hearing on Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

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

Mr. Tom Foregger of 14 Dorset Road asked about Resolution #2 and when the insignia was presented to the public. Discussion ensued. Mr. Foregger brought up a Bill List \$600 charge payable to Mai Day for the Winter Walk. The Mayor asked whether the Bill List was something that the Public could get from Ms. Minkoff. Discussion ensued (Mr. Foregger, Ms. Minkoff, the Mayor, Mr. Sordillo.) Mr. Foregger asked why we were paying for the Winter Walk. Mr. Sordillo stated that this was the public comment section and you don't have to answer anything. Further discussion ensued regarding the Winter Walk charge (The Mayor, Mr. Foregger, and Mr. Pastore.)

Ms. Carol Matula of 5 Hastings Road asked about Resolution #6, the professional services agreement with Arcari Iovino, and whether that money was budgeted. Discussion ensued. Ms. Matula spoke about an exhibit and the drafting of a site plan, based on the residents' comments. Because the residents hadn't seen it, Ms. Matula asked if we could postpone this for the next meeting. Discussion ensued (Ms. Matula, Mrs. Kingsley, Mr. Bussiculo, Mr. Faecher, Mr. Pastore, Mr. Pirone.)

Mr. Stephen Yellin of 130 Dogwood Lane requested clarity on Saturday's event, specifically if it would be an open house format. Discussion ensued. He asked if voting for this tonight had any effect on people attending Saturday's event. The Mayor and Mrs. Kingsley responded. Mr. Yellin stated that the Bill List, in the past, was included in the packet at Council Meetings and stated that he assumed it didn't have to be included, but wanted to make sure that was the case. Discussion ensued.

In regards to page 6 of the Iovino contract, Mr. Foregger asked about their Accounting expertise and whether that was a mistake. Mr. Sordillo stated that Accounting should be replaced with Architecture.

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Mr. Foregger stated that he thought you should wait until the public has some input on the conceptual design.

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

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, 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 January 26, 2016 in the amount of \$679,492.87.

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

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

**Mr. D'Aquila introduced the following resolution:**

2. Resolution adopting the new Township insignia.

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

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

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

3. Resolution authorizing the Memorial Park Renewal Committee to perform proposed improvements to the Veterans Memorial Park.

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

In regards to the Budget's revenue side, Mr. Faecher asked for the record, when this came in. Mr. Bussiculo responded "today." Mr. Faecher asked if it came in through him. Mr. Bussiculo responded yes.

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Upon roll call vote:

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

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

4. Resolution authorizing funds in the amount of \$10,000.00 to Daniel S. Bernstein of Bernstein & Hoffman for attorney's fees and litigation costs to defend the Board of Adjustment.

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

The Mayor asked if that was for litigation. Mr. Bussicula stated that the charge was in regards to a neighbor suing relating to a resident's approved variance.

Upon roll call vote:

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

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

5. Resolution authorizing an emergency contract for the recycling services with the Giordano Company for a period of three (3) months, commencing as of January 1, 2016 to March 31, 2016, at the same terms, conditions and rates set forth in the original contract.

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

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

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

6. Resolution authorizing a Professional Services Agreement with Arcari Iovino Architects, PC for the schematic design phase services for the Township.

Moved by Mr. Pirone to approve resolution #6, seconded by Mr. Pastore and upon roll call vote:

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

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**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:**

**(7. a - b)**

- a. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayment:  
Stephane & Susan Rollet            52 Coolidge Drive            \$524.95
- b. Resolution authorizing a redemption of Tax Sale Certificate #15-00003 to US Bank  
CUST BV Trst2015-1 for Block #3201, Lot #52, located at 658 Plainfield Avenue in the  
amount of \$10,376.27

Moved by Mr. Pastore to approve Consent Agenda Resolutions #7 a-b, seconded by Mrs. Kingsley and upon roll call vote:

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

**Mr. D'Aquila introduced the following resolution:**

8. Resolution authorizing the submission of the Sustainable Jersey Grant application.

Moved by Mr. D'Aquila to approve resolution #8, seconded by Mr. Pirone and carried.

Mr. D'Aquila asked what the grant is. Mr. Delia responded.

Upon roll call vote:

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

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**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON JANUARY 12, 2016:**

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Residential Lease with Jim Hopkins for the Property Located at 31 Snyder Avenue for the 2016 Term.”**

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

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

Ms. Carol Matula of 5 Hastings Road asked about the increase in rent, specifically what it was being increased from. Discussion ensued.

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance, seconded by Mr. D’Aquila and upon roll call vote:

Ayes: Mr. D’Aquila, Mr. Delia, Mr. Faecher, 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. D’Aquila and upon roll call vote:

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

**CITIZENS HEARING**

Moved by Mr. Faecher to open the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

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

In regards to Mr. Delia’s comment about parking, Mr. Donald Treich of 19 Cedar Green Lane requested that when the Police look at it, they take down the license plate numbers of the first three cars that park in

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front of Robinwood and elaborated. The Mayor asked if Mr. Treich was comfortable giving the license plate numbers to the Police Chief. Mr. Donald further elaborated on the parking situation. Further discussion ensued. (The Mayor, Mr. Treich, Mr. Pirone, Mr. Delia, Mrs. Kingsley, Mr. Faecher.)

Mr. Charlie Pratt of 45 Park Avenue spoke about an incident in which his parked car was totaled. Mr. Pratt stated that he was charged with being “partially at fault” as a result of “no overnight parking” in Berkeley Heights. Mr. Pratt spoke about being told that there is no on-street parking in Berkeley Heights, day or night. Mr. Pratt suggested that before you start putting up signs or making considerations, check back and see if that is in existence. The Mayor clarified that the incident happened about 10 years ago.

On behalf of the Veterans Memorial Park Committee, Ms. Gay Hollowell of 21 Bristol Court stated thank you for passing the resolution. Ms. Hollowell stated that it was probably the most important and fabulous committee that she has ever served on and elaborated.

Mr. Stephen Yellin of 130 Dogwood Lane reported on a wonderful event on Martin Luther King Day at the Rehabilitation Center on Cottage (organized by the Cultural Events Committee) and elaborated. Mr. Yellin thanked the DPW for the herculean effort they have put in and elaborated. Mr. Yellin commented about the Alert system and his experience from a home number (i.e., messages are received midway through.) Mr. Bussiculo responded.

Mr. Gerald Kuzmick of Eaton Court spoke about his experience in obtaining the overnight parking ordinance (both from the Clerk’s Office and online.) In regards to overnight parking, Mr. Kuzmick asked whether the official website of Berkeley Heights had been updated. Ms. Minkoff responded. Discussion ensued. Ms. Minkoff clarified that there is no overnight parking from 2 a.m. to 5 a.m., 365 days a year. Further discussion ensued. Mr. Faecher asked for clarification of the enacted ordinance. In regards to brine, Mr. Kuzmik asked if it was distributed prior to the storm. Discussion ensued.

In regards to what Mr. Pirone said earlier, Mr. Foregger stated that he needed to correct a statement, specifically about the 26.5%, the temporary budget and the study. He elaborated.

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

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

**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:  
**(8:34 p.m.)**

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

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The Mayor announced that they would be coming out of Executive Session, only to adjourn.

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(9:33 p.m.)**

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

**ADJOURNMENT**

Moved by Mr. Delia to adjourn, seconded by Mrs. Kingsley, and upon roll call vote:  
**(9:34 p.m.)**

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

**Approved: March 8, 2016**