

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD FEBRUARY 9, 2016**

CALL TO ORDER

At 7:03 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. Pirone, and Mayor Woodruff answered present. Mr. Pastore was absent. 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.

EXECUTIVE SESSION - Attorney/Client Privilege-Contract Negotiations- Little Flower Church

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pirone and upon roll call vote:
(7:05 p.m.)

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

Mrs. Kingsley stated that she would recuse herself from Executive Session. Mr. D'Aquila also recused himself. The Mayor asked if Mr. Hall would be in Executive Session and what his role would be. Mr. Hall answered yes and his role was Project Assistant.

Moved by Mr. Pirone to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:20p.m.)

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

CONFERENCE SESSION –

Mr. Delia – Referring to Springfield Avenue, Mr. Delia spoke about the train parking and whether there were results from anyone. Mr. Bussicula responded describing the Police findings (i.e., one to three cars park there on a regular basis, no public safety issue, cars are parking there legally, no business

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complaints.) The Mayor asked if anyone wanted to comment. Mr. Delia spoke about losing revenue, specific and number of cars which are there, people getting away with it, issue for the businesses, its effect with snow plowing, and further elaborated. Mr. Delia offered a suggestion on how to remedy the situation. Mr. Bussiculo spoke about parking revenue. The Mayor spoke about the fairness issue and elaborated. Discussion ensued (Mrs. Kingsley.) Mr. Pirone noted that the businesses are not complaining. He spoke about other residents who are complaining (on Park Avenue up to Magnum Court.) Mr. Faecher spoke about an email received and drove to the area in question and elaborated. Further discussion ensued (Mr. Delia, Mr. Pirone, Mrs. Kingsley, Mr. Faecher.)

Mr. Delia asked what an acceptable amount of debt for a Township is (referenced that Mr. Pirone would be the best one at addressing this;) stated that we are borrowing more money for capital improvements, spoke about borrowing money for the new Town Hall, and elaborated. Mr. Pirone responded and spoke about 1) credit rating agencies and what they look at; 2) ability to collect taxes that are levied; 3) ability to balance operating expenses with additional debt; 4) Union County; 5) Berkeley Heights downgrade due to surplus spend down; 6) Lucent; 7) diversity of revenue streams; and 8) rateable base.

The Mayor asked Mr. Marceau if the State keeps an eye on a municipality's surplus and borrowing. Mr. Marceau responded. Mr. Delia asked about bonds maturing. Mr. Marceau responded. The Mayor asked Mr. Marceau about where we stood with surplus. Mr. Marceau responded.

In light of the change in Council, the New Year and this is the first Council meeting, Mrs. Kingsley stated that Mr. Faecher would now be Redevelopment Council liaison and will lead the Conference Sessions and elaborated. She stated that Mr. Kevin Hall will continue to support as an Assistant to the Project.

Mr. Faecher spoke about the Open House held a week ago Saturday and elaborated. Mr. Faecher gave an update about the Little Flower negotiations and the MOU. Mr. Faecher spoke about how the Library was an additional and related issue and elaborated. Mr. Faecher thanked his new assistant, Mr. Hall.

Mrs. Kingsley replied she had nothing in response to the Mayor stating her name.

Mr. Delia stated that while they were originally in Conference Session, he had one more thing for Council reports. Discussion ensued that Council Reports were coming up.

The Mayor spoke about attending the Summit Chamber Commerce Mayors' Meeting this past Friday and elaborated. The Mayor thanked the professionals at the Redevelopment Meeting and elaborated. He also thanked Mr. Bussiculo. He elaborated on the process.

The Mayor asked if anyone in the audience had any questions specific to the Redevelopment,

Mr. Jess Germansky of 30 Lawrence Drive stated that we were getting to the point where we could think more about the timing. He asked whether we could associate a cost to the timing of the Hamilton portion of the Redevelopment Plan and elaborated. In respect to the library, he stated that it would be really interesting to have the library only move once and elaborated. Mr. Faecher responded. Mr. Bussiculo stated that the Town is not going to redevelop Hamilton. Mr. Germansky stated that the basis of his question was more about the timing of when the Town gets that revenue. Mr. Germansky asked when we would see a project timeline. Mr. Bussiculo, the Mayor, and Mr. Faecher responded.

Ms. Peggy House of 29 Janet Lane stated that she attended the Open House and wanted to know, based on the plans she saw, how definite were the plans in regards to the allocation of space within the three buildings. Mr. Bussiculo responded. Mrs. Kingsley stated that the Recreation Department had raised some

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issues regarding needs and proper analysis. Ms. House 1) spoke about the assumption that a Community Center would be a Recreation Center area for families to use; 2) elaborated about the current need for Recreation Department space; and 3) stated that the younger families would like to see space allocated for Recreation to be used by all ages. Discussion ensued (Mr. Pirone, Mrs. Kingsley, Ms. House, the Mayor, Mr. Faecher)

TOWNSHIP COUNCIL REPORTS

Mr. D'Aquila – Mr. D'Aquila spoke about attending this weekend's Chinese New Year's celebration hosted by the Berkeley Heights Cultural Events Committee and elaborated.

Mr. Delia – Mr. Delia stated that he wanted to announce the passing of two people: 1) ex-Mayor Dan Palladino's mother; 2) Angelo Yannotta. Mr. Delia elaborated about his firefighter service.

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

Mr. Faecher – Mr. Faecher stated that he wanted to give an update on Affordable Housing. He spoke about discussions with developers, both informally and as well as through the court structure mediation process and the court's special master. Mr. Faecher stated that he fielded questions at the Open House regarding Affordable Housing and elaborated. Mr. Faecher stated that a layperson Affordable Housing summary document is being prepared.

Mrs. Kingsley – Mrs. Kingsley spoke about attending Saturday night's GL Baseball gala. She stated it was a wonderful event and elaborated.

Mayor Woodruff – In regards to the GL Baseball gala, the Mayor concurred with Mrs. Kingsley that it was a tremendous event. The Mayor spoke about the Police's receipt of a Justice Department grant in the amount just short of \$100,000 and stated that this was a tremendous event for us. The Mayor stated that this grant and a \$7,500 grant from the Attorney General's office will go towards substantially covering the costs for body cameras. The Mayor spoke about a recently-passed law regarding snow and fire hydrants, i.e., a resident with a fire hydrant in front of their property has an obligation to clear that fire hydrant and elaborated. The Mayor spoke about the current practice of remunerating Fire Department individuals to clear "it." He spoke about putting this into play and giving adequate notice to people. Mr. Faecher asked whether it was a prerequisite that the fire hydrant be marked. Discussion ensued (Mr. Delia, the Mayor, Mrs. Kingsley.)

Mr. Bussicula - Mr. Bussicula spoke about 1) snowstorm after-effects and actions; 2) the NJ DOT was looking at our railroad crossing (the gates.) Meeting is expected with New Jersey Transit and NJ DOT; 3) Firehouse generator is operational as of 12/30; 4) Inlet Repairs; 5) Buildings and Grounds update, specifically no heat and low water pressure in Police offices; low water pressure in Town Hall; Roof leaks; Front Door wouldn't close at Horseshoe Road; 6) Safety Meeting was held at DPW regarding Salting events; 7) Recycling Bid appeared in Star Ledger today; 8) Tonnage reports are completed; 9) Free Acres, Kingman Road, and an easement; 10) Treetop Court; 11) 40 Street opening applications were issued for hydrant replacement; 12) Sewer department did not have safety issues; 13) NJDEP submittals are due on February 25th; 14) NJDEP audited our collection system; 15) Twin Falls Pump Station equipment update; 16) the Plant's Intermediate Pump 3; 17) SCADA Specifications are in review prior to publication; 18) Building Department Applications, Permits, Plan Reviews, Fees Collected update; 19) Sign Pricing; and 20) Geotechnical Engineering needs to be done.

Mr. Pirone asked Mr. Bussicula to repeat the Treetop Court part. Mr. Bussicula responded.

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The Mayor stated that he had an additional item that he needed to speak to and elaborated on a meeting he went to about two months ago, with 13 or 14 municipalities, concerning the Pipeline. With respect to that, the Mayor said that things are starting to move a little bit. The Mayor stated that they received a proposal from a law firm seeking counsel to represent what is known as the Pipeline Group (about 17 to 20 different towns.) He further elaborated.

Moved by Mr. D'Aquila to approve the Township Council and Administration Reports, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mrs. Kingsley and Mr. Pirone
Nays: None
Abstain: Mr. Pastore
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 15, 2015

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

Moved by Mr. Pirone to approve the following minutes, seconded by Mrs. Kingsley and carried:

Executive Session – September 10, 2013, September 24, 2013, October 8, 2013

Mr. Sordillo stated that with regards to the vote, only members who were present at the 2013 meetings could vote.

Upon roll call vote:

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

HEARING ON AGENDA ITEMS ONLY

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

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

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The Mayor stated that Mrs. Kingsley was the official timer.

Mr. Theodore Romankow of 28 Bristol Court asked that Resolution Number 4 be pulled tonight as there is additional information which the Council should have. He stated that it was minor but it should be reviewed. The Mayor thanked Mr. Romankow and all those who have worked diligently on Memorial Park and elaborated.

Dr. Foregger of 14 Dorsett Road stated Resolution 5, transfer of \$16,500 for the Planning Board OE and explanation of additional non-budgeted expenditures involving the Township Municipal Facilities and Redevelopment studies. He stated that he saw Harbor Consultants for \$16,750 on tonight's Bill List, including charges for beautification committee ordinances. He asked whether this work was budgeted in 2015. The Mayor responded that we would get back to him. Mr. Foregger spoke about the ordinance which established the Downtown Beautification Committee. Mr. Foregger asked how this work was authorized. The Mayor said he would get back to Mr. Foregger. Mr. Foregger also noted payment for GRA Architects and whether they had a valid business registration certificate. Mr. Bussiculo responded. Mr. Foregger asked if it was valid and how we knew if it was valid. Discussion ensued.

Mark Dahn of 58 Runnymede Road thanked the Mayor for going to the Pipeline Meeting and stated that the \$350 a month was beyond fair. He said that 1) if anyone in the audience wants to get involved, it's stopthepilgrimpipeline.com; 2) there are many things that we can do as a community; and 3) we couldn't just rely on you all.

Hearing no voices, moved by Mr. Faecher 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 and Mr. Pirone
Nays: None
Abstain: None
Absent: Mr. Pastore

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated February 9, 2016 in the amount of \$228,424.45.

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

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

Mrs. Kingsley introduced the following resolution:

2. Resolution authorizing the private sale of a 1998 Ford Explorer and a 2001 Ford Explorer, as scrap by private sale.

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

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Mr. Delia asked who it was going to. Mr. Bussiculo responded. Discussion ensued.

Upon roll call vote:

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

Mr. Pirone introduced the following resolution:

3. Resolution authorizing a Fourth Amendment to the Agreement with Chevron Environmental Management Company.

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

Mr. Delia spoke about Ms. JoAnn Mondsini and her involvement with this and whether Mr. McAndrew knows what is going on with it and is being informed. Discussion ensued (the Mayor, Mr. Bussiculo.) Mr. Faecher asked for clarification of what this is and elaborated. Mr. Sordillo responded. Discussion ensued (Mr. Faecher and Mr. Sordillo.)

Upon roll call vote:

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

The Mayor stated that he needed to comment about the fourth resolution which has been withdrawn. He spoke about receiving a call that "it" was in the social media and elaborated.

4. Resolution accepting the donation from Mr. Mondelli, for a portion of his property identified as Block 614, Lot, 182 Plainfield Avenue to be utilized as a permanent park for the public to enjoy.

The Resolution was withdrawn and there was no Council vote.

Mr. D'Aquila introduced the following resolution:

5. Resolution authorizing a transfer within the 2015 Municipal Budget and Reserves.

Moved by Mr. D'Aquila to approve resolution #5, seconded by Mrs. Kingsley and upon roll call vote:

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

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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.

**Mrs. Kingsley introduced the following resolutions:
(6. a - c)**

- a. Resolution authorizing the Tax Collector to refund the following 2015 tax overpayment:
 - 1. John & Theresa Benvenuto 74 Garfield Street \$287.82
- b. Resolution authorizing a release of a New Curb & Paving Restoration Cash Bond to Menza & Beisel Home in the amount of \$1,800.00, Account # S17-48-374-119.
- c. Resolution authorizing YMCA Mother's Day 5K Run on May 8, 2016.

Moved by Mrs. Kingsley to approve Consent Agenda Resolutions #6 a through c, seconded by Mr. Pirone and upon roll call vote:

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

Mr. Faecher introduced the following resolution:

- 7. Resolution authorizing the Township to enter into the Third Amendment to Memorandum of Understanding with the Little Flower Church extending the term of the MOU to March 11, 2016.

Moved by Mr. Faecher to approve resolution #7, seconded by Mr. Pirone and carried.

Mrs. Kingsley stated that she would abstain from this vote. Mr. D'Aquila stated that he would abstain from this vote.

Upon roll call vote:

Ayes: Mr. Faecher and Mr. Pirone
Nays: Mr. Delia
Abstain: Mr. D'Aquila and Mrs. Kingsley
Absent: Mr. Pastore

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CITIZENS HEARING

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

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

Ms. Carol Matula of 5 Hastings Road asked if Resolution Number 7 passed. Mrs. Kingsley responded. Ms. Matula asked when the Redevelopment Subcommittee was created. Discussion ensued (The Mayor, Mr. Pirone, Mr. Sordillo.) Ms. Matula asked a follow-up question. Mr. Sordillo responded. In regards to the people who go, Ms. Matula asked whether Mr. Sordillo and the planner billed hourly. Mr. Sordillo responded. Ms. Matula asked for an average cost of these meetings. Mr. Sordillo responded. Ms. Matula asked how this group got started. Mr. Sordillo responded.

Mr. Rob Walton of Jersey Central Power & Light stated that he wanted to speak about two things. Mr. Walton spoke about a new tree standard which has been given to them by the Board of Public Utilities and elaborated. He also stated that we are interested in speaking to the general public and have a Speakers' Bureau and elaborated. Mr. D'Aquila asked whether a map was available. Mr. Walton responded. Mr. Faecher asked a specific question about the tree program. Mr. Walton responded. The Mayor thanked Mr. Walton for his efforts to make contact with the Township. Mr. Faecher asked how many towns Mr. Walton was responsible for. Mr. Walton responded.

Mr. Jess Germansky of 30 Lawrence Drive asked if there was someone in town that pays attention to the trees and the trimming. Mr. Bussiculo responded. Further discussion ensued (Mr. Germansky, Mr. Bussiculo, Mr. Sordillo.)

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

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

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ADJOURNMENT

Moved by Mrs. Kingsley to adjourn, seconded by Mr. Faecher, and upon roll call vote:
(8:51 p.m.)

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

Approved: March 8, 2016