

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MAY 10, 2016**

CALL TO ORDER

At 7:09 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 Bussiculo and Township Clerk Ana Minkoff.

FLAG SALUTE

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

PROCLAMATION – The Trend Club (Turning Recreational Events into New Directions)

The Mayor asked the Trend Club members to come to the front of the Room. The Mayor read a Proclamation which recognized the members' work with the Trend Club and the Trend Club's accomplishments. Trend Advisor Mr. Segear offered his thanks and elaborated.

CONFERENCE SESSION – Discussion on the Municipal Design Standards set forth in Part 19 Municipal Land Use

In regards to the Municipal Design Standards, The Mayor asked Mrs. Kingsley to give an overview to the members of the public. Mrs. Kingsley elaborated about the Master Plan's upcoming review, aesthetics of the Downtown, the push to make the Downtown have a more cohesive look and feel, and the Beautification Committee's work in recent years.

Mr. Mike Mistretta from Harbor Consultants presented an overview of the proposed Design Standards revisions as set forth in Part 19, Municipal Land Use.

Mrs. Kingsley stated that there was a communications glitch and noted that there was one more revision for page 32 regarding matching light wall mounts and elaborated. Mr. Sordillo stated that if the Council decided to move on the Ordinance later in the Agenda, then this would be noted and included.

In regards to the land development process, Mr. Faecher asked if the changes would standardize the aesthetics and provide a road map. Mr. Mistretta responded. Mr. Faecher asked a specific question about

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residential uses within multi-use buildings. Mr. Mistretta responded. Discussion ensued (Mrs. Kingsley, the Mayor, Mr. Mistretta, Mr. Faecher.) Mr. Faecher asked a specific question regarding light bulbs and luminescence. Mr. Mistretta responded. Discussion ensued (Mrs. Kingsley, Mr. Mistretta, Mr. Faecher, Mr. Sordillo, Mr. D'Aquila.)

Mr. Delia asked if we could make a motion to put this off until the next meeting, stating that there was so much to go over and elaborated. The Mayor asked if there were any thoughts on Mr. Delia's position. Mr. Pirone responded. He described the process which led to the proposed changes, the work of the Beautification Committee, and how the updated Design Standards will serve the Planning Board review of documents. Mr. Delia stated that it was the first time he saw this (the Design Standards) and elaborated. The Mayor thanked Mr. Pirone for his perspective. Mr. Delia stated he read it (the proposed Design Standards) quickly and there was a lot of good stuff in it, but stated that we have to look at this from the businesses' perspective. Mr. Pirone asked Mr. Delia to be more specific. Mr. Delia spoke about parking in the rear and visibility of businesses. Mr. Pirone responded. A lengthy discussion ensued (Mr. Pirone, Mr. Mistretta, Mr. Bussiculo, Mrs. Kingsley, Mr. Pastore, the Mayor, Mr. Delia.)

Mr. Pirone asked Mr. Delia to state his next concern. Mr. Delia spoke about simplifying the permit process. Discussion ensued. Mr. Pirone re-phrased his question and asked Mr. Delia to state his objections to the Design Standards changes. Mr. Delia stated that no vinyl fences should be included and elaborated. Mr. Pirone responded. Discussion ensued. Mr. Delia suggested that more green space would make the Downtown more attractive and elaborated. Mr. Pirone responded. Discussion ensued. Mr. Delia stated that we need to address a lot of things but nobody seems to want to do the things that he feels will make the downtown attractive to business. Mr. Pirone responded. Discussion ensued (Mr. Delia, Mr. Pirone, Mrs. Kingsley.) Mr. Delia stated that 100% on-site parking and canopies should be addressed. Mrs. Kingsley responded. The Mayor responded.

Mr. Faecher noted that this ordinance: 1) is a result of a lot of work by a lot of people and it's purely a cosmetic and aesthetic type of change to the ordinance; and 2) it doesn't apply retroactively to existing buildings. He stated that this document is aesthetic in nature.

Mr. Delia said he there was one more (item) he missed, which was the bump outs. He elaborated. Mr. Mistretta responded. In regards to Entrances, Mr. Delia commented about page 26, Item J. Mr. D'Aquila responded.

Mrs. Kingsley spoke about determining, how as a Council, we should address further and upcoming Master Plan issues. However, she stated that we should not hold up the aesthetic design piece and elaborated.

Mr. Delia made a motion to hold off until we discuss this (the Design Standards changes) and get it right the first time. There was no second to the motion.

The Mayor asked if members of the Public had any comments to please come forward.

Mr. Foregger of 14 Dorsett Road suggested that you listen to Mr. Delia. He commented that beauty was in the eye of the beholder and stated that not everyone will agree with what looks good downtown. Mr. Foregger stated that he would like to hear from the business owners. He stated that it's not exactly clear what downtown refers to. Referencing the charter of the Downtown Beautification Committee, Mr. Foregger said (the Committee) wasn't (supposed) to propose these kinds of standards. Mr. Pirone responded. Discussion ensued. Mr. Foregger stated he was disappointed that no one seconded Mr. Delia's motion and elaborated. Discussion ensued. Mr. Foregger stated that Section 19 was wiped out and replaced with this. Discussion ensued (Mr. Pirone, Mrs. Kingsley, Mr. Foregger, Mr. Sordillo, the Mayor,

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Mr. Mistretta.) Mr. Foregger stated that this deserves a lot more public input. Mr. Delia commented that once it (ordinance) is introduced then things can't be significantly changed. Discussion ensued.

Mr. Stephen Yellin of 30 Dogwood Lane thanked the Beautification Committee for their time to provide suggestions for the Planning Board and the Governing Body. He respectfully disagreed with Mr. Foregger and elaborated. He stated that he agreed with Mr. Delia that there are certain things that should be looked at and elaborated. Mr. Yellin also stated that what was being introduced tonight should go forward and elaborated.

Regarding the look and feel of the town, a resident named Fred of Archer Lane asked if there was any place where this was specified. Mrs. Kingsley responded. In developing these plans, Mr. Fred asked if other nice towns (and equivalent documents) were looked at. Mrs. Kingsley responded. Discussion ensued (Mr. Pirone, Mrs. Kingsley, Mr. Faecher.) In regards to the final document, Mr. Mistretta stated that multiple resources were utilized, i.e., the Beautification Committee, other municipalities and manufacturers.

In regards to the Pipeline lawsuit, Mr. Delia stated that we need to commit. The Mayor and Mr. Sordillo responded.

In regards to Municipal Redevelopment, Mr. Faecher stated that he anticipates the next meeting will include a first reading of the Redevelopment plan for the Municipal Complex and gave a procedure overview, i.e., introduced at Council; if approved, it would be referred to Planning Board; Planning Board review and recommendations; and then sent back to Council. The Mayor responded.

TOWNSHIP COUNCIL REPORTS

Mr. D'Aquila – Mr. D'Aquila stated that he had nothing to report.

Mr. Delia – Mr. Delia thanked the Memorial Committee for the work on the park for the Veterans and elaborated. Mr. Delia stated that we lost another great resident last week and spoke about (the loss of) 5 people in the last 5 months. Mr. Delia spoke about Mr. Joe Imbimbo's life and stated that he wanted to honor him and the others.

Mr. Faecher – Mr. Faecher stated that he had nothing report.

Mr. Pirone – Mr. Pirone stated that he had nothing to report.

Mr. Pastore – Mr. Pastore stated that the Memorial Committee did a fantastic job on the park across the street.

Mrs. Kingsley – Mrs. Kingsley stated that she has been working on trying to move forward with the Safe Routes to School and the grant deadline of June 26th. Mrs. Kingsley spoke about the primary focus of the program, members of the working group and nearby municipalities' experience in obtaining funding.

Mrs. Kingsley thanked the Beautification Committee and elaborated. Mrs. Kingsley spoke about the need for community volunteers and elaborated.

Mr. Delia thanked the Fire Department for what they did for his Dad and Mr. Imbimbo's services. He noted that many other towns attended Mr. Imbimbo's service and thanked them.

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Mayor Woodruff - The Mayor stated that he had the honor of starting the 5k Mother's Day Race and elaborated. The Mayor stated that the School Board President and others have reached out to meet with Mrs. Kingsley and him regarding Shared Services and that two meetings have occurred. He thanked the School Board Administrator and Mr. Bussiculo and elaborated. The Mayor spoke about receipt of a Clean Communities grant for \$31,000 from the DEP. The Mayor spoke about upcoming Memorial Day plans.

Mr. Bussiculo – Mr. Bussiculo presented updates from these Township Departments: Recreation, Engineering, Fire, Public Works, Building, and Sewer. Mr. Bussiculo spoke about available smoke and carbon monoxide detectors available at the Fire Department, made possible through a grant received. Mr. Bussiculo stated that we also received a \$50,000 Infrastructure grant from the County. He gave an update on Passaic River de-snagging.

Moved by Mr. Pirone to approve the Township Council and Administration Reports, 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

APPROVAL OF MINUTES

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

Public Meeting – April 19, 2016

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

Executive Session – August 12, 2014 and August 26, 2014

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

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. D'Aquila to open the Hearing on Agenda Items Only, 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

Mrs. Kingsley stated that she would be the speaker timer.

With regard to Agenda Item Number 6, Arcari Iovino contract, Mr. Tom Foregger asked if they started work already. Mr. Bussiculo and Mr. Sordillo responded. Discussion ensued (Mr. Foregger, Mr. Sordillo.)

Hearing no voices, moved by Mr. D'Aquila to close the Hearing on Agenda Items Only, 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 May 10, 2016 in the amount of \$447,847.37.

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, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mr. D'Aquila introduced the following resolution:

2. Resolution authorizing the renewal Agreement with the North Jersey Employee Benefits Fund.

Moved by Mr. D'Aquila to approve resolution #2, seconded by Mrs. Kingsley and carried. Mr. Delia asked who is a Local Unit. Mr. Sordillo responded. Discussion ensued.

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:

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3. Resolution consenting to the appointment of Michel D. Marceau to the position of Township Chief Financial Officer/Treasurer.

Moved by Mr. Faecher to approve resolution #3, seconded by Mr. Pastore and carried. Mr. Delia asked if this was additional income. The Mayor, Mr. Bussiculo and Mrs. Kingsley 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

Mrs. Kingsley introduced the following resolution:

4. Resolution authorizing notice of intent for the creation of one (1) new Plenary Retail Consumption (Hotel/Motel Exception) Liquor license, along with the advertisement and sale by public sealed bid of same.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Pastore and carried. The Mayor asked Mr. Sordillo to explain to the Public how the hotel license differs from that which is normally held and controlled completely by the town, i.e., the number. Mr. Sordillo responded.

Mr. Mark Decker stated he misread the instructions in that the ordinance was listed for its own public hearing. Ms. Minkoff stated that this was a resolution. The Mayor asked Mr. Decker if he would like to speak to this. Mr. Decker came forward and stated that he was General Counsel for Connell Company. He thanked the Township for its consideration of issuing a license after the bid procedure. He stated that the Connell Company would like to bid for this license. Mr. Decker stated that they did not understand the minimum bid as set forth in the resolution and elaborated. The Mayor asked Mr. Decker to explain again the foundation for his position. Mr. Decker responded. Discussion ensued (Mr. Faecher, Mr. Decker, the Mayor, and Mr. D'Aquila.) The Mayor stated it was up to the Council whether to hold off or to vote. He asked Mr. Decker if he was asking the Council to hold off. Mr. Decker responded. Discussion ensued (the Mayor, Mr. Faecher, Mr. Decker, Mrs. Kingsley, Mr. Sordillo, and Mr. D'Aquila.)

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:

5. Resolution authorizing the insertion of additional revenues in the budget of the year 2016.

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

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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 contract with Arcari Iovino Architects, PC, for additional optional services for the design of the new municipal complex.

Moved by Mr. Pirone to approve resolution #6, seconded by Mr. Pastore and carried. Mr. Delia asked what the additional services were. Mr. D'Aquila responded.

Upon roll call vote:

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

Mrs. Kingsley introduced the following resolution:

7. Resolution supporting the Safe Routes to School Program.

Moved by Mrs. Kingsley to approve resolution #7, 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

Mr. Delia introduced the following resolution:

8. Resolution supporting the Click it or Ticket seat belt mobilization from May 23, - June 5, 2016.

Moved by Mr. Delia to approve resolution #8, 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

Mr. Faecher introduced the following resolution:

9. Resolution authorizing a partial release of a cash Performance Bond in the amount of \$99,841.51, to CVS Pharmacy for work performed at 410 Springfield Avenue.

Moved by Mr. Faecher to approve resolution #9, seconded by Mr. Pastore and upon roll call vote:

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

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:

(10)

- a. Resolution authorizing a Red Light permits for Chris Esposito, for the Berkeley Heights Volunteer Fire Department.

Moved by Mr. Pastore to approve Consent Agenda Resolution #10a, 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

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for May 24, 2016:

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 the Township Land Use Procedure Ordinances to Amend the Design Standards Set Forth in Part 19. “**

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, that May 24, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pirone and carried. Mr. Sordillo clarified that the motion being made was for the Ordinance as amended during the Conference Session discussion.

Upon roll call vote:

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

Absent: None

The Clerk presented and read:

(2) “REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS, SERIES 2003 AND SERIES 2009A, APPROPRIATING \$5,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF GENERAL IMPROVEMENT REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,700,000 FOR FINANCING THE COST THEREOF.”

Moved by Mr. Pastore that the ordinance as read by the Township Clerk be offered on the first reading, that May 24, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pirone and carried. Mr. Delia asked to explain this. Mr. Marceau 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

CITIZENS HEARING

Moved by Mr. Pirone to open 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

Mr. Nelson Stauber of 125 Park Avenue stated that we spoke a lot tonight about pedestrian safety. He noted that it’s been one year, next month, that Sherman Avenue was paved. Mr. Nelson stated that it has not been striped and elaborated. He also spoke about the parking which occurs on both sides of the street near Delicious Heights. He elaborated. Mr. Bussiculo responded.

Hearing no voices, moved by Mr. Pirone to close the Citizens Hearing, 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

EXECUTIVE SESSION – Contract Negotiations – Municipal Complex Redevelopment

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

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Faecher and upon roll call vote:
(9:18 p.m.)

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 to go out of Executive Session, seconded by Mr. Faecher and upon roll call vote:

(10.02 p.m.)

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

ADJOURNMENT

Moved by Mr. D'Aquila to adjourn, seconded by Mr. Pirone, and upon roll call vote:
(10:03 p.m.)

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

Approved: May 24, 2016