

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD MAY 24, 2016**

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**CALL TO ORDER**

At 7:04 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 – Discussion on the Redevelopment of the Municipal Complex**

Mr. Faecher stated that the Redevelopment Plan for the Municipal Complex would be introduced. Referencing Section 1.6 of the Redevelopment plan, Mr. Faecher summarized the Municipal Complex Redevelopment process thus far. Mr. Faecher spoke about tonight's procedures, i.e., Mr. Mistretta and Mr. Iovino would speak and questions would be taken from the Council and the public. He spoke about next steps if the Council voted favorably.

Mr. Mistretta of Harbor Consultants stated that he was here tonight to present the Redevelopment plan for Park Avenue. Mr. Mistretta provided historical information regarding the Redevelopment process and the Municipal Complex. He spoke about the architectural needs study conducted by Mr. Iovino. Mr. Mistretta spoke about the goals of the Township and of the Redevelopment plan. He elaborated on various aspects of the Redevelopment Plan Report.

Mr. Anthony Iovino provided an update of the Redevelopment process since January 2016. He spoke about the proposed Building design.

The Mayor asked if the Council had questions.

Mr. Faecher asked for an explanation of bulk requirements. Mr. Mistretta responded. In regards to Part 19, Mr. Faecher asked whether this plan would comport with it, or its amended version. Mr. Mistretta responded. In regards to the lower level commentary about ceiling height and being able to accommodate more Recreational uses, Mr. Faecher asked about the geotechnical results and the lower level ceiling height. Mr. Mistretta responded. In regards to Green building design standards, Mr. Faecher asked for an explanation of their lead certification standards and levels approach. Mr. Iovino responded. Mr. Mistretta responded.

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The Mayor asked whether Redevelopment doesn't require that the lowest bidder wins. Mr. Mistretta responded. The Mayor asked specifically about the two-fold process: 1) request for qualifications followed by a 2) request for proposal. Mr. Mistretta responded. Mr. Sordillo responded. Discussion ensued (the Mayor, Mr. Sordillo, and Mr. Mistretta.)

In regards to water issues, Mr. Delia asked if there was a plan for retention basin. Mr. Mistretta responded. Referencing our elevation, Mr. Delia asked about water, gravity and the basement. Mr. Mistretta responded.

In the event of power outage, Mrs. Kingsley asked that the fire safety issues from the lower level be addressed. Mr. Iovino responded.

Mr. Delia asked what were the pluses and minuses of making this a Redevelopment plan versus doing this as a normal project. Mr. Mistretta responded. Mr. Sordillo responded. Discussion ensued (the Mayor, Mr. Sordillo, Mr. Iovino and Mr. Mistretta.) Mr. Delia spoke about being a) bothered by the idea of not going with the lowest bidder despite it sounding plausible, b) not trusting government sometimes with things like that, and c) taking away the public's chance to vote on the bonds. Mr. Sordillo responded.

Regarding Phase 3 and Parking, Mr. Faecher spoke about the parking challenge for commuters. He asked if there were any thoughts on how we will mitigate the parking problem. Mr. Mistretta responded. Discussion ensued (Mr. Faecher and Mr. Mistretta.) In regards to the cost range of 27 to 28 million (dollars,) Mr. Faecher asked if the following could be "spoken to:" a) estimation process, b) the validity of the numbers, c) the assumptions and d) what was done to date to get to that range. Mr. Iovino responded.

Mr. D'Aquila stated that the detail of the report was excellent. He asked whether the operating and maintenance costs were being considered. Mr. Iovino responded.

Mr. Delia commented on the parking issue raised by Mr. Faecher.

Mr. Faecher asked if there was flexibility in "there" to account for expansion and elaborated. Mr. Iovino responded.

Mr. Delia asked if the Library was bigger than it was. Mr. Iovino responded. Mr. Delia stated that he wanted a bigger and better library than what we have.

The Mayor asked if any members of the Public had questions. With respect to the bidding and the developer, Mr. John Sincaglia of 22 Robbins Avenue asked about a synonym in regards to a developer and a general contractor. Mr. Sordillo responded. Discussion ensued (the Mayor, Mr. Sincaglia, Mr. Sordillo, Mr. D'Aquila, and Mr. Mistretta.)

Mr. Jess Germansky of 30 Lawrence Drive asked about timing, specifically in regards to the first phase and the last phase. The Mayor and Mr. Mistretta responded. Discussion ensued. Mr. Germansky asked if we were talking about solar panels. Mr. Iovino and Mr. Mistretta responded. Discussion ensued.

In regards to the plans, Mr. Tom Foregger of 14 Dorset Road asked a specific question about the Library. Mr. Iovino responded and spoke about Makerspaces. Mr. Foregger asked a specific question about Council Chambers. Mr. Iovino responded. Further discussion ensued regarding the plans (Mr. Foregger and Mr. Iovino.)

**TOWNSHIP COUNCIL REPORTS**

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

**Mr. Delia** – Mr. Delia asked if we were picking up branches yet. Mr. Bussiculo responded. Mr. Delia asked if the Mayor would speak about the upcoming parade. The Mayor responded.

**Mr. Faecher** – In regards to the Affordable Housing front, Mr. Faecher stated that things continue to move along. He spoke about a Court-ordered conference with the other side and elaborated.

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

**Mr. Pastore** – Mr. Pastore stated that the Memorial Day Parade would be on Monday and elaborated.

**Mrs. Kingsley** – In regards to Safe Routes to School, Mrs. Kingsley provided an update on the grants process.

**Mayor Woodruff** - The Mayor provided a brief update on meetings with Mrs. Kingsley, himself and the Board of Education, specifically regarding sidewalks. The Mayor spoke about the upcoming Memorial Day event. The Mayor spoke about Memorial Park and the need for funds.

**Mr. Bussiculo** – Mr. Bussiculo spoke about a recent meeting with the Schools and elaborated. Mr. Bussiculo presented updates from these Township Departments: Recreation, Engineering, Public Works, Building, and Sewer. Mr. Bussiculo also spoke about upcoming New Jersey Transit work on Snyder Avenue near the Rail Road tracks.

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

**Public Meeting – May 10, 2016**

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

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

**Executive Session – September 9, 2014, September 23, 2014, October 21, 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. 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

The Mayor stated that each resident would be allowed 3 minutes and that Mrs. Kingsley would be the speaker timer.

Ms. Marlene Sincaglia of 22 Robbins Avenue thanked the Council for their support of the Pilgrim Pipeline opposition and elaborated. She also noted that Mr. Delia was the Environmental Commission’s Council representative. Ms. Sincaglia spoke about the effect the Pipeline would have on where she lives.

In regards to the \$5.7 million bond ordinance and resolution, Ms. Carol Matula of 5 Hastings Road asked why there was both an ordinance and a resolution related to those bonds. Mr. Sordillo responded. Additional questions and responses ensued regarding the bond ordinance (Mrs. Matula and Mr. Marceau.)

Hearing no voices, moved by Mr. D’Aquila to close the Hearing on Agenda Items Only, 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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON MAY 10, 2016.**

The Clerk presented and read:

**(1)“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.”**

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

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, 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. 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

**\*\*\*\*\*Final adoption of this ordinance will be on June 14, 2016\*\*\*\*\***

**(2) “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. “**

Mr. Faecher noted that we are waiting for Planning Board comments regarding this ordinance and once such comments are received, we can have a second reading. Mr. Sordillo noted that the ordinance is tabled for June 14<sup>th</sup> and it will be scheduled for public hearing.

**RESOLUTIONS**

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

1. Resolution approving Bill List dated May 24, 2016 in the amount of \$486,831.29.

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

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

2. Resolution determining the form and other details of not to exceed \$5,700,000 general improvement refunding bonds, series 2016, or such other amount as determined by the Chief Financial Officer to accomplish the refunding on the terms required by the Local Finance Board pursuant to N.J.A.C 5:30-2.5.

Moved by Mrs. Kingsley 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 Township to join the Municipal Pipeline Group and authorize the retention of the Scarinci Hollenbeck law firm to preserve the Township's rights and interests in the proposed Pilgrim Oil Pipeline Project.

The Mayor spoke about a recent meeting in which consensus was reached on a cap of \$6,500 and elaborated.

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

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

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

4. Resolution authorizing a contract with Keystone Engineering Group for the provision of Services for Design of a Supervisory Control and Data Acquisition (SCADA) System for the Water Pollution Control Plant in the amount not to exceed \$87,000.00.

Moved by Mr. Faecher to approve resolution #4, 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. Kingsley introduced the following resolution:**

5. Resolution authorizing the Street Fair on Sunday, June 26, 2016.

Moved by Mrs. Kingsley to approve resolution #5, seconded by Mr. D'Aquila 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. Delia stated that he believes there is a new organization running it this year. A brief discussion ensued.

**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. Pirone introduced the following resolutions:**

- (6)
  - a. Resolution authorizing the Release of a Maintenance Bond, for work performed at Enrite Service Station, 525 Springfield Avenue in the amount of \$5,418.60.
  - b. Resolution authorizing a release of a Cash Bond in the amount of \$700.00 to Joachim Goritschnig, in connection with work performed at 303 Timber Drive.
  - c. Resolution authorizing a release of a Cash Bond in the amount of \$700.00 to Julie & Alexander Stuart, in connection with work performed at 88 Hillside Avenue .
  - d. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:  
1<sup>ST</sup> Constitution Bank                      6 Harding Drive                      \$2,592.18
  - e. Resolution authorizing Garden State Fireworks to hold fireworks displays on July 12 thru July 16, 2016 and on December 31, 2016.

Moved by Mr. Pirone to approve Consent Agenda Resolution #6a through e, 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 ORDINANCE**

**Public Hearing and Final Adoption scheduled for June 14, 2016:**

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union,  
State of New Jersey, Adopting a Redevelopment Plan for the  
Township’s Municipal Complex Pursuant to the Local Redevelopment  
and Housing Law.”**

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on the first reading, that June 14, 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. Pastore and carried. Mr. Delia noted that he was voting no because he didn’t like the idea that it can’t be challenged by a referendum. He stated that everything else was excellent. Mr. Pirone elaborated about the project, including its length of time, the many meetings which were held, collecting input from the residents, and how the public’s comments were incorporated.

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

**CITIZENS HEARING**

Moved by Mr. Pastore 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. Stephen Yellin of 130 Dogwood Lane asked about the Street Fair organizer (i.e., who was it.) The Mayor and Mrs. Kingsley responded. In regards to the Redevelopment Plan, Mr. Yellin noted that there was a lot of progress with the plan and he was pleased with the changes which were made. He also spoke about the people who felt there should have been a vote on this issue and elaborated.

Mr. Gerald Kuzmik of Eaton Court spoke about paragraph in a publication on the League of the Women Voters’ website which refers to the current stream and river cleaning being done through a County grant. He asked whether that was true. Mr. Bussiculo responded. Mr. Kuzmik noted that the Roundtable with the Mayor is late. Mr. Bussiculo and the Mayor responded.

Mr. John Sincaglia asked if anyone on the Council had concerns regarding the Part 19 (Ordinance) presentation which occurred during the last meeting. Mrs. Kingsley responded. Mr. Delia responded. Discussion ensued (Mr. Sincaglia and the Mayor.) Mr. Sincaglia thanked Mr. Kevin Hall for his work with the Redevelopment Plan.

Ms. Stephanie Bakos asked for support for the Rubber Ducky event on June 11<sup>th</sup>.

Ms. Dolores Croneberger requested that the weather vane be found a spot. The Mayor and Mrs. Kingsley responded.

Hearing no voices, moved by Mr. Pastore to close the Citizens Hearing, seconded by Mrs. Kingsley 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

**EXECUTIVE SESSION –**

1. Attorney/Client Privilege- Litigation- Matula v. Berkeley Heights
2. Attorney-Client Privilege / Contract Negotiations – Connell

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. D'Aquila 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

The Mayor reminded all 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. D'Aquila and upon roll call vote:  
**(9:56 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. Faecher to adjourn, seconded by Mr. Pirone, and upon roll call vote:  
**(9:57 p.m.)**

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

**Approved: June 14, 2016**