

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JULY 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, Mr. Pirone and Mayor Woodruff answered present. Mrs. Kingsley, and Mr. Pastore were 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.

The Mayor noted that the Library Redevelopment Ordinance would be "pulled" and stated that we would probably "do" it next meeting.

**CONFERENCE SESSION –**

**Mr. Delia** – Mr. Delia had nothing to report.

**Mr. D'Aquila** – Mr. D'Aquila had nothing to report.

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

**Mr. Faecher** – Mr. Faecher presented an Affordable Housing update and specifically spoke about 1) the recent Appellate Division July 11<sup>th</sup> decision and the Gap period; 2) Fair Share Housing's Expert submitted a new Expert report, 3) the Identified Present Need in the new Expert Report; 4) the Prospective Need in the new Expert Report; 5) the Fair Share Housing Center sought a stay of the Gap period decision as well as appealed the decision; 6) Berkeley Height's new prospective housing number in light of possible Court jurisdiction and a reversed Appellate decision; 7) Berkeley Heights has filed papers objecting to the report; 8) Berkeley Heights is on track for trying the case on September 6<sup>th</sup>. Mr. Faecher noted that this situation is in litigation and he is just stating facts.

The Mayor noted that this has been an abysmal failure of our State elected officials and elaborated.

**TOWNSHIP COUNCIL AND ADMINISTRATION REPORTS**

**Mr. Delia** – Mr. Delia had nothing to report.

**Mr. D’Aquila** – Mr. D’Aquila reported on 1) an event he attended at the Library, hosted by the Girl Scouts, regarding pet adoption. “Home for Good Dog Rescue” of Springfield Avenue also participated in the event; and 2) E books available at the Library.

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

**Mr. Faecher** – Mr. Faecher had nothing to report.

**Mayor Woodruff** – In regards to the Pilgrim Pipeline (alliance,) Mr. Woodruff stated that 1) there are 15 towns involved; 2) we will be signing a retainer agreement, and 3) as soon as Pipeline information is available, we will pass on this information.

**Mr. Bussiculo** – Mr. Bussiculo presented updates from these Township Departments: Sewer, Recreation Public Works, Engineering, Zoning, and Construction Mr. Bussiculo gave an update on the Paracetic Acid proposal at the Waste Water Treatment Plan, specifically: 1) visiting another Treatment facility in Hoboken, 2) a DEP meeting regarding this proposal, 3) the previously proposed ultraviolet disinfection process, and 4) a September 1<sup>st</sup> trial start. A brief discussion ensued (Mr. Pirone and Mr. Bussiculo.) Mr. Bussiculo also gave an update on New Jersey American Water work. Mr. Bussiculo acknowledged OEM, specifically the great job which Anthony Padavano has done in obtaining funding. He stated that from 2010 to date, we have received \$982,000 in government reimbursements. The Mayor asked Mr. Bussiculo to thank Mr. Padavano. Mr. Bussiculo spoke about the first summer concert and the tragic accident which occurred after the concert. He offered our thoughts and prayers to the person who was struck. Following up from questions which were raised at the last Council meeting, Mr. Bussiculo gave updates on the Municipal Alliance, a Harbor bill regarding Locust Street, and a crosswalk near the YMCA at Station Street.

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

## **APPROVAL OF MINUTES**

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

### **Public Meeting –July 12, 2016**

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

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

### **Executive Session – February 24, 2015, March 10, 2015**

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

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Delia 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 and Mr. Pirone  
Nays: None  
Abstain: None  
Absent: Mrs. Kingsley and Mr. Pastore

In regards to the \$910,000 savings expected with the Paracetic acid, Ms. Carol Matula of 5 Hastings Road, asked when the savings would start. Mr. Bussiculo responded. Discussion ensued. Ms. Matula asked who was paying for the Redevelopment Plan for the Library. The Mayor and Mr. Faecher responded. Discussion ensued regarding the Hamilton Avenue/Little Flower property and the payment of the Library Redevelopment Plan.

Mr. Tom Maciejewski asked if there was documentation online for the Pilgrim Pipeline. Mr. Faecher responded. Discussion ensued (Mr. Maciejewski, Mr. Faecher, and Mr. Pirone.) In regards to the Municipal Alliance, Mr. Maciejewski asked if it 1) was just drug and alcohol prevention, and 2) whether it was true that DARE was no longer part of it, and 3) what was the Municipal Alliance and what was included in it. Mr. Bussiculo and Mr. Marceau responded. Discussion ensued. In regards to the Waste Water Treatment job, Mr. Maciejewski asked 1) whether it would be posted and 2) the process to get the job. Mr. Bussiculo responded. Mr. Maciejewski asked whether it was possible to get a hold of the old signs. Mr. Bussiculo responded. Discussion ensued (the Mayor, Mr. Sordillo, Mr. Bussiculo and Mr. Delia.)

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

**RESOLUTIONS**

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

- 1. Resolution approving Bill List dated July 26, 2016 in the amount of \$999,070.80.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pirone and carried. In regards to the Bill List total, Mr. Faecher noted that it was double the amount of what is usually incurred. Mr. Bussiculo responded. In regards to the damage repairs on the vehicles, Mr. Delia asked if the insurance company covered repairs. Mr. Bussiculo responded. The Mayor asked about deductible amounts. Mr. Bussiculo responded.

Upon roll call vote:

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

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

- 2. Resolution authorizing the contract with Giordano Company for Recycling Services from September 1, 2016 to December 31, 2018 in the amount not to exceed \$245,000.00.

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

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

- 3. Resolution authorizing the insertion of Click It or Ticket in the amount of \$4,425.42 as additional revenues in the budget of the year 2016.

Moved by Mr. Faecher to approve resolution #3, seconded by Mr. D’Aquila and upon roll call vote:

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

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

- 4. Resolution authorizing the insertion of NJDEP- Clean Communities Program in the amount of \$30,947.12 as additional revenues in the budget of the year 2016.

Moved by Mr. Pirone to approve resolution #4, seconded by Mr. D’Aquila and carried. Mr. D’Aquila asked what the Program was. Mr. Bussiculo responded.

Upon roll call vote:

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

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

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5. Resolution authorizing the insertion of Recycling Tonnage Grant in the amount of \$8,314.23 as additional revenues in the budget of the year 2016.

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

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

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

6. Resolution authorizing the insertion of the Community Development Block Grant in the amount of \$13,700.00 as additional revenues in the budget of the year 2016.

Moved by Mr. D'Aquila to approve resolution #6, seconded by Mr. Faecher and upon roll call vote:

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

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

7. Resolution authorizing the insertion of the Municipal Alcohol Education/Rehabilitation Program in the amount of \$1,389.92 as additional revenues in the budget of the year 2016.

Moved by Mr. Faecher to approve resolution #7, seconded by Mr. Pirone and upon roll call vote:

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

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

8. Resolution authorizing the insertion of the Kids Recreation Grant in the amount of \$16,834.00 as additional revenues in the budget of the year 2016.

Moved by Mr. Pirone to approve resolution #8, seconded by Mr. D'Aquila and upon roll call vote:

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

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

9. Resolution authorizing a Municipal Services Agreement with the Free Acres Association, Inc.

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

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

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

10. Resolution authorizing the Renewal and First Amendment to the Original Contract with the Free Acres Association, Inc.

Moved by Mr. D'Aquila to approve resolution #10, seconded by Mr. Pirone and carried. Mr. Faecher asked whether we need to be more specific in regards to our use of language, i.e., "parts within Berkeley Heights" and "parts within Watchung." Mr. Sordillo responded. In regards to paragraph 7, Mr. Faecher stated that "Township Committee" should be replaced with "Township Council." Mr. Sordillo responded.

Upon roll call vote:

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

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

11. Resolution authorizing the renewal of Giovannis Bistro, LLC. Alcoholic Beverage License for the period of (1) year expiring on June 30, 2017.

Moved by Mr. Delia to approve resolution #11, seconded by Mr. Pirone and carried. Mr. Pirone asked if there was any reason why only 2 (Licenses) were being voted on at this time. Ms. Minkoff responded. The Mayor stated that the Giovannis Bistro license was Sami's and noted that it just went out of business this past Tuesday.

Upon roll call vote:

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

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

12. Resolution authorizing the renewal of Nickolas T. Agathis, Alcoholic Beverage License for the period of (1) year expiring on June 30, 2017.

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Moved by Mr. Pirone to approve resolution #12, seconded by Mr. D'Aquila and carried. In regards to this license, the Mayor asked for its location. Ms. Minkoff responded. The Mayor asked when the last time the license was used. Ms. Minkoff responded.

Upon roll call vote:

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

**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. Delia introduced the following resolutions:**

(13)

- a. Resolution removing Russell Luedecker from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- b. Resolution removing Joe Koczot from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- c. Resolution removing Tom English from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- d. Resolution authorizing a redemption of Tax Sale Certificate #12-00006 to FWDSL & Associates LP for Block #3503, Lot #14, located at 68 Berkshire Drive in the amount of \$80,244.60.
- e. Resolution authorizing redemption of Tax Sale Certificate #12-00002 to FWDSL & Associates LP for Block #605, Lot #4, located at 53 Bolton Boulevard in the amount of \$56,098.36.

**PULLED:**

Resolution removing Jan Chwiedosiuk from the Active Roster of the Berkeley Heights Volunteer Fire Department.

Moved by Mr. Delia to approve Consent Agenda Resolution #13a through e, seconded by Mr. Pirone and upon roll call vote:

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

## INTRODUCTION OF ORDINANCES

### Public Hearing and Final Adoption scheduled for August 23, 2016:

- (1) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, Pursuant to the Local Redevelopment and Housing Law. “**

The Mayor noted that the first Ordinance was pulled from the Agenda as he previously stated.

The Clerk presented and read:

### Public Hearing and Final Adoption scheduled for August 9, 2016:

The Clerk presented and read:

- (1) **“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,114,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”**

Moved by Mr. Pirone that the ordinance as read by the Township Clerk be offered on the first reading, that August 9, 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. Faecher and carried. Mr. Delia stated that he would use one simple example and would try to plead his case on it. Mr. Delia spoke about turning the DPW Garbage Truck into a Hook Truck. Mr. Delia asked if anyone comprehended the need for this. Discussion ensued (The Mayor, Mr. Pirone, Mr. Marceau, Mr. Faecher, Mr. Bussiculo, Mr. Delia.)

Upon roll call vote:

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

## CITIZENS HEARING

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

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

In regards to the Bond Ordinance, Mr. Tom Maciejewski of 40 Ralph Place asked what was “going” into the Ordinance and whether this information would be made public prior to August 9<sup>th</sup>. Mr. Pirone and Ms. Minkoff responded. Mr. Maciejewski noted that it was his understanding that there was a Disrepair Road List with ratings and wondered if we could just repair all of the worst roads. Mr. Bussiculo, the

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Mayor, Mr. Pirone and Mr. Faecher responded. In regards to the Website Specs, Mr. Maciejewski spoke about the response to his OPRA request and the conversation with a person named Nick, i.e., the OPRA response cited that there were no Specs and Nick said there were Specs. Mr. Nick Schiavo of 190 Lorraine Drive responded. He stated that he was the Director of the Communications Committee. Mr. Schiavo spoke about his conversation with Mr. Maciejewski and then elaborated about 1) specs and 2) services. Mr. Maciejewski asked if there was a website due date. Mr. Bussiculo, Mr. Faecher and Mr. Schiavo responded. Referencing Mr. Delia's point, Mr. Maciejewski stated that 1) you say it is only legal to spend the money where it is allocated; 2) you mentioned that if an Ordinance is passed, you can then reallocate that money, and 3) wouldn't this then be a slush fund. The Mayor responded. Mr. Marceau spoke about the General Fund and the Operating Fund. Discussion ensued (Mr. Maciejewski, Mr. Marceau.)

Mr. Jerry Kuzmik of Eaton Court asked for the progress of on line viewing of the Meetings, referencing a discussion of approximately six months ago. Mr. Bussiculo responded. Mr. Kuzmik spoke about the timeliness of the meeting postings on GL TV, i.e., it is lacking. Discussion ensued. Mr. Kuzmik stated that he thought Comcast and Verizon were getting involved. Mr. Bussiculo and Mr. Faecher responded.

In regards to the Transportation Trust Fund and Snyder Avenue, Mr. Nelson Stauber of 125 Park Avenue asked if we received the check. Mr. Bussiculo and the Mayor responded. Discussion ensued (Mr. Stauber and Mr. Bussiculo.)

In light of certain things which have happened in this country, Mr. Jim Joseph of 205 Gallinson asked if the Police Chief could meet next month for a Q & A, regarding protection of the Township. He elaborated on this proposal. The Mayor responded.

Mr. Stephen Yellin of 130 Dogwood Lane stated that he would like to second what Mr. Joseph proposed. He added that he would like to see such a meeting brought to the public schools, particularly the High School and elaborated.

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

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

**EXECUTIVE SESSION –**

**1. Attorney-Client Privilege- Litigation-Affordable Housing**

Moved by Mr. Pirone to go into Executive Session, seconded by Mr. Faecher and upon roll call vote:  
**(8:15 p.m.)**

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher and Mr. Pirone  
Nays: None

Abstain: None  
Absent: Mrs. Kingsley and Mr. Pastore

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

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

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

**ADJOURNMENT**

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

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

**Approved: August 9, 2016**