

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD SEPTEMBER 6, 2016**

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**CALL TO ORDER**

At 7:09 p.m. Mrs. Kingsley 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 and Mr. Pirone answered present. Mayor Woodruff was absent. Also present were Township Attorney Joseph Sordillo, Township Administrator John Bussiculo and Township Clerk Ana Minkoff.

**FLAG SALUTE**

Mrs. Kingsley asked everyone present to stand as she led the Flag Salute.

Mrs. Kingsley announced that there was a slight change to the Agenda and stated that there would be a Conference Session to discuss the Affordable Housing Settlement.

**CONFERENCE SESSION**

Mr. Faecher noted that today would have been the start day for the Trial regarding the Affordable Housing matter. He stated that with the Settlement, the trial will be avoided. Mr. Faecher noted that the material terms of the Settlement have been reached but the "I's aren't dotted and the "Ts" aren't crossed. Mr. Faecher stated that has the final Settlement document still has to be signed by both parties, i.e., the intervenors, Fair Share Housing Center and the Township. Therefore, Mr. Faecher noted that his remarks would be somewhat general. He noted that the document will become public and we could go through it all again at that point in time. Mr. Faecher summarized the history of the process (since 1975.) Mr. Faecher spoke about the terms of the Settlement including the number of agreed units: 389 units. Mr. Faecher spoke about the work involved and stated that a lot of people deserve a lot of credit. He spoke about the efforts of John Bussiculo, Mike Mistretta, Joe Sordillo, the McElroy firm, and the Surenian firm. Mr. Faecher elaborated about the benefits of the sole sourcing of professional services arrangements. Mr. Faecher spoke about the efforts of the Mayor. He thanked the Council. Mr. Faecher thanked the community.

Mr. Pastore thanked Mr. Faecher and spoke about Mr. Faecher's leadership and contribution, as well as the contributions of Mr. Mistretta, the Mayor and the Council.

**TOWNSHIP COUNCIL REPORTS**

**Mr. D’Aquila**- Mr. D’Aquila spoke about “dodging the bullet” this past weekend with the storm that went out to sea, the hurricane season and the importance of keeping emergency preparedness kits ready to go.

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

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

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

**Mr. Pastore** – Mr. Pastore spoke about the upcoming Mayor’s trophy game on Saturday in which donations raised would go to the Memorial Park Restoration. Mr. Pastore also spoke about Sunday’s 9/11 Memorial.

**Mrs. Kingsley** – Mrs. Kingsley spoke about 1) the upcoming 9/11 ceremony, 2) the annual Berkeley Heights 5k race on September 18<sup>th</sup>, and 3) the work the Emergency Management “crew” did during the weekend, specifically referencing their handling of the storm warnings and relaying these notifications.

**Mr. Bussiculo** – Mr. Bussiculo presented updates from these Township Departments: Public Works, Recreation, Sewer and Building. Mr. Bussiculo gave an update on the school crosswalks, Township paths, the culvert at lower Columbia Path, Passaic River, school flashers, guard rails, the Softball game on September 10<sup>th</sup>, the 5k run on September 18<sup>th</sup> and Peppertown Park.

**Mrs. Kingsley** – Mrs. Kingsley spoke about the upcoming annual Firemen’s spaghetti dinner. Mrs. Kingsley stated that she wanted to supplement Mr. Pastore’s comments about Mr. Faecher. She noted both his legal and negotiation skills expertise. She stated that his efforts saved the Township a significant amount of money. Mrs. Kingsley stated that not only did he help the Township control the building for now but that he has protected us in the future and elaborated. She stated that every resident owes Mr. Faecher a big round of applause.

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

**APPROVAL OF MINUTES**

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

**Public Meeting – August 23, 2016**

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

**Township Council Minutes  
Public Meeting – September 6, 2016**

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

**Executive Session Meeting – May 5, 2015, May 19, 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. Pirone 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

Hearing no voices, moved by Mr. Pirone to close the Hearing on Agenda Items Only, 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

**RESOLUTIONS**

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

1. Resolution approving Bill List dated September 6, 2016 in the amount of \$473,284.39.

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 a matching grant from Union County in the amount of \$100,103.60 for renovations and improvements to Memorial Park, Columbia Park and Peppertown Park.

**Township Council Minutes  
Public Meeting – September 6, 2016**

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

**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:  
(3. a-h)**

- a. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:

1. David & Tammy Karelus	14 Pine Grove Road	\$2,215.87
2. Berkeley Development Co.	372-82 Springfield Ave.	\$39,470.00
3. Dhiren & Piya Shah	24 Hamilton Avenue	\$2,660.49
4. Saleh,Sara,Dina Amami	59 Hillside Avenue	\$361.57
5. Kathy Kashani	11 Debbie Place	\$205.07
6. Haicong Fu	39 Upper Drive	\$174.88.
  
- b. Resolution authorizing redemption of Tax Sale Certificate #15-00002 to US Bank Cust BV Trust for Block #2006, Lot #24, located at 637 Mountain Avenue in the amount of \$23,372.85.
  
- c. Resolution authorizing a block party on Baker Avenue, on September 17, 2016 from 3:00 p.m.–10:00 p.m.
  
- d. Resolution authorizing a block party on Mercier Place on September 24, 2016 from 1:00 p.m. to 10:00 p.m., with a rain date of October 8, 2016.
  
- e. Resolution authorizing a block party on Rutgers Avenue on October 1, 2016 from 2:00 p.m. to 8:00 p.m., with a rain date of October 8, 2016.
  
- f. Resolution authorizing a release of a Street Opening performance bond in the amount of \$700.00, for work done at 206 Rutgers Avenue
  
- g. Resolution adding Michael Tomich to the active roster of the Berkeley Heights Fire Department.
  
- h. Resolution declaring September 16, 2016 “POW/MIA Remembrance Day” in the Township of Berkeley Heights.

Moved by Mr. Pastore to approve Consent Agenda Resolution #3a through h, 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

**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

Hearing no voices, moved by Mr. Faecher 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

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

**EXECUTIVE SESSION –**

1. Attorney - Client Privilege / Litigation - Affordable Housing

Moved by Mr. Pastore to go into Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(7:42 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 Mr. Pastore to go out of Executive Session, seconded by Mr. Pirone and upon roll call vote:  
**(7:59 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. Pirone to adjourn, seconded by Mr. Delia, and upon roll call vote:  
**(8:00 p.m.)**

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

**Approved: September 20, 2016**