

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD OCTOBER 4, 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

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

POSTPONED

PROCLAMATION- Charlie Pratt

CONFERENCE SESSION –

- 1. Presentation of the new Township's Website**
- 2. Berkeley Heights Community Pool Budget Presentation**

Mr. Delia and Mr. D'Aquila stated they had nothing to report.

Mr. Faecher stated he would give an update on Affordable Housing. He noted that the last meeting included an approval of the settlement with Fair Share Housing Center. Mr. Faecher stated that the Court set a Fairness Hearing date of October 17th. He elaborated on the Fairness Hearing process. Mr. Faecher also spoke about the Court's request in advance of the Fairness Hearing, specifically stating that the Court would like Settlement Agreements for each property approved at that hearing as well. Mr. Faecher noted the properties involved: Locust, Kings, the Movie Theatre and Connell. Mr. Faecher elaborated further and noted that the Court's request was atypical. Mr. Faecher also noted that this request by the Court would result in the scheduling of a Special meeting for the Township Council, most likely to take place the following week. Mr. Faecher noted that the Special meeting would deal with the Settlements of each of the individual properties. Assuming the Court approves the Settlement at the Fairness Hearing, Mr. Faecher stated that we will then move forward with our Fair Share Housing Plan and Housing element. Such work, Mr. Faecher noted, would entail a series of meetings between the Council and the Planning Board and elaborated.

Mr. Faecher also spoke about correspondence received for 343 Snyder Avenue. He suggested our Engineer look at that property before the noted comment period lapses.

**Township Council Minutes
Public Meeting – October 4, 2016**

In regards to the Court date, the Mayor asked a follow-up question regarding whether the developers were locked in. Mr. Faecher responded. Mr. Faecher then spoke about Part 19, noting 1) that it dealt with the Design standards downtown, and 2) there had been significant back and forth with the public regarding Part 19. Mr. Faecher stated that Part 19 has been very important with recent meetings with developers and elaborated.

Mr. D'Aquila asked what the next steps were for the developers. Mr. Faecher responded. Mr. D'Aquila asked about timetables. Mr. Faecher responded.

Mr. Pirone, Mr. Pastore and Mrs. Kingsley noted that they had nothing to report.

TOWNSHIP COUNCIL REPORTS

Mr. D'Aquila- Mr. D'Aquila recommended keeping a mindful watch on Hurricane Matthew and elaborated.

The Mayor noted that one of the Conference Session issues would be the Berkeley Heights Community Pool Budget Presentation. The Mayor asked Ms. DiNunzio to come forward. Ms. DiNunzio noted that the year-end financials and insurance information had been distributed. She noted that actual and budgeted figures and membership figures had been provided. The Mayor asked about the turnaround (to the positive) in the financials. Ms. DiNunzio responded. Mr. Faecher noted that the 2016 season included Paolo's handling the kitchen and the Summit YMCA handling the pool. Ms. DiNunzio elaborated on Mr. Faecher's point. The Mayor asked about whether a similar arrangement would occur next year. Ms. DiNunzio responded. Ms. DiNunzio asked whether she should pay the \$1.00 lease payment. Mrs. Kingsley responded, referring her to the Township Clerk.

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

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

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

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

Mrs. Kingsley – Mrs. Kingsley stated that she had nothing to report.

The Mayor – The Mayor stated that he had nothing to report.

Mr. Bussiculo – Mr. Bussiculo provided information on the following: 1) notice of grant award from the County for a Senior 15 passenger van; 2) a resident letter and check donating funds for Police body-worn cameras. The letter specifically mentioned Officer Schmidt. Mr. Bussiculo presented updates from these Township Departments and issues: Construction, Engineering, Public Works, Passaic River, Recreation, Lord Littell Museum, Fire Department, Farm Stand at Vito's, School Crossing signs, Sewer, Zoning, Electric Auction, and the October 7th GL Annual Friday Night Lights Football game.

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

Public Meeting – September 20, 2016

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

**Executive Session Meeting – May 11, 2015, October 6, 2015,
October 20, 2015**

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

Executive Session Meeting – September 15, 2015

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

The Mayor stated we would now move back to an item in the Conference Session, specifically a presentation of the Township’s new website. Mr. Bussiculo presented a brief history of the website development process, the website’s goals and an overview of the site.

The Mayor asked if the Council had inquiries regarding the new website. Mr. D’Aquila thanked and congratulated the team and the departments for their work. Mr. Bussiculo noted that Ms. Barbara Russo did a lot of the “heavy lifting.” By the December time frame, Mr. Pirone inquired if there would be a link on the website to view meetings. Mr. Bussiculo responded. A brief discussion ensued. The Mayor asked if the tapes were unedited. Mr. Bussiculo responded. Mr. D’Aquila asked a follow up question regarding storage. Mr. Bussiculo responded. Mr. Faecher inquired about the streaming capability as well as GL TV viewing. Mr. Bussiculo and Mrs. Kingsley responded.

The Mayor noted that members of the Public could come forward to comment or ask questions.

Mr. Raaymakers of Timber inquired about the updates procedure. Mr. Bussiculo responded. Mr. Pastore inquired about emergency items. Mr. Bussiculo responded.

Mrs. Kingsley stated she had prepared her remarks as she was going to try 1) not to get emotional and 2) to keep her composure. Mrs. Kingsley offered her thanks and noted that websites are not a small feat. She also thanked Mr. Pratt for all of his website efforts during the past years and elaborated. Mrs. Kingsley

**Township Council Minutes
Public Meeting – October 4, 2016**

spoke about a letter to the Editor which was posted to TAPinto.net during the previous evening by Mr. Stephen Yellin. Mrs. Kingsley noted that the letter criticized the new website. Mrs. Kingsley noted that the facts in the article were not correct. Mrs. Kingsley noted that Mr. Yellin's actions on social media were not productive and not nice. Mrs. Kingsley spoke about the Administration Department's efforts to build the website. Mrs. Kingsley noted that it was the Council's responsibility to get the website "off the ground." She stated that it was not the team's responsibility and not the Communications Committee's responsibility. Mrs. Kingsley stated that she hoped residents 1) would find the website easy to use and 2) would use it frequently. She asked residents to give feedback on how to make it better.

Mr. Raaymakers noted that mistake of the initial number which Mr. Yellin used was his mistake. Discussion ensued (Mrs. Kingsley and Mr. Raaymakers.)

Mr. Yellin spoke about attending Council Meetings for 9 years and elaborated on his residency here and volunteer work. Mr. Yellin stated that he doesn't remember ever attending a Governing Body meeting where a member of the Governing Body felt it was appropriate to publicly "go after" for the crime of offering his opinion. He noted that this was difficult for him and elaborated. Mr. Yellin stated that he believed that what he wrote was not in any way a criticism of any volunteer. Mr. Yellin spoke about the website not being mobile friendly, referencing the Google App. Mr. Yellin spoke about the time and effort he has contributed to the Community. He stated that it was not appropriate to denigrate any resident because of their opinion. Mr. Yellin noted that he would continue to support the Governing Body when he agrees with them, and that he would oppose the Governing Body when he disagrees with them. He stated that there was no reason to be attacked in this way and elaborated.

The Mayor asked Mr. Yellin if he made a political comment in the letter. Mr. Yellin responded. Discussion ensued (Mr. Yellin and the Mayor.)

Mr. Delia thanked Mr. Yellin for his comments. Mr. Delia stated that he didn't think the Council, under any circumstances, should be attacking residents. Mr. Delia noted that the Council has attacked both residents and himself on multiple occasions.

Mr. Tom Foregger noted that he had a chance to get on the website with his cell phone and it seemed to work. Mr. Foregger 1) stated that he has a lot of experience with software, 2) called this version "Version 0" and 3) stated that he thought this looked pretty good and elaborated. He thanked Mr. Bussiculo, Ms. Minkoff, Ms. Russo and Mr. Marceau and stated that we should all be grateful.

Mr. Tom Maciejewski of 40 Ralph Place noted that he had been critical of the project since the beginning. He noted that for the price, he believes 1) the site is reasonable and 2) the people working on it deserve a "thumbs up." He thanked the "worker" people.

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

**Township Council Minutes
Public Meeting – October 4, 2016**

The Mayor noted that Mrs. Kingsley would be the official timekeeper.

Mr. Jess Germansky of 30 Lawrence Drive wanted to say something regarding the Taping Ordinance. The Mayor and Mrs. Kingsley noted that it had been pulled. Mr. Germansky responded.

In regards to Resolution Number 3, Mr. Tom Foregger noted that this was the first time we had received a nice presentation from the Community Pool and elaborated. The Mayor responded.

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

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON
SEPTEMBER 20, 2016.**

**“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF
SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP
OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL
DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS.”**

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. 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

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. 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

PULLED

“AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING VARIOUS SECTIONS OF TITLE 1 ENTITLED “GENERAL PROVISIONS” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE NEW CHAPTER 1.06 TO BE ENTITLED “RECORDING OF PUBLIC MEETINGS” TO ESTABLISH GUIDELINES FOR THE RECORDING OF PUBLIC MEETINGS.”

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated October 4, 2016 in the amount of \$440,520.92.

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 authorizing the Township to sell at a public sale (by way of sealed bid) one (1) Plenary Retail Consumption (Hotel/Motel Exception) Liquor License to be used exclusively in connection with a hotel/motel containing at least one hundred (100) guest sleeping rooms within the boundaries of the Township, in accordance with the procedure set forth in NJSA 33:1-19.1 et. seq.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Pastore and carried. Mr. Delia asked that this resolution be explained to the public. The Mayor responded. Discussion ensued (Mr. Faecher and Mr. Delia.)

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:

3. Resolution approving the Community Pool Corporation’s 2017 budget, pursuant to the terms of the Lease Agreement.

Moved by Mr. Faecher to approve resolution #3, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None

Abstain: Mr. D'Aquila
Absent: None

Mr. D'Aquila noted that he abstained due to having a family member on the Pool Board.

Mr. D'Aquila introduced the following resolution:

4. Resolution authorizing Shared Services Agreement with the Board of Education for the provision of a police officer to serve as a student resource officer at the High School.

Moved by Mr. D'Aquila to approve resolution #4, seconded by Mr. Faecher and carried. Mr. Delia stated that he wished that it was higher but noted that he was glad we were getting something.

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:

5. Resolution authorizing the Township to utilize the online auction services of EMX,LLC, an approved vendor, located at www.energymarketexchange.com

Moved by Mr. Pirone to approve resolution #5, seconded by Mr. Pastore and carried. Mr. Pirone noted that Exchange was spelled wrong and should be corrected.

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:

(6. a-e)

- a. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:
 1. Valerie E. Berger 47 Sycamore Avenue \$461.75
 2. Pamela L. Nagy 111 Cedar Green Lane \$30.00

**Township Council Minutes
Public Meeting – October 4, 2016**

- b. Resolution authorizing a renewal of a blue light permit for, Arlene Burnett who is a member of the Berkeley Heights Rescue Squad.
- c. Resolution adding Joe Koczot to the active roster of the Berkeley Heights Fire Department.
- d. Resolution adding Howard Anderson to the active roster of the Berkeley Heights Fire Department.
- e. Resolution adding Petre Popescu to the active roster of the Berkeley Heights Fire Department.

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

The Mayor noted that Mrs. Kingsley would be the timekeeper.

Mr. Hendrik Raaymakers inquired regarding the Township Council Correspondence, specifically the Peak Environmental correspondence regarding 100 Locust. Mr. Faecher and Mr. D'Aquila responded.

Hearing no voices, moved by Mr. Pirone to close 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

EXECUTIVE SESSION –

1. Attorney - Client Privilege / Litigation - Affordable Housing

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:08 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. Pastore and upon roll call vote:
(8:35 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. Pastore to adjourn, seconded by Mr. Delia, and upon roll call vote:
(8:36 p.m.)

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

Approved: October 18, 2016