BOROUGH OF BERNARDSVILLE
BOROUGH COUNCIL MEETING MINUTES
January 10, 2005

A meeting of the governing body was called to order by Mayor Jay Parsons, at 7:00 p.m. on Monday, January 10, 2005, in the Borough Hall. Present were Lee C. Honecker, Michael Landau, Vivian McMillen, Joseph Rossi, Mikael Salovaara and Helen Walton. Also present were John R. Pidgeon, Esquire, Borough Attorney, Ralph A. Maresca, Jr., Borough Administrator, and Sandra Jones, Borough Clerk/Assistant Administrator.

STATEMENT OF PRESIDING OFFICER

Mayor Parsons announced that notice of this meeting was provided to the Bernardsville News, Courier News and the Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 16, 2004. The group recited the “Pledge of Allegiance”.

PRESENTATIONS

Mayor Parsons read his Proclamation, copy attached hereto, honoring four Bernardsville students who participated in the 2005 Project S.T.A.N.D. (Somerset Teaming-up Against Narcotics and Drugs) calendar poster contest. They are Zach Horton, Madalyn Radler, Jack Kielley and Tim Farrell.

APPROVAL OF MINUTES

It was moved by Mrs. McMillen and seconded by Mrs. Walton to approve the minutes of December 27th and January 3rd. Before a vote was taken, Mr. Salovaara suggested an amendment to the minutes of January 3rd, by adding the following sentence to the paragraph regarding Resolution #05-20: “Mr. Salovaara noted that the effect of the proposed change would move the schedule from February 21, a date he could attend to a date that was a conflict for him.” Mr. Landau moved to approve the minutes of December 27th and January 3rd as amended. Mrs. Walton seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Parsons opened the public session. Mr. Frasier Bowie, 6 Bernards Avenue, spoke regarding a letter he distributed on this date suggesting an alternative proposal for width, speed, and parking rules. Messrs. Honecker and Rossi said the Public Works committee would consider his comments, but did not commit to any change in the plans for the road, which they said were reviewed by the Bernards Avenue residents and approved by a consensus from the public. At this point in time, the plans are ready go to bid. Mr. Bowie continued to protest and to claim that others on Bernards Avenue agree with his position, especially with regard to the width of the road surface. He was invited, along with his group, to attend the next Public Works meeting on January 24, at 9:00 a.m.

David Neill, Prospect Street, spoke about courtesy busing. He commented that he believes the expense to the Borough would be approximately $250,000 for busing, and much more for sidewalks. Mrs. McMillen suggested many parents would not allow their children to walk for various reasons. Mr. Neill asked about the $16,000 donation received from the Eckert family for construction of a shelter at the Polo grounds. He protested the 2 ½ year delay and commented that the project should proceed or the money should be returned. Mr. Rossi discussed the reasons for the delay, and stated that the Eckert family understands that the construction will proceed as soon as possible. Mr. Neill commented that the Claremont steps, which are barricaded and in need of repair, should be dealt with and removed if necessary. When can residents expect these to be repaired, he asked?

Joseph Rega asked about on-street parking on Bernards Avenue, parking signs he has observed throughout the town and he asked why parking regulations are not strictly enforced? Mrs. Walton explained steps taken by Zoning Enforcement Officers at
a property adjacent to Mr. Rega on Bernards Avenue. Mr. Honecker responded that one sign to which Mr. Rega referred pertains to snow removal.

Mrs. Terry Thompson, Mine Mount Road, expressed a concern for residents with jobs which require them to drive and house a commercial vehicle. Strict enforcement throughout could have serious negative impact on some residents, she said.

Mayor Parsons closed the public session.

ORDINANCES

Mrs. McMillen moved that ORDINANCE #05-1374, AN ORDINANCE INCREASING THE NUMBER OF ALTERNATE MEMBERS OF THE ZONING BOARD OF ADJUSTMENT AND AMENDING THE BOROUGH LAND DEVELOPMENT REGULATIONS, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, February 28, 2005. Mrs. Walton seconded and the ordinance was passed with six yes votes.

RESOLUTIONS

Mr. Honecker moved adoption of Resolution #05-26, ACCEPTING MONTHLY REPORTS. Mrs. Walton seconded and the motion was approved with six yes votes.

(Mr. Honecker left the meeting at this point.)

Resolution #05-23, APPROVING THE ISSUANCE OF A VOLUNTEER FIRE DEPARTMENT NOTE OF THE BERNARDSVILLE FIRE COMPANY NO. 1 IN THE MAXIMUM PRINCIPAL AMOUNT OF $700,000 AND AUTHORIZING THE EXECUTION OF AN AGREEMENT TO PROVIDE FIREFIGHTING SERVICES, was discussed. Mr. Salovaara raised questions about the resolution, and asked about the reference to Exhibit B (an agreement), which was not provided. Mr. Pidgeon was directed to clarify, and it was agreed to table the matter until February 7.

Resolution #05-24, AUTHORIZING PAYMENT OF BILLS, was discussed. Mr. Landau asked if Scott Fitzgerald, an IS Committee member, has a conflict of interest billing the Borough for computer services? Mr. Pidgeon answered no, as long as the work was done on his personal time. With that question resolved, Mr. Landau moved approval of Resolution #05-24. Mrs. Walton seconded and the motion passed with five yes votes. Mr. Honecker was absent from the meeting at this point.

Resolution #05-25, SETTING FEES FOR RECREATION/POOL PROGRAMS, was discussed. Mr. Landau recommended increases above the approximately 1% proposed in the resolution. He stated he would like to see increases that would cover capital improvement needs. Others agreed with Mr. Landau, so it was agreed to table this resolution until Mr. Honecker, liaison to the Recreation Committee, returns to the meeting.

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s report was discussed and accepted.

COUNCIL COMMITTEE REPORTS

Public Safety Committee. Mrs. Walton stated there will be meeting this week to work on the PBA contract. The committee plans to meet monthly on a schedule to be announced.

Finance Committee. Mr. Landau said the budget work has begun.

Personnel Committee. Mrs. McMillen said the opening for a full-time Zoning Inspector has been posted and that it will also
ITEMS OF BUSINESS

Ordinance amendments

A proposed ordinance amendment referring to site improvement standards (9-10) in the zoning provisions of the B-1, C-1 and I zones was discussed. Mr. Pidgeon was directed to prepare the draft for introduction on February 28th.

A proposed ordinance amendment clarifying language of the I-2 Light Industrial Zone was discussed. Mr. Pidgeon was directed to prepare the draft for introduction on February 28th.

A proposed ordinance amendment concerning noise was discussed. Terry Thompson who served on the ad hoc committee was present. Mrs. Thompson spoke about the committee’s process in developing the draft and about one major complaint of barking dogs which they hoped to address. (Mr. Honecker returned.) The possibility of sound level restrictions on generators was discussed and Mrs. Thompson said an expert suggested same would create enforcement problems for the borough. Chief Valentine spoke about police concerns with the ordinance. Mrs. Walton moved to table this ordinance until February 28th. Mrs. McMillen seconded and the motion was approved with six yes votes.

A member of the public, Mr. Rega, was granted permission to speak at this point and he commented that restrictions on generators on small parcels could be unworkable.

Towing operators/ordinance amendments

A memo from Lieutenant Frischman was reviewed. Chief Valentine responded, saying that the department has verified distance of storage facilities for the four towing companies approved by the Borough Council, and in the process, certain questions about response time, mileage and rates arose. The department will discuss this matter further. It was agreed that no action would be taken at this time.

Use of Borough stationery

Mayor Parsons provided a sample letter he suggests be sent to all board and committee chairs, asking that Borough stationery be used only for Borough business and official correspondence. The letter stated, in part, that “In the case of a board or commission or indeed of the Borough Council itself, that means the entire group should have approved the sending of the letter, although not necessarily the exact wording, and the fact of such approval should appear on the minutes of the meeting at which such approval was given.” Following review of the sample, it was unanimously agreed to send it.

(The following items were off-agenda)

Mayor Parsons read a Resolution Urging Opposition to A-3529. The resolution which opposes double payments to government workers for full ordinary disability pension and workers compensation benefits at the same time for the same injury,
was given number 05-27, then Mr. Landau moved approval. Mr. Salovaara seconded and the motion was approved with six yes votes.

**Municipal Alliance/Youth Services Commission**

Mayor Parsons announced the following appointments: Malinda Davis-Campbell, John Grund, Kevin Valentine (or alternate), Cheryl Ferrante (or alternate), Alice Steinbacher, Tim McDonald and Kevin Sooy.

**IS Committee**

Mayor Parsons announced that he will serve on the IS Committee, and he appointed John Palomaki.

**Town Planner**

A calendar, produced by Town Planner Calendar, P. O. Box 108, Pine Brook, NJ has been mailed to every household in Bernardsville. The calendar contains incorrect information which was obtained without the assistance of anyone representing the municipality. The Borough Clerk asked the Borough Council for comment. It was agreed that the Town Planner organization should be asked to prepare and circulate a corrected calendar.

**Bulk Mail Permit**

The possibility of obtaining a bulk mail permit was discussed. Members agreed that if the Borough expands the number of direct mail documents sent out, a bulk mail permit would be desirable. The group agreed that at least one additional document, a newsletter, should be sent in the future, and Mr. Maresca was directed to proceed with a permit. Mrs. Walton moved to spend $350.00 to obtain a bulk mail permit. Mr. Rossi seconded and the motion was approved with six yes votes.

**Open Space Committee**

Mrs. Walton resigned her position on the Open Space Committee due to a conflict with her position on the Planning Board. No replacement appointment was announced at this time.

**Invitation to Watershed Committee**

It was agreed that Mayor Parsons will invite representatives of the Great Swamp Watershed Association and the Upper Raritan Watershed Committee to attend the joint Council/Board of Adjustment/Planning Board meeting scheduled for January 25 at 7:00 p.m. Julia Summers, Great Swamp Watershed Association, has asked to make a brief presentation. It was suggested that other interested borough committees be invited to attend once Mayor Parsons receives acceptance from Ms. Summers and Mr. Pfeiffer.

**Administrative Ordinance Amendments**

Mayor Parsons suggested an amendment to address filling vacancies, Joining Council or becoming Mayor vacates appointments, and to limit on length of speeches. This was briefly discussed then tabled until a later date.

**Recreation/Pool fees – Resolution #05-25, Continued**

The suggestion to increase all pool fees by a total of $25 was discussed. Mr. Honecker agreed to step away from the podium to telephone Andy Taylor and/or Peg Trinter, members of the Recreation Committee to inform them that the Council wishes to
increase their suggested fees by an additional $20, and to ask for their comments. (Mr. Honecker left the room at this point.)

Road and construction projects

Mr. Landau suggested adoption of standards. Mr. Rossi stated that standards have been suggested by the Public Works Committee, agreed to furnish the group with another copy of said standards, and recommended further discussion be held until Mr. Honecker returns to the podium.

Resolution #05-28, MAKING JENNY LIN FULL TIME

Mr. Pidgeon read a resolution authorizing Mrs. Lin to work full-time, effective January 1, 2005, at her present (2004) hourly rate ($24.91 x 1820/hours = $45,336.20 annually). The resolution stipulates usual working hours from 8:30 a.m. to 4:30 p.m., and provides an annual stipend of $3,500 to be included in base salary and to compound with annual raises. This stipend is in lieu of health benefits, and the resolution states “if at any time she chooses to enroll in the State Health Benefits Program...it shall cease.” The resolution was moved by Mr. Rossi, seconded by Mrs. Walton, and approved with six yes votes.

Recreation/Pool fees – Resolution #05-25, Continued

Mr. Honecker reported on his telephone conversation with Mr. Taylor. The committee was under the impression that “they were handcuffed” by a 3 percentage increase on pool expenses, and stated that they are not opposed to increasing the fees as suggested. Mr. Landau moved to increase pool fees $20.00 over the proposed fee schedule. Mrs. Walton seconded and the motion was approved with six yes votes.

Road/construction project, continued

Following more discussion on this topic, it was agreed to discuss the road and construction projects strategy proposed by the Public Works Committee on February 7.

Newsletter

Alice Steinbacher has volunteered to work on a municipal newsletter which will be sent out to residents twice annually, perhaps on or around September 15th and March 15th. Mr. Landau volunteered to work with Mrs. Steinbacher on the newsletter project.

Litter Pick-Up Day

Mayor Parsons said he would like to schedule another litter pick-up day during the coming year.

Administrative Ordinance Amendments, Continued

Mayor Parsons suggested several amendments to procedures such as filling vacancies on committees when they actually occur. He also said service on the various Council positions should be more clearly explained. Finally, the length of speeches should be limited by administrative code and kept to 3 to 5 minutes. Members agreed and Mr. Pidgeon will prepare guidelines for the work session meeting.

Somerset County Solid Waste Advisory Committee

Mr. Rossi volunteered to serve on the Somerset County Solid Waste Advisory Committee. The Mayor and Council unanimously agreed.
CLOSED SESSION

It was moved by Mr. Landau to adjourn the meeting to an executive session to consider property acquisition, personnel matters and potential litigation, that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved, and finally, to adjourn the meeting following the executive session. The motion was seconded and approved with six yes votes. (The meeting was concluded at 10:30 p.m.)

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Sandra G. Jones, Borough Clerk

keywords: