

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**January 11, 2010 – 7:00 p.m.**

This meeting was called to order by Mayor Honecker at 7:00 p.m. on Monday, January 11. Present were Council Members Joseph DeMarco, Charlotte J. Foster, John McCrossan, Edward McDowell, and Joseph Rossi. Council Member Kevin Sooy was absent. Also present were John R. Pidgeon, Borough Attorney, Ralph Maresca, Administrator/CMFO, and Sandra G. Jones, Borough Clerk/Assistant Administrator.

**STATEMENT OF PRESIDING OFFICER**

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 January 5, 2010.

**OPEN SESSION**

Mayor Honecker opened the meeting to the public. Hearing no comments or questions, the public session was closed.

**ITEMS OF BUSINESS**

**Resolutions**

- #10-19      **GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2008)**
- #10-20      **REGARDING THE PARIS GRANTS PROGRAM**
- #10-21      **AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2010  
RECYCLING AGREEMENT WITH SOMERSET COUNTY**
- #10-22      **AUTHORIZING 2008 AND 2009 TAX REFUNDS DUE TO JUDGEMENTS**
- #10-23      **AUTHORIZING TRANSFER OF FUNDS**
- #10-24      **AUTHORIZING PAYMENT OF BILLS**
- #10-25      **COUNCIL CONFIRMATION OF THE MAYOR'S APPOINTMENT TO  
THE LIBRARY BOARD**

Mr. DeMarco moved adoption of Resolutions #10-20, 21, 22, 24 and 25. Mr. Rossi seconded the motion and a call of the roll followed:

Mr. DeMarco	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	yes	Mr. Sooy	absent

**Resolution #10-19** was discussed. Mr. McCrossan raised concerns regarding two comments shown on Page 3 of the cover letter transmitting the Audit Report from Nisivoccia & Company, relative to lacking "segregation of duties with respect to the recording and treasury functions," and a difference on reconciliations of the Municipal Court. It was decided to amend Resolution #10-19 by adding "and will follow-up with the audit firm for further clarification" at the end of paragraph four, and Mr. Maresca was directed to get clarification on these comments from John Cassells, Auditor, inviting him to discuss same at the February 8 meeting. Mr. McCrossan then moved adoption of Resolution #10-19, **GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2008)**. Mr. Rossi seconded the motion which was approved with five yes votes.

**Resolution #10-23, AUTHORIZING TRANSFER OF FUNDS**, was discussed. Mr. McCrossan moved approval. Mrs. Foster seconded the motion, which was approved with five yes votes.

**Off road vehicle ordinance**

A draft ordinance, entitled AN ORDINANCE CONCERNING OFF-ROAD VEHICLES AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS", was discussed. Possibilities for regulation of noise and related enforcement issues, was discussed with a resident, Diana Kramer, Charlotte Hill Drive, who has reported on-going "quality of life" issues due to noise from a neighbor's ATV. The subject was tabled for further discussion on February 8, and in the meantime, it was agreed that Mr. Pidgeon would explore enforcement options which might be available by Somerset County, Mr. McDowell would explore the Board of Health involvement and/or responsibility, and Mr. Rossi will discuss enforcement issues with Chief Valentine.

**Dumpster ordinance**

A draft ordinance, entitled AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS" BY ADDING PROVISIONS REGULATING DUMPSTERS AND PORTABLE STORAGE DEVICES, was discussed, along with a memo from the Construction Official dated November 20, stating his concerns regarding said ordinance. It was noted that the intent is that the permits will be issued by the Construction Office, but that all other issues, including enforcement, would be handled elsewhere. Mr. Pidgeon was given direction for further amendments for the ordinance in order to prepare same for introduction on January 25.

**Construction fees**

Mr. Maresca was directed to obtain additional comparison information, and this topic was tabled until the February 8 meeting.

**Report on 2009 Unity Day**

A written report from the Clerk's Office dated October 23, 2009, and current ordinance and JIF insurance requirements were discussed. The report stated several deficiencies in the required submissions by the Chamber, particularly in the area of insurance. It was suggested by Mr. McCrossan that the three day deadline for submission set forth in the ordinance, be enlarged to a ten day deadline, in order to allow the Chamber to correct any deficiencies in a timely manner. It was agreed that the Borough Attorney and Borough Clerk would review and recommend amendments to the ordinance for consideration at a future meeting.

Mr. Rossi also handed out a Unity Day financial statement prepared on behalf of Unity Day, Inc. Mayor Honecker advised that the council take the document home for review and that any concerns with the statement would be discussed at a later meeting.

**Proposals for professional services (RBA, Maser)**

It was decided to seek proposals for additional engineering firms. Mr. Pidgeon will provide a sample RFQ for review by the Public Works Committee. Mrs. Foster suggested that the group include preparation of grants applications

**Caruso Foreclosure action**

It was the consensus of the group to authorize Mr. Pidgeon to file an answer and defend the Borough's interests in this matter.

**Recreation scholarship moratorium**

Mayor Honecker advised that the Recreation Advisory Committee favors a moratorium on any future fee waivers, and recommended the Borough Council honor that opinion.

**CLOSED SESSION (There was none)**

**ADJOURNMENT**

Moved, seconded, and approved by five yes votes at 9:00 p.m.

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keywords: audit-finance-grant-recycling-tax-refund-library-off-road-vehicle-dumpster-construction-fees-unity-day-professional-services-foreclosure-recreation

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