

BOROUGH OF BERNARDSVILLE
BOROUGH COUNCIL MEETING MINUTES

January 23, 2006

A meeting of the governing body was called to order by Mayor Jay Parsons, at 7:00 p.m. on Monday, January 23, 2006, in the Borough Hall. Present were Denis Dooley, Michael Landau, Joseph Rossi, and Mikael Salovaara. Also present were John R. Pidgeon, Esquire, Borough Attorney, Ralph A. Maresca, Jr., Borough Administrator, and Sandra Jones, Borough Clerk/Assistant Administrator. Lee C. Honecker was absent.

STATEMENT OF PRESIDING OFFICER

Mayor Parsons read 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 14, 2005.

PLEDGE OF ALLEGIANCE

The group recited the Pledge of Allegiance to the Flag.

PRESENTATIONS/COUNCIL VACANCY

Mayor Parsons announced to the public that it would be a half hour before the public session because Council must address the resignation of Mrs. McMillen, which was effective January 6, 2006. Three candidates for the unexpired term, suggested by the Republican Committee, Charlotte Foster, John McCrossan and Mark Salisbury spoke about their qualifications and interest in serving on the Borough Council.

Mr. Rossi moved to appoint Mr. McCrossan, but there was no second, so the motion died. Mr. Dooley moved to appoint Mrs. Foster. Mr. Landau commented that all three candidates are qualified, but he feels Mrs. Foster is the best choice to replace Mrs. McMillen, and he seconded the motion. Messrs. Dooley, Landau and Salovaara voted yes. Mr. Rossi commented that, in his opinion, Mr. McCrossan is the best candidate, and he voted no on the motion to appoint Mrs. Foster. The Oath of Office was administered to Mrs. Foster by the Borough Clerk.

CLOSED SESSION

Mayor Parsons announced that a closed session will be held at this point in the meeting. It was moved, seconded, and approved with five yes votes to adjourn to executive session to consider a personnel matter, and further, that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved. Following the closed session, it was moved and seconded to reopen the meeting to the public, and the motion was approved with five yes votes.

APPROVAL OF MINUTES

Mr. Landau moved approval of minutes of December 30 and January 4. Mr. Salovaara seconded the motion to approve minutes of December 30, and the motion was approved with two yes votes (Landau and Rossi). Mr. Salovaara seconded the motion to approve minutes of January 4, and the motion was approved with three yes votes (Dooley, Landau and Rossi). Mrs. Foster abstained.

OPEN SESSION

Mayor Parsons opened the public session. Mr. McCrossan spoke about the recent storm which caused lengthy power outages for many, and he asked Mayor Parsons to write a letter to complain formally about the poor response time for repairs. Mr. Rossi discussed similar problems during other storms and suggested forming a utility committee to explore the problems and to

meet with the Public Utilities Commission. Mrs. Foster spoke about past problems on Old Colony Road. Mayor Parsons, with Borough Council support, agreed to write to the utilities.

Pat McFadden, Round Top Road, spoke about water lines which have been replaced on Round Top.

Geri Rossman, Claremont Road, spoke about an area used for parking off Claremont Road, just south of her apartment over the Bookworm Bookstore. She said a commercial vehicle, which she believes belongs to a new resident in the area, is parking in the aforementioned area, and is leaking fuel. The fumes, she said, are very evident from her apartment. Who would investigate this complaint, she asked? Ms. Rossman was referred to the Board of Health.

Andrea Kostelak, 6 Childs Road, referred to her letter, distributed last Friday which outlines her concerns with the pump station, trash and drainage problems from businesses along Route 202. She asked for a plan of action. Mr. Rossi discussed construction in progress at the VW dealership and commented that curbing to be installed there should address drainage concerns. Fencing proposed at the pump station was discussed. Ms. Kostelak was advised that the Public Works Committee will review her concerns and Mr. Dooley, Committee Chair, will respond to her as soon as possible.

Jennifer Walsh, 56 Crestview Drive, spoke about the assessments of homes in Bernardsville and how out of line they seem to her. Mr. Rossi spoke at length on disparities he feels exist in assessments.

Greg DiGiacchino, 46 Somerset Avenue, agreed the property assessments must be addressed. He suggested a committee to study the subject. Messrs. Landau and Mr. Salovaara commented on the relationship between assessments and revenue. Mr. Landau stated that reassessment would not add to the revenues collected by the Borough, only a tax increase would do that. While reassessment might address some tax inequities Mr. Landau continued, it had to be considered against the backdrop of expense. With 3000 homes in Bernardsville, the cost of reassessing all homes could far outweigh the advantage of correcting some tax inequities.

Cathy Pierce, Holly Ridge Court, said that in her neighborhood above the quarry, taxes are raised every year. She then asked about the status of the proposed cell tower at the Borough compost site? Mr. Pidgeon, Borough Attorney, said he hoped the Borough would be ready to seek bids very soon.

Mayor Parsons closed the open session.

ORDINANCES

Mr. Salovaara recommended moving forward with introduction of three ordinances listed in the agenda as items of business 11E1, 11E5 and 11E4. Mr. Rossi moved to hold introduction until the next meeting. There was no second to the motion.

Mr. Salovaara moved that #06-1417 (Agenda Item of Business 11E(1), **AN ORDINANCE RAISING FINES FOR ORDINANCE VIOLATIONS AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION" AND ARTICLE 16 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED "VIOLATIONS AND PENALTIES**, 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. on February 27, 2006. Mr. Landau seconded. Mayor Parsons suggested minor corrections to be included in the final copy to be provided by the Borough Attorney. The motion was approved with three yes votes (Messrs. Dooley, Landau, Salovaara). Mr. Rossi voted no. Mrs. Foster abstained.

Mr. Salovaara moved that #06-1418 (Item of Business 11E5), **AN ORDINANCE RESTRICTING GIFTS THAT BOROUGH OFFICIALS AND EMPLOYEES MAY ACCEPT**, 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. on February 27, 2006. The motion was seconded and approved with three yes votes. Mr. Rossi voted no. Mrs. Foster abstained.

Mr. Salovaara moved that #06-1419 (Item of Business 11E4), **AN ORDINANCE ESTABLISHING LOCAL**

PAY-TO-PLAY 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. on February 27, 2006. The motion was seconded and approved with three yes votes. Mr. Rossi voted no. Mrs. Foster abstained.

RESOLUTIONS

- #06-22 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #06-23 APPROVING AN ON-PREMISE MERCHANDISE RAFFLE APPLICATION FROM THE HSA OF SOMERSET HILLS**
- #06-24 APPROVING TWO ON-PREMISE RAFFLE APPLICATIONS FROM THE SOMERSET HILLS EDUCATION FOUNDATION, INC.**
- #06-25 CORRECTING BOROUGH CLERK'S SALARY AND AUTHORIZING PAYMENT OF DEFICIENCY**
- #06-26 RETIREMENT OF ROBERT NELSON**
- #06-27 A RESOLUTION AUTHORIZING BOROUGH ATTORNEY TO ACCEPT SERVICE OF PROCESS AND FILE AN ANSWER IN PREROGATIVE WRIT ACTION CHALLENGING ORDINANCE NO. 2005-1416 ESTABLISHING PARKING REGULATIONS IN THE LIBRARY PARKING LOT**
- #06-28 A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE (Pyznar)**
- #06-29 RESOLUTION HONORING VIVIAN MCMILLEN**
- #06-30 ACCEPTING MONTHLY REPORTS**
- #06-31 AUTHORIZING PAYMENT OF BILLS**
- #06-33 AUTHORIZING REFUNDS OF ESCROW FEES**
- #06-34 AUTHORIZING AN EXCHANGE OF CERTAIN HOLIDAYS**
- #06-35 A RESOLUTION RATIFYING AND AFFIRMING COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE BOROUGH AND PBA LOCAL 365**
- #06-36 A RESOLUTION RATIFYING AND AFFIRMING A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH AND THE BERNARDSVILLE PUBLIC WORKS EMPLOYEES ASSOCIATION**
- #06-37 A RESOLUTION CREATING A COMMITTEE TO STUDY HOUSING ISSUES**

Mr. Rossi moved adoption of Resolutions #06-22 through #06-31 and #06-33 through #06-37. Mr. Salovaara seconded the motion which was approved with five yes votes. Mr. Honecker was absent.

Resolution #06-32, **AUTHORIZING CHANGE ORDER #2 (FINAL) TO THE CONTRACT FOR DRAINAGE IMPROVEMENTS ON MOUNTAIN TOP ROAD AND SUNSET DRIVE**, was discussed. Mr. Dooley reported

having heard from a resident on Mountain Top Road relative to this project, and asked for more information. Mr. Rossi responded. Mr. Salovaara asked the attorney to inquire if the charge for this change order (\$1175) is recoverable? Mr. Dooley moved to accept. Mr. Salovaara seconded, and the motion was approved with five yes votes.

Mayor Parsons discussed Resolution #06-37, CREATING A COMMITTEE TO STUDY HOUSING ISSUES, and said he will announce appointments soon. Mr. Rossi volunteered to serve.

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon's written report was accepted.

COUNCIL COMMITTEE REPORTS

Public Safety Committee. Mr. Salovaara recommended that Council Committee reports be written and that oral reports be limited to salient highlights. Chief Valentine reported receiving a \$5000 grant from the state for Emergency Management.

Finance Committee. Mr. Landau spoke about the borough long-term debt and ways in which to act. The committee is currently working on the budget.

Personnel Committee. No report.

Engineering, Technology & Public Works. Mr. Dooley talked about the committee's intention to implement a five-year plan for road paving and distributed a written report on what was paved in 2004 and 2005.

ITEMS OF BUSINESS

Selection of Class III Planning Board Member

Mr. Landau moved that Mrs. Foster serve on the Personnel Committee in his place. The motion was seconded and approved with five yes votes. Mr. Salovaara moved that Mrs. Foster serve as Class III Planning Board Member. Mr. Landau seconded and the motion was approved with five yes votes.

Raritan Valley Habitat for Humanity (RVHFH)

Pam Ely, Executive Director of RVHFH spoke about their request for the Borough to provide financial support for the homes that will be built on Mine Brook Road, in the form of a waterline extension, sewer laterals, sewer taps for each home and by waiving building fees. It was agreed that the Chair of the Public Works Committee will contact RVHFH to discuss their request and that the Borough Attorney will follow up with RVHFH counsel regarding easements.

Employment Practices Liability training

The Borough Clerk advised that training is scheduled for February 21. Pursuant to JIF requirements, it is mandatory for department heads and supervisors, and she asked for direction from the Borough Council relative to other employees. The Council directed that training will be mandatory for ALL EMPLOYEES.

Baum escrow deposits

Mr. Pidgeon explained that The Baum's are disputing charges made by Planning Board professionals in connection with Planning Board Application #608 for property at 73-2 Post Kunhardt Road, and their request for the Borough Council to

remediate. Mr. Pidgeon reported having reviewed the charges with our professionals, who disagree that their charges are out of line. Mr. Salovaara moved that Mr. Pidgeon should “carry on” to attempt to settle this matter on behalf of the Borough Council. Mr. Dooley seconded the motion, which was approved with five yes votes.

Ordinances for review/discussion

Three ordinances, Items 11E(1), 11E(4) and 11 E(5) were introduced earlier in this meeting.

Item 11E(2), an **ORDINANCE CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING ARTICLE 13 OF THE BOROUGH CODE ENTITLED “AFFORDABLE HOUSING”**, was discussed. The ordinance was given number #06-1420, and Mr. Landau moved introduction by title and passage on first reading, that it be published according to law, and a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, February 27, 2006.

Item 11E(6), an ordinance establishing procedures for housing inspections, Item 11E(7), an ordinance creating construction records clearance certificate, and Item 11E(8), an ordinance creating new Borough Housing Code were briefly discussed, and it was decided that all three should be reviewed by the newly formed housing committee before being address by the full Council.

Report on 2006 Sewer User and Connection Fees

A written report from the Public Works Manager was discussed. In said report:

It was proposed that the Borough maintain the Debt Service or Facility at \$259 while keeping the Water Component at \$380 per equivalent residential unit (ERU) which will generate \$1,100,000.

The average fee has increased slightly from \$525 to \$529 due to a modest increase in the average water usage per residence from 0.70 ERU to 0.71 ERU.

For the Sewer Connection Fee computation, increases in users kept pace with increases in capital expenditures and interest on bonds such that the sewer connection fee remains unchanged at \$6,000.

Mayor Parsons recommended taking a look at the average water use. Based upon the facts reported herein, Mr. Salovaara moved to adopt the Report of the Public Works Manager dated January 12, 2006, and to hold fees at the 2005 level. Mr. Dooley seconded the motion which was approved with five yes votes.

Library HVAC study proposal

A proposal for an HVAC Study of the Bernardsville Library, dated January 17, 2006, at a cost of \$6,500 was reviewed. Mr. Salovaara moved to accept the proposal. Mr. Rossi seconded the motion which was approved with five yes votes.

Mayor’s appointment of Sharad Sathe to the Shade Tree Advisory Committee

Mayor Parsons asked that the record reflect his appointment of Sharad Sathe, effective immediately.

INET System

Mr. Rossi asked to add this item, and reported that Patriot Media and Communication has completed installation of the INET system, and as built plans have been delivered to him. A free phone has been offered, and the library is being considered as a possible location, pending review by the Library Board.

Hardscrabble Road

Mr. Salovaara discussed another item not on the agenda, the weight and speed limit on Hardscrabble Road in Bernardsville, which is different from weight and speed limits on portion of the road which

are in Mendham and Bernards Township. Mr. Salovaara recommended that Mayor Parsons discuss the difference with the two towns, seek parity, or better signs alerting trucks to the change ahead.

OPEN SESSION

Mayor Parsons opened the meeting to the public. Hearing no comments from the public, Mayor Parsons closed the open session.

ADJOURNMENT

It was moved and seconded to adjourn the meeting at 10:50 p.m., and the motion was approved with five yes votes.

Sandra Jones, Borough Clerk

012306.MIN

keywords:

council-vacancy-foster-mcmillen-storm-drainage-power-outage-utilities-water-pump-station-trash-assessment-taxes-fines-gifts-pay-play-fire-company-membership-r
affle-clerk-salary-nelson-library-parking-performance-guarantee-refunds-escrow-holiday-agreements-collective-bargaining-housing-mountain-top-sunset-debt-long-ter
m-road-paving-planning-board-raritan-valley-habitat-employee-training-escrow-deposits-baum-sewer-connection-fees-library-shade-tree-appointment-inet-cable-hard
scrabble-weights-speed