

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
January 25, 2010 – 7:00 p.m.

This meeting was called to order by Mayor Honecker at 7:00 p.m. on Monday, January 25. Present were Council Members Joseph DeMarco, Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi, and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator/CMFO, and Sandra Jones, Borough Clerk and 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.

PLEDGE OF ALLEGIANCE

JOINT SESSION WITH PLANNING BOARD & BOARD OF ADJUSTMENT

Kathy Desjourdy, Board of Adjustment Chair, read a statement of public notice, and announced that members present included Edward English, Renee Robertson and Steve Omlor.

Michael Mondok, Administrative Officer of the Planning Board called the roll. Present were Craig Lawrence, Chair, Charlotte Foster, Donald Knudsen, Alice Rochat, Hal Simoff, Jacqueline Totten. Robert Graham arrived at 7:10 p.m. Mr. Lawrence read a statement of public notice.

Mr. Mondok discussed a conflict in current regulations between the definition of "open space residential zoning" and the conditional use standards for such use. It was agreed that the Borough Council would introduce an ordinance later in this meeting entitled, AMENDING THE BOROUGH DEVELOPMENT REGULATIONS ORDINANCE AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED "ZONING" PERTAINING TO THE DEFINITION OF OPEN SPACE RESIDENTIAL ZONING, which will delete the definition and remove the conflict while maintaining appropriate standards.

Mrs. Desjourdy discussed the board's activities for 2009 (see their Annual Report), and suggested the Planning Board review impervious area requirements with respect to lots using shared driveways.

Mr. McCrossan asked for an update on the Highlands and COAH in light of the new Governor's intentions, as recently reported in newspapers. These topics were discussed, and David Zimmerman, Planner, spoke about maps prepared by Ferriero Engineering and currently available for review at the Bernardsville Library, which illustrate the effects of opting into the Highlands.

Mayor Honecker asked the boards if they would support a change in regulations to require submission of digitized maps in addition to paper maps submitted for all applications. All present were in favor of an ordinance amendment for this purpose.

Mr. Lawrence listed other concerns that the Planning Board will address during the year, including fences, display time for real estate signs, and lighting. Mr. Lawrence and Mrs. Desjourdy suggested that future candidates for the Planning Board and Board of Adjustment meet with them first, to answer questions. In addition, they said they would favor an amended volunteer form. The Borough Council agreed to review said form at a future meeting.

Mrs. Desjourdy thanked Bill Foster for eighteen years of service to the Board of Adjustment. Mayor Honecker announced that he is planning to reactivate the Sign Review Advisory Committee.

Susan Ziwot, Pickle Brook Road resident, asked if the cluster home regulations could be reevaluated? The question was referred to the Planning Board.

Mayor Honecker closed this portion of the meeting.

APPROVAL OF MINUTES

Mrs. Foster moved approval of Minutes of meetings held December 28 (Mr. Sooy absent), January 4 and January 11 (Mr. Sooy absent). Mr. McDowell seconded, and the motion was approved with six yes votes.

OPEN SESSION

There were no questions or comments at this point in the meeting.

ORDINANCES

Mayor Honecker opened public hearing on **#10-1529, AN ORDINANCE CONCERNING THE MUNICIPAL PROSECUTOR AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Mr. Pidgeon recommended tabling this ordinance for executive session. All agreed.

Mayor Honecker opened public hearing on **#10-1530, AN ORDINANCE AMENDING THE BOROUGH'S SALARY ORDINANCE AS IT PERTAINS TO THE MUNICIPAL PROSECUTOR AND THE FIRE OFFICIAL**. There were no comments or questions; the Mayor closed the public hearing. Mr. Sooy moved to pass #10-1530 on final reading and adopt as published. 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	yes

Mr. McDowell moved that #10-1531, **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH LAND DEVELOPMENT ORDINANCE ENTITLED "ZONING" BY ADDING PROVISIONS REGULATING DUMPSTERS** (revised 1/25/10), 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., February 22. Mrs. Foster seconded the motion, which was approved with six yes votes.

Mr. DeMarco moved that #10-1532, **AN ORDINANCE AMENDING THE BOROUGH DEVELOPMENT REGULATIONS ORDINANCE AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED "ZONING" PERTAINING TO THE DEFINITION OF OPEN SPACE RESIDENTIAL ZONING**, 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., February 22. Mrs. Foster seconded the motion, which was approved with six yes votes.

RESOLUTIONS

- #10-26 APPOINTING JAMES C. STILLE, BUILDING INSPECTOR**
- #10-27 SETTING RECREATION FEES**
- #10-28 AUTHORIZING TRANSFER OF FUNDS**
- #10-29 AUTHORIZING PAYMENT OF BILLS**
- #10-30 ACCEPTING MONTHLY REPORTS**

Mr. Rossi moved approval of Resolutions #10-26 through #10-30. Mr. Sooy 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	yes

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s report as of January 19, 2010, was received.

COUNCIL STANDING COMMITTEE REPORTS

Mr. Rossi, Chair of the Public Safety Committee, reported that the committee is discussing school bus stops, various streets where concerns have been reported, their opinions relative to the need for a School Resource Officer and a traffic engineer, and the Safe Walks Program.

Mr. McCrossan, Chair of the Finance Committee, reported that the committee discussed the current financial picture, especially related to trial balances and the capital improvement plan. Messrs. Maresca and McDowell will explore health benefit options which may be available at lower cost. The committee believes a timetable is needed for a capital roads program as it relates to financial ordinances and bonding which may be necessary to fund said improvements.

Mr. Sooy, Chair of the Personnel Committee, reported that employee evaluations are in progress.

Mr. DeMarco, Chair of the Engineering, Technology & Public Works Committee, reported that it is estimated that the library replacement lighting project will be completed in the Spring, and Old Fort Road work will begin in June. It was moved and seconded to authorize Mr. DeMarco to send out a request for quotations for additional engineering services. The motion was approved with six yes votes. The Mt. Airy Road project was discussed, and also drainage concerns in certain areas. Craig Lawrence, Chair of the Planning Board, asked if someone at the school, perhaps a student, could help to redesign the Borough website? Mayor Honecker said he would follow up on that at joint meetings.

ITEMS OF BUSINESS**Pine Ridge Condo v. Daphne Quis (foreclosure action)**

Mr. Sooy moved, and Mrs. Foster seconded, to authorize the Borough Attorney to file an answer and defend the Borough's interests in this matter. The motion was approved with six yes votes.

Application for CD Funding/Bernardsville School of Music

This application for Community Development funding, was discussed. Said application needs a signature on the "Municipal Certification" section to certify that the Governing Body has been notified of submission and that the application was discussed at a local public meeting. Mr. McCrossan asked to table the application until February 8 for clarification on where the services will be rendered and to ask why the Basking Ridge center is not included. The group agreed to this course of action.

Street names for The Preserve Subdivision

The Council considered names proposed by the developer; Rose Hill Court and Preserve Lane. Mr. McDowell moved approval of both proposed names. Mr. Sooy seconded the motion and Messrs. DeMarco, McDowell, Rossi and Sooy voted yes. Mrs. Foster voted no. Mr. McCrossan abstained.

Fire Prevention procedures

This agenda included proposed changes to procedures for the Fire Prevention Official. Mr. Rossi, who sits on the Fire Prevention Bureau, requested that the subject be tabled until it has been discussed with all members of the bureau. The group agreed.

Anti idling resolution submitted by the Green Team

A proposed resolution was discussed with Rosalie Baker, a member of the Green Team. It was noted for the record that this practice is already state law, but that the resolution would express the Borough Council's support. Mrs. Baker stated it is hoped that it will apply to all municipal vehicles. It was agreed to prepare the resolution for consideration on February 8.

Audubon Society request for parking lot use

The Recreation Director referred a request to use the pool parking lot received from the New Jersey Audubon Society on May 1 and 2 for the grand opening of the Hoffman Center. The Recreation Director reported in writing that a conflict for space exists on May 1 for events at the school. Sunday, May 2 would work, but the Audubon Society has been referred to the school to coordinate parking needs. Mrs. Foster agreed to contact the Audubon Society to ask where they are with parking needs.

Little League requests

In an email dated January 7, a representative of the Little League, proposed donation of equipment storage sheds for Claremont and Rose Bowl fields, construction of an on deck area and scoreboard at the Rose Bowl, and they requested a Port A John for Claremont. They also requested parking lot expansion and various signs at Kiwanis, additional stone dust for batting cages at Kiwanis and Polo Grounds, and trimming of trees at the Rose Bowl. In a memo dated January 18, the Recreation Director reported on the committee's comments, which were that both sheds are acceptable, but no larger than 10 x 10. Sheds and the on deck area location and placement will be directed by recreation. A Port A John will be provided at Claremont. Regarding the parking at Kiwanis, the Borough Council referred same to the Public Works Committee. Speed signs are a police issue and Recreation will coordinate maintenance issues with the Little League, as usual.

Fiscal year 2011 Appropriations Requests

Request forms for federal funds were presented to the Administrator for distribution to department heads, to apply for funding for eligible projects. Said applications are due February 26.

2009 Business Stimulus Fund grant for Shade Tree

Mayor Honecker announced that a \$7,000 grant has been awarded to the Bernardsville Shade Tree Committee, as endorsed by the New Jersey Community Forestry Council. Their next step to secure the funds is submission of a grant agreement and reports.

OPEN SESSION

Mayor Honecker opened the meeting to the public. Janet Waite, Rippling Brook Way, asked for clarification about whether or not open space funds can be used for parking lots? Mr. Pidgeon responded "yes", if the parking lot is ancillary to an open space or recreational use.

CLOSED SESSION

Mr. McDowell moved to adjourn to an executive session to consider Personnel matters and Pending or Anticipated Litigation (the Downtown Improvement Project --Nova Crete), and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mr. McCrossan seconded the motion was approved unanimously.

REOPEN

Moved, duly seconded, and unanimously approved.

Mr. Rossi moved that Ordinance #10-1533, **AN ORDINANCE AMENDING THE BOROUGH'S SALARY ORDINANCE AS IT PERTAINS TO THE MUNICIPAL PROSECUTOR**, 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., February 22. Mrs. Foster seconded, and the motion was approved with six yes votes.

Mr. Rossi moved, Mrs. Foster seconded, to carry Ordinance #10-1529 to February 8, with no further notice. Motion was approved with six yes votes.

ADJOURNMENT

Moved, duly seconded, and unanimously approved at 10:15 p.m.

keywords: planning-board-adjustment-open-space-dumpster-highlands-coah-prosecutor-fire-official-building-inspector-recreation-finance-school-resource-officer-safe-walks-program-evaluations-library-lighting-foreclosure-community-development-preserve-rose-hill-prevention-idling-green-team-audubon-parking-lot-little-league-grant-shade-tree

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