

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Council Meeting**  
**Minutes of January 26, 2009**

The meeting was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, January 26. Present were Joseph DeMarco, Charlotte Foster, John McCrossan, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator/C.M.F.O., 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 6, 2009.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Housing Committee Report

Elaine Broyles, Zoning Enforcement Officer, Richard Boardman and Neil Schetelick, Housing Inspectors, were present. Ms. Broyles discussed a revised zoning/housing report in detail. Suggestions for additional changes were made by Borough Council Members. Mrs. Foster introduced Ed Schneider, a consultant studying various management aspects for the Borough, who also provided hours of assistance, free of charge, to the zoning department in revising the report discussed this evening. It was agreed that while it is a work in progress, it is much improved.

Planning Board and Board of Adjustment

Kathleen Desjourdy, Chair of the Board of Adjustment read the Sunshine notice and called the roll. Board of Adjustment members present included William Foster, Paul Biba, Marilyn Dee and George Peterson. The Planning Board was represented by Craig Lawrence, Chair, Donald Knudsen and Hal Simoff. The Borough's status with COAH obligations and Highlands grants were discussed. Michael Mondok, Planning Board Administrative Officer, and Bob Brightly, Engineer, recommended approval of the new grant application on the table this evening. Mr. McCrossan moved adoption of Resolution #09-41, AUTHORIZING SUBMISSION OF A HIGHLANDS PLANNING ASSISTANCE GRANT APPLICATION. Mrs. Foster seconded and the motion was approved with six yes votes.

Mr. Lawrence said that due to Highlands issues, the COAH submission is delayed until March. Mayor Honecker asked if, in the meantime, the scarce resource order is an issue? Mr. Mondok answered no. David Zimmerman, Planner, arrived at this point. He said he does not see a problem in that regard for the Board of Adjustment since their applications generally involve single lots, which are exempt anyway. Mr. Lawrence said the Planning Board is looking at certain land use ordinance regulations, including steep slopes, septic, signs, solar panels, lighting, fencing, walks

and floor area ratio. Recommendations for change may be forthcoming. Mr. Lawrence reported being "empowered" by the Regional Design Assistance Team Program, which was discussed at a recent Historic Preservation Advisory Committee meeting. Mr. Zimmerman said Morristown has a study in progress and Bound Brook created one last year.

Ms. Desjourdy spoke about issues and concerns that were raised at hearings on certain applications, relative to parking, solar panels, front yard setbacks, a cistern that was never installed (Weichert), and a dry well which could not be built. Mr. Pidgeon discussed the Borough's process with holding and tracking funds deposited in escrow for cistern construction. The time frame for installation of improvements was also discussed. Mr. Biba discussed the Rylocait application and the reverse condemnation which could have resulted.

### **APPROVAL OF MINUTES**

Mr. Rossi moved approval of minutes of meetings held on December 22, December 30 (Mr. McCrossan was absent), January 5 (Mrs. Foster was absent) and January 12. Mr. McDowell seconded, and the motion was approved with six yes votes.

### **OPEN SESSION**

Mayor Honecker opened the meeting to the public. There were no comments or questions. The Mayor closed the public portion of the meeting.

### **ORDINANCES (None)**

### **RESOLUTIONS**

- #09-31        **CANCELING TAXES ON EXEMPT PROPERTY**
- #09-33        **AUTHORIZING 2008 PROPERTY TAX REFUNDS**
- #09-34        **AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEES**
- #09-36        **AUTHORIZING EXECUTION OF THE CERTIFICATION OF COMPLETION OF PROJECT AND UNIT MONITORING IN (COAH) CTM SYSTEM**
- #09-37        **PARIS GRANTS PROGRAM; RESOLUTION FOR SHARED SERVICES WITH COUNTY**

#09-38        **AUTHORIZING TRANSFER OF FUNDS**

#09-39        **AUTHORIZING PAYMENT OF BILLS**

#09-40        **AWARDING A CONTRACT FOR LIQUID ALUM**

#09-41        **ACCEPTING MONTHLY REPORTS**

Mr. DeMarco moved approval of Resolutions #09-31, 33, 34, and 36 through 41, listed herein by title. Mr. McDowell seconded 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

Resolutions #09-32, AUTHORIZING REDEMPTION OF OUTSIDE TAX CERTIFICATE #259, and #09-35, RELEASING PERFORMANCE GUARANTEE, WAIVING MAINTENANCE GUARANTEE, RELEASING INSPECTION ESCROW AND ACCEPTING IMPROVEMENTS OF SOMERSET HILLS BUILDERS, INC. "ADVANCED TRANSPORTATION SERVICES, INC." SUBDIVISION #610, were discussed. Mr. McCrossan moved approval of #09-32 and #09-35. Mrs. Foster seconded the motion and it was approved with six yes votes.

**REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon’s report as of January 20 was received. Mr. Pidgeon discussed requests from Zoning/Housing Enforcement to require fire extinguishers in all rental units and to have housing permits run from January through December. Mr. Rossi will take the first request to the Fire Prevention Bureau. There was no support for changing the dates for housing permits.

**COUNCIL STANDING COMMITTEE REPORTS**

Public Safety Committee Chair, Mr. Rossi, discussed the extensive work done by the Office of Emergency Management and the need to disseminate the information to the public. Mr. McCrossan reported for Finance, then moved to suspend the large item trash pick-up for 2009 and to develop a press release. Mrs. Foster seconded the motion, which was approved with six yes votes. Mr. Sooy reported the Personnel Committee will look at job descriptions and evaluations. Mr. DeMarco recommended exploring regionalization for the court, since the Borough of Bernardsville court runs at a deficit. Mr. McDowell, Engineering, Technology & Public Works, said the committee is working on strategic goals for road projects for a 12 to 18 month period. Parking was discussed and a committee to study same is a possibility. Landfill operations will be looked at. Library lighting will be addressed shortly. A small punchlist must be addressed for the Olcott Avenue project. For

the downtown project, lighting and garbage cans have been installed. Mr. Rossi recommended sending a notice to building owners to file claims for any damage which must be handled by Nova Crete.

**ITEMS OF BUSINESS**

A-3570 (COAH resolution)

A resolution adopted by Watchung Borough and other municipalities, was reviewed. Said resolution was adapted for Bernardsville's use as Resolution #09-43, SUPPORTING ASSEMBLY BILL A-3570. Mr. Sooy moved adoption and the resolution passed on a voice vote.

Police Department internship & ride along program

The program application and a recommendation from the Borough's Risk Manager that all applicants for the program be required to provide proof of health insurance was discussed. The matter was referred to the Public Safety Committee for review.

Vacancies

Discussion on various vacancies on boards and committees was tabled until February 9.

Polling places

The Borough Clerk reported that several requests have been made to move polling places:

- Construction at St. Johns on the Mountain is almost complete and the church is willing to move District 6 back to St. Johns;
- The Board of Education has recommended moving District 7 from Bedwell School to the new community room at Bernards High School;
- The Bernardsville Fire Company has advised they "no longer wish to be a voting site for the Borough", displacing Districts 3 and 4.

The Borough Clerk's review of alternatives will continue, and Mayor Honecker agreed to discuss the matter with the Fire Company if compliance with their request on such short notice is not a viable alternative.

**OPEN SESSION**

Mayor Honecker opened the public session. There were no questions or comments and the session was closed.

**CLOSED SESSION**

Council Member Foster moved to adjourn to an executive session to consider PBA, IBEW and Public Works Contracts, and Combe Fill litigation, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mr. McDowell seconded the motion which was approved with six yes votes.

**REOPEN**

Mr. McDowell moved to reopen the meeting to the public. Mr. Rossi seconded and the motion was approved with six yes votes.

Mr. McCrossan moved adoption of Resolution #09-44, AUTHORIZING EXECUTION OF THE CONSENT DECREE FOR THE SETTLEMENT WITH GOVERNMENT PLAINTIFFS IN THE CONSOLIDATED ACTIONS ENTITLED UNITED STATES OF AMERICA V. BECKMAN COUL TER. ET ALS. AND NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION V. AMERICAN THERMOPLASTICS CORP., ET ALS.

**ADJOURNMENT**

Mayor Honecker adjourned the meeting at 10:30 p.m.

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BOROUGH CLERK

keywords: planning-housing-zoning-coah-highlands-tax-county-liquid-alum-oem-trash-pickup-police-internship-vacancies-polling-places-elections-voting-combe-fill