

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
February 22, 2010

This meeting was called to order by Mayor Lee C. Honecker at 7:00 p.m. on Monday, February 22. 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 and C.M.F.O., and Sandra G. Jones, Borough Clerk and Assistant Administrator.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting 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

PRESENTATIONS

Mayor Honecker moved an items of business listed on the agenda to this point in the meeting for the convenience of Cas Kaffky, 331 Claremont Road, representing Friends for a Greener Bernardsville. Mr. Cafkey spoke about the Friends participation in New Jersey Transit's Adopt-A-Station program and their proposal for a "Bernardsville Train Station Platform Project" which would include placement, planting and future care of concrete planters on the platform. The contract for participation would be between Friends and NJT, and requires no action by the Borough. Council complimented Friends on this new addition to the Friends many beautification projects in Bernardsville.

APPROVAL OF MINUTES

Mrs. Foster moved approval of minutes of January 25 and February 8 (Mr. Rossi absent). Mr. Sooy seconded and the motion was approved by six yes votes.

OPEN SESSION

Paula Marasco, Round Top Road resident, announced that the Commission on the Status of Women has selected outstanding women to honor in Somerset County, and four are residents or employees in Bernardsville. They are Paula Kirshenbaum in her field of finance and business, Dr. Lisa Jordan Scolia for contributions in medicine, Terry Thompson for public service, and Karen Brodsky, a resident of Bedminster, for her work as Director of the Bernardsville Library. A dinner will be held on March 26 to honor them.

ORDINANCES

Mayor Honecker opened the public hearing on **#10-1531, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH LAND DEVELOPMENT ORDINANCE ENTITLED "ZONING" BY ADDING PROVISIONS REGULATING DUMPSTERS.** A proposed amendment was received from the Planning Board. Mrs. Foster moved to amend the ordinance, and carry the public hearing on said amendment to the March 22 meeting. Mr. Sooy seconded the motion, which was approved with six yes votes. Mayor Honecker closed the public hearing.

Mayor Honecker opened the public hearing on **#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.** Without comment or question from the public, Mayor Honecker closed the public hearing. Mr. McDowell moved to pass the ordinance on final reading and adopt as published. Mrs. Foster seconded and the motion was approved upon a call of the roll:

Mr. DeMarco	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

Mayor Honecker opened the public hearing on **#10-1533, AN ORDINANCE AMENDING THE BOROUGH'S SALARY ORDINANCE AS IT PERTAINS TO THE MUNICIPAL PROSECUTOR.** Without comments or questions from the public, Mayor Honecker closed the public hearing. Mr. McDowell moved to pass the ordinance on final reading and adopt as published. Mrs. Foster seconded and the motion was approved upon a call of the roll:

Mr. DeMarco	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

Council Member DeMarco moved that **#10-1534, AN ORDINANCE CONCERNING AUTOMATIC COIN OR ELECTRONIC AMUSEMENT DEVICES AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING",** 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., March 22. Mr. Sooy seconded and the motion was approved by six yes votes.

Council Member DeMarco moved that **#10-1535, AN ORDINANCE CONCERNING CONSTRUCTION CODE FEES AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**, 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., March 22. Mrs. Foster seconded and the motion was approved by six yes votes.

Council Member McCrossan moved that **#10-1536, AN ORDINANCE CONCERNING PARKING AT THE MT. AIRY PARKING LOT AND SUPPLEMENTING AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED "PARKING LOTS AND OFF-STREET PARKING"**, 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., March 22. Mr. Sooy seconded and the motion was approved by of six yes votes. Mayor Honecker said this ordinance adds six shopper spaces in the lot to alleviate parking problems in downtown area.

RESOLUTIONS

- #10-38 ACCEPTING MONTHLY REPORTS**
- #10-39 AMENDING THE TEMPORARY BUDGET**
- #10-40 APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE
#1803-33-002-004**
- #10-41 SETTING RECREATION FEES**
- #10-42 URGING THE NATIONAL PARK SERVICE TO IMPLEMENT A
COMPREHENSIVE DEER CONTROL PROGRAM THAT INCLUDES THE
MORRISTOWN NATIONAL HISTORIC PARK**
- #10-43 AUTHORIZING ISSUANCE OF COIN OPERATED AMUSEMENT DEVICE
LICENSES**
- #10-44 AUTHORIZING PAYMENT OF BILLS**
- #10-46 AUTHORIZING SIGNING OF THE CERTIFICATION OF COMPLETION
OF AFFORDABLE HOUSING TRUST FUND MONITORING IN CTM
SYSTEM**
- #10-47 AUTHORIZING TRANSFER OF FUNDS**

Mr. Sooy moved approval of Resolutions #10-38 through #10-44 and #10-46 and 47. Mr. Rossi seconded and the motion was approved upon a call of the roll:

Mr. DeMarco	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

Mr. McCrossan asked questions, then moved adoption of **RESOLUTION #10-45, APPOINTING JEFF TALLMADGE AND ARTHUR CECCATO AS CLASS II SPECIAL POLICE OFFICERS**. Mr. Rossi seconded and the motion was approved by six yes votes.

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s report as of February 17 was accepted.

COUNCIL STANDING COMMITTEE REPORTS

Public Safety Chair, Mr. Rossi, said he will discuss two retirements in executive session.

Finance Chair, Mr. McCrossan, said the committee has begun preliminary work on the 2010 budget and reviewing final closeout of the 2009 budget. Some outstanding news is that the year ended with a surplus. Mr. McCrossan added that recognition must be given to Ralph Maresca, Borough management and all Borough staff for the manner in which they responded to requests for economy. Without them this surplus would not have been realized.

Personnel Chair, Mr. Sooy, had no report.

Engineering, Technology & Public Works Chair, Mr. DeMarco , said Old Fort Road improvement plans will be bid in March, with work to begin in July. Safe Walks (agenda topic 11C) was discussed here. Mr. Rossi requested equal allocation of Safe Walks grant funds for sidewalks on Old Fort Road, Anderson Hill Road, and Mine Mount. Mr. DeMarco responded regarding the Public Safety Committee’s position. Mayor Honecker said grant money must not be lost and he directed Mr. Pidgeon to research Safe Walks funding distribution requirements.

ITEMS OF BUSINESS

Optimum Lightpath

The Director of Government Affairs for Cablevision, Don Viapree, spoke about the company’s history, equipment, availability and business operation in support of their request for permission to

lay fiber optic lines to provide commercial service in Bernardsville. He said Cablevision owns Lightpath and can provide services at 25% to 40% lower cost. Right of Way agreements are in place per BPU so there would be no new fees to the borough. No local office is proposed. He said that, if approved, during construction they would comply with local traffic assistance regulations. Mr. Viapree estimated that installation would take about three months for completion. This matter was carried to the March 8 meeting, and Mr. Viapree was asked to provide a list of other towns where this service is already in place, and a map of the proposed service area in Bernardsville. Mayor Honecker said Mr. Viapree will be advised if his presence is required at the March 8 meeting.

Fire Prevention Procedures

The current Fire Prevention Official has resigned, so it was decided to table proposed changes to procedures of the Fire Prevention Official, until a new Official is appointed. Mr. Rossi moved that in the interim, Dennis Bettler (our current Fire Subcode Official) be appointed as Acting Fire Subcode Official, to serve until a replacement for Mr. D'Alessandro is appointed. Mr. Sooy seconded and the motion was approved with six yes votes.

Safe Walks (Previously discussed)

2011 Appropriation Requests

Mr. Sooy reported that the committee (consisting of Members Sooy, McCrossan and Foster), condensed the Borough requests to five, which total \$11,156,400.00, as follows:

Priority #1	Infrastructure Improvements	\$9,357,000
Priority #2	Installation of Solar Panels on Bernardsville Library Roof	\$ 816,500
Priority #3	Bernardsville Volunteer Fire Department Renovations	\$ 710,000
Priority #4	Municipal Pond Dredging	\$ 250,000
Priority #5	Library Materials for Public Use	\$ 22,900

Use of municipal parking areas for Audubon event

Mrs. Foster agreed to communicate with NJ Audubon to ask where they are with parking needs for an event to be held May 1 and 2. She also suggested they be granted permission to use whatever municipal facilities may be available, noting that the pool parking lot will not be available to them on May 1 due to a school event already on the calendar. The Borough Clerk stated that a certificate of insurance is required, and she asked that Mrs. Foster relay that request.

Friends for a Greener Bernardsville & Adopt-a-Station Program

(Done as presentation)

Green Building policy resolutions

Mrs. Foster provided two sample resolutions for consideration to meet Green Design Action Steps under Sustainable Jersey. She recommended a resolution entitled **ENDORISING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS**. She said as a follow up to these measures, educational materials will be available to contractors and home owners at the construction office and at the library. The resolution was numbered **10-48**, and Mr. DeMarco moved to adopt. Mr. Rossi seconded and the motion was approved by six yes votes. Mrs. Foster said the Borough is close to the number of points needed to submit for silver certification. Projects already completed, e.g. the Environmental Resource Inventory and education by Shade Tree volunteers at the Farmers' Market will all help toward point accumulation.

Shared services update

Mr. McCrossan discussed dispatch services, and obstacles identified by Somerset County during their exploration into the possibility of adding Bernardsville to Somerset County Dispatch. Mr. McCrossan said he would contact them again to ask whether or not they will pursue a feasibility study. Mayor Honecker asked him to report at the next meeting. Mr. DeMarco said if it is not possible for Somerset County to deliver these services to the borough, there should be some off-set in county taxes paid by the borough.

OPEN SESSION

Mayor Honecker opened the public session. Philip Pitney, Lloyd Road, spoke regarding a deer study by Morristown Historical Park. Mr. Rossi asked when we would see new signs in the downtown area? Mr. DeMarco responded. Kathy Desjourdy, Holly Ridge Court, recommended that Lightpath be asked for a photo of the "box" they would place on poles in Bernardsville.

CLOSED SESSION

Council Member DeMarco moved to adjourn to an executive session to consider personnel staffing, and that the time when and circumstances under which the matters can be disclosed to the public is when it (they) are finally resolved. Mr. McDowell seconded and the motion was approved by six yes votes.

REOPEN AND ADJOURNMENT

Mr. Rossi moved to allow Chief Valentine to hire a dispatch candidate and a patrol officer and to institute the promotion process for three sergeants and one lieutenant. Mr. McCrossan seconded and

the motion was approved with six yes votes.

It was moved and seconded to adjourn the meeting.

BOROUGH CLERK

keywords: status-women-dumpsters-transit-train-station-open-space-coin-amusement-device-construction-fees-parking-liquor-license-transfer-recreation-national-park-affordable-housing-transfer-police-finance-budget-safe-walks-grant-lightpath-fire-procedures-appropriations-audubon-green-building-shared-services-deer-signs-downtown