

BOROUGH OF BERNARDSVILLE

Mayor & Borough Council Meeting Minutes

MARCH 13, 2006

The March 13th meeting, held in Borough Hall, was called to order by Mayor Jay Parsons at 7:00 p.m. Present were Denis J. Dooley, Charlotte J. Foster, Lee C. Honecker, Michael Landau, and Joseph Rossi. Also present were John R. Pidgeon, Esquire, Borough Attorney, and Sandra Jones, Borough Clerk/Assistant Administrator. Ralph A. Maresca, Jr., Borough Administrator/C.M.F.O., arrived at 9:20 p.m. Mikael Salovaara was absent.

STATEMENT OF PRESIDING OFFICER

Mayor Parsons announced 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.

OPEN SESSION

Mayor Parsons opened the public session.

Rosalie Ballantine, Environmental Commission Member, urged action on the proposal to acquire part of the Regan Timchula property for open space, in partnership with the Upper Raritan Watershed Association. Mr. Honecker recused himself from this discussion. Cindy Ehrenclou, Executive Director of URWA, distributed a map of the parcel and discussed its "exceptional resource value". Sherry Frawley, Chair of the Environmental Committee spoke in favor of acquisition. Letters, and associated material on this parcel from Mmes. Ballantine, Frawley and Ehrenclou, were distributed at this meeting.

Cheryl Schmid, 72 Mt. Harmony Road, complained that "for the last five years she has lived next door to a garbage dump." She reported having called the Police, Health and Zoning departments with no satisfactory result. She said her husband removed over one hundred bags of garbage and that the site contains old cars, a refrigerator, multiple lawn mowers, debris of all kinds, pots and pans in which mosquitoes grow, and piles of wood which draw rodents. She reported that she was told to wait until after the Curbside Cleanup to see if the owners respond. She asked, "Why she should have to wait for Zoning Enforcement to give the neighbor a summons when the ordinance against that behavior already exists? Ms. Schmid was thanked for bringing the matter to the attention of the Borough Council, and promised that action would be investigated.

Philip Pitney, Lloyd Road, referred to a past complaint regarding a rat problem in the Mt. Harmony area and wondered if it was the same property? Mr. Rossi responded "no," and that the other complaint was due to people leaving dog food and bird food outside, which attracted vermin.

Mayor Parsons closed the public session.

ITEMS OF BUSINESS

Ordinance Public Hearing

Mayor Parsons opened the public hearing on **#06-1424, AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$40,000 FROM THE RECREATION CAPITAL IMPROVEMENT FUND.** Mrs. Ferrante, Recreation Director, was present, and she commented that this ordinance is for sandblasting, painting and tiling work at the pool. Hearing no further comments or questions from the public, Mayor Parsons closed the hearing. Mr. Dooley moved that **Ordinance #06-1424** be passed on final reading and adopted as published. Mr. Landau seconded and the motion to adopt was approved with five yes votes. Mr. Salovaara was absent.

Ordinance Introduction

Mr. Landau moved that **#06-1425, AN ORDINANCE AUTHORIZING THE IMPOSITION OF A MUNICIPAL HOTEL AND MOTEL OCCUPANCY TAX AS AUTHORIZED BY P.L. 2003, C. 114 AND CREATING A NEW CHAPTER XXIV IN THE BOROUGH CODE ENTITLED "MUNICIPAL HOTEL AND MOTEL OCCUPANCY TAX"**, 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., Monday, March 27, 2006. Mr. Dooley seconded and the motion was approved with five yes votes.

Mrs. Foster moved that **#06-1426, BOND ORDINANCE APPROPRIATING \$820,000, AND AUTHORIZING THE ISSUANCE OF \$779,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**, 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., Monday, March 27, 2006. Mr. Landau seconded the motion and a call of the roll followed:

Mr. Dooley	Yes	Mr. Landau	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. Honecker	Yes	Mr. Salovaara	_____ Absent

Municipal Alliance Grant update

This item was held until approximately 7:30 p.m., when representatives of the Somerset County Alliance and Youth Services Commission were expected.

Resolutions

- #06-50 AUTHORIZING SUBMISSION OF THE YEAR 2006 MUNICIPAL ALLIANCE GRANT UPDATE**
- #06-59 MEMORIALIZING AN APPOINTMENT OF ROBERT C. RAYMOND AS SEWER TREATMENT PLANT OPERATOR**
- #06-60 ACCEPTING DONATIONS**
- #06-61 REQUESTING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) TO REVIEW BOROUGH DEVELOPMENT FEE ORDINANCE**
- #06-63 AUTHORIZING CONTRACT AWARD FOR MAIN SWIM POOL SANDBLASTING AND PAINTING**
- #06-65 AMENDING THE 2006 TEMPORARY BUDGET**
- #06-66 TEMPORARY CAPITAL BUDGET RESOLUTION**
- #06-67 APPROVING AN ON-PREMISE RAFFLE**

Mr. Honecker moved to accept resolutions #06-50, #06-59 through 61, #06-63, and #06-65 through #06-67. Mr. Dooley seconded the motion, which was approved with five yes votes.

Mr. Honecker moved introduction of Resolution #06-62, **AUTHORIZING CONTRACT AWARD FOR BERNARDS AVENUE IMPROVEMENTS**. Mr. Dooley seconded the motion. Public comment was allowed at this point, and Frasier Bowie, Bernards Avenue resident, asked that the balance of funds set aside for Bernards Avenue be used for curbs and sidewalks. Mr. Macdowall discussed the bids and commented that while asphalt increased in price 20%, approximately \$20,000 will be saved by using the Morris County Co-op. Necessary reconstruction of the road has driven the cost considerably higher. According to our engineers, in order to correct the drainage problems, major reconstruction of the road and drains is needed to correct the crowning. It was agreed to proceed to award this bid, then explore additional work through change orders, to the extent allowed by law. Mr. Landau moved to call the question. Mr. Dooley seconded the motion. Mr. Landau moved approval of Resolution #06-62. Mr. Dooley seconded the motion, which was approved with five yes votes.

Mr. Landau stated he had questions regarding a bill, and asked that **RESOLUTION #06-64, AUTHORIZING PAYMENT OF BILLS**, be held until the arrival of Mr. Maresca.

Municipal Alliance Grant update

Present to discuss this topic were Ronnie Weiner, Somerset County Municipal Alliance, Susan Kamins, Youth Services, and Alyson Meyer, program coordinator. Written information about the Alliance and Youth Services was distributed. Funding sources/allocation was discussed for their programs, all of which focus on substance abuse prevention. Mayor Parsons asked about the cost to Bernardsville? Ms. Weiner responded. Mr. Landau asked how the costs are shared among the towns in the regional school district? Ms. Weiner responded that all costs are shared based upon population. Cheryl Ferrante spoke about aid from this program for the senior dinner when Officer Brad Horsey spoke to seniors about drugs.

2006 Budget/discussion

It was agreed to hold this discussion until later in the meeting.

Library directional sign

The Library Board of Trustees, in a letter dated February 23, requested authorization to add a library directional sign to the existing signpost which now displays the high school directional sign, on the corner of Route 202 and Church Street. The proposal, as presented, was acceptable to the Borough Council, pending Department of Transportation approval, if necessary.

Patriot Media phone at library

The Library Executive Director, Ms. Yannetta, in a letter dated March 3, stated that she was notified by Mr. Rossi that Patriot is willing to install a free phone/free service at one location in the Borough, stated that she is interested in having that service at the library, and asked who to contact for additional information? Following discussion, the Borough Council agreed that the Patriot phone could be installed at the Library, as long as the Library Board agrees.

Signs for Mansion in May

The Women's Association of Morristown Memorial Hospital, in a letter dated February 20, asked permission for three (20" x 28") signs advertising Mansion in May, to be held during the month of May at the Ross Family Farm on North Maple Avenue in Basking Ridge. Attached to said request, was a representation of the signs and a map showing the proposed location. Borough Council consented to the request, as presented.

Banner request from Somerset Hills Education Foundation for Chili

Cook-Off

Via a letter dated March 6, the Committee for Public Awareness asked permission to display a 10' x 3' banner advertising SHEF's Chili Cook-Off on March 25. The group proposes to hang the banner on the "east side of the building at 1 Mine Brook Road (Carpet Emporium) for 12 days prior to the event. The request states that the banner contains the name, day and time of the event and explains where more information can be found. It also contains the names of five businesses/sponsors, and a promise that the banner will be removed promptly on Sunday, March 26. Borough Council consented to the request, as presented.

Shop Rite Sewer Lateral

The draft of an agreement between The Borough and Shop Rite was reviewed, in connection with a sewer lateral and road opening permit. This was discussed with the Public Works Manager, who was present at this meeting, on an "information only" basis. While the agreement will need to be signed by the Mayor and Clerk, no formal action was taken.

Sewer user fees - due dates

The Tax Collector, in a memo dated February 21, discussed the present practice with sewer fee bills (mailed out around the first of March/due April 15 and October 15 of each year), and suggested changes. Following discussion, it was decided to hold this matter for discussion later in the meeting.

Meet the Easter Bunny event

In a written request dated March 7, the Bernardsville Chamber of Commerce described this event, which will include egg distribution by the Easter Bunny, free photos by Stephen Taylor Photography Studio, and refreshments. Nothing will be sold, and therefore no permits are required. The Chamber of Commerce will provide a Certificate of Insurance naming the Borough as additional insured.

Ordinance (Draft #1) Prohibiting Dogs in Parks

A draft ordinance was reviewed, and it was agreed to revise same to restrict access on fields during baseball season only, then consider the ordinance for introduction on March 27th.

Verizon Application for Consent/Cable

The application is being reviewed by Messrs. Landau and Rossi. Following brief discussion, it was decided to schedule a public hearing for the May 22 meeting.

2006 Municipal Budget

Mr. Landau distributed two charts (copies attached hereto), showing changes in the budget from 2005 to what is requested for 2006, and a summary chart showing 2003 through 2006. The group discussed same, and the potential impact on tax rates.

Resolution #06-64, Payment of Bills

Following further review and discussion regarding bills (without the benefit of Mr. Maresca's input) the outstanding questions were answered. Mr. Landau moved approval of Resolution #06-64. Mr. Rossi seconded the motion, which was approved with five yes votes. Mr. Salovaara was absent.

Public Comment

Harry White, Borough resident, spoke about school taxes, and what he called the unfair distribution of costs, especially from Bedminster. Mr. Rossi suggested discussing this matter at a Town/School committee meeting. Mr. Landau recommended including Mark Salisbury who has studied this issue extensively. A school budget presentation is scheduled for March 27, when it was agreed that in addition to the school Budget, Board of Education officials will be asked when school funding, in general, could be discussed.

CLOSED SESSION

It was moved, seconded, and approved with five yes votes to adjourn to an Executive Session to consider potential litigation and property acquisition, that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved, and that the meeting with then adjourn without further comment or action.

ADJOURNMENT

Moved by Mr. Landau at 9:30 p.m., seconded by Mrs. Foster, and approved with five yes votes.

Borough Clerk

keywords:

regan-timchula-property-zoning-open-space-rat-recreation-tax-hotel-occupancy-bond-municipal-alliance-grant-sewer-operator-donations-housing-swim-pool-budget-raffle-bernards-avenue-improvement-bills-library-sign-cable-patroit-phone-mansion-may-banner-chili-cook-shop-rite-fees-easter-bunny-dogs-parks-verizon-school-taxes

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