

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting
March 24, 2008

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, March 24, 2008. Present were Denis J. Dooley II, Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi, and Kevin Sooy Also present were Borough Attorney John R. Pidgeon, Esquire, Anthony Suriano, Deputy Clerk and Ralph Maresca, 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 December 18, 2007.

PLEDGE OF ALLEGIANCE - was recited by all.

ITEMS OF BUSINESS

Clean-up at Kiwanis Park (Item 11B was heard at this time)- Daniel Anthony, Center Street; Ben Ferrara, Sunnybrook Road; Tristan Decker, Main Street, Chris Calvin, Columbia Drive, Chad Pisano, Mount Airy Road, spoke about seeing debris, litter and graffiti at Kiwanis park. They asked permission from Council to have a clean-up day at the park as an Earth Day project to be held April 26 from 4:00 p.m. to 6:00 p.m. All members were in agreement that this is a commendable idea and the boys were applauded.

School Board Budget - Pete Miller, Superintendent of Schools, Nancy Hunter, Business Administrator and Greg DiGioachhino, Chair of the School Board Finance Committee spoke about the upcoming school budget. He thanked the Borough representatives for their cooperation with the project of school construction recently completed. Various statistics were discussed including tax rates, enrollment, fixed costs, state aid and cost per student.

Girl Scout Project - Paula Marasco, 121 Round Top Road, spoke about Cell Phones For Soldiers, a cell phone recycling program. There are receptacle boxes, made by Girl Scouts, for collection of cell phones in the southern part of Somerset County, and she asked council consent for receptacle boxes in this portion of the county at the Bernardsville Library and local businesses. The purpose of the program is raise money to help military personnel call home. Used cell phones are recycled and the materials are sold. The money goes to buy calling cards for soldiers all over the globe. Mr. Dooley asked about the security of the phones. Ms. Marasco said the receptacle boxes are made so that no one can pull out a cell phone. Council consent was given for Ms. Marasco to proceed.

APPROVAL OF MINUTES - Mr. Rossi moved to accept the minutes of the meetings held on February 25 and March 10, 2008. Mrs. Foster seconded and the motion was approved with six yes votes.

OPEN SESSION - None

ORDINANCES

Mayor Honecker opened the public hearing on **#08-1482, AN ORDINANCE CONCERNING GRAFFITI AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**. Without comment or questions from the public, the Mayor closed the public hearing. Mr. Sooy moved that the ordinance be passed on final hearing and adopted as published. Mrs. Foster seconded. Mr. McCrossan said the definition of graffiti is worded to seem that a property owner could allow graffiti if it is on their property and he objected to this wording. He thought we were prohibiting graffiti and this is a provision allowing it. Mr. Pidgeon said the wording came from state law and it is up to the property owner to cleanup the graffiti. He also said we are trying to prevent vandalism. The motion was approved by the following roll call vote:

Mr. Dooley	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	No	Mr. Sooy	Yes

Mayor Honecker opened the public hearing on **#08-1483, ESTABLISHING A HOUSING ADVISORY COMMITTEE AND CREATING A NEW SECTION 2-44 OF THE BOROUGH CODE ENTITLED "HOUSING ADVISORY COMMITTEE"**. Maureen Sciarretta, Center Street, asked if property maintenance would fall under this committee. Mayor Honecker said the housing ordinance covers the property maintenance code and that was part of the purview of the housing committee. Neil Schetelick asked who is on the committee. Mayor Honecker said members of this committee will be appointed at a future meeting. The Mayor closed the public hearing. Mr. Pidgeon stated that members of the committee may not consult with the Housing Officer on an individual basis. Mr. Rossi moved that the ordinance be passed on final hearing and adopted as published. Mr. McCrossan expressed concerns about the terms of the members. Mr. Pidgeon said the terms would be calculated as of January 1, 2008 and appointed by the Mayor with Council consent, except the Borough Council member, which is appointed by Council. Mr. McDowell seconded and the motion was approved upon the following roll call vote:

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

Mayor Honecker moved to open the public hearing on **#08-1484, AN ORDINANCE CONCERNING SPECIAL EVENT BANNERS AND TEMPORARY SIGNS IN THE RIGHT OF WAY AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED**

"GENERAL LICENSING". Without comment or questions from the public, the Mayor closed the public hearing. Mr. Pidgeon said the substance of this ordinance is still in place, but it just delegates the authority to issue the permits to the Borough Clerk. Mr. Sooy moved that the ordinance be passed on final hearing and adopted as published. Mr. Rossi seconded and the motion was approved upon the following roll call vote:

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

Discussion on #08-1485: Mr. Pidgeon reported that the Zoning Enforcement Officer recommended removal of the phrase "not to exceed" in paragraph 12-5.6 of the ordinance. Council chose to leave the ordinance as is, and not make a change.

Mrs. Foster moved that **#08-1485, AN ORDINANCE CONCERNING HOUSE NUMBERS 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., Monday, April 28, 2008. Mr. Rossi seconded. Mr. McCrossan spoke of his concern that not all residents would know about this ordinance and asked how this would be communicated. Mr. Rossi said notice would be sent with the tax bills. Mayor Honecker said a notice would be published in the newspaper. Mr. Pidgeon said this ordinance will help police, fire and first aid when responding to calls. The motion to introduce was approved by six yes votes.

Discussion on #08-1486: Mrs. Foster said that commuters appear to be parking their cars on Boylan Terrace instead of the train station parking lot.

Mrs. Foster moved that **#08-1486, AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON BOYLAN TERRACE AND HANDICAPPED PARKING ON CENTER STREET AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, 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, April 28, 2008. Mr. Sooy seconded and the motion was approved by six yes votes.

Discussion on #08-1487: Mr. McCrossan stated this ordinance is for dugouts at the Claremont baseball field.

Mr. McCrossan moved that **#08-1487, AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$18,000 FROM THE RECREATION CAPITAL IMPROVEMENT FUND"**, 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, April 28, 2008. Mr. Rossi seconded and the motion was approved by six yes votes.

RESOLUTIONS

- #08-62 AUTHORIZING SUBMISSION OF 2007 RECYCLING TONNAGE GRANT APPLICATION**
- #08-63 AUTHORIZING 2007 PROPERTY TAX REFUNDS**
- #08-64 DELEGATING BLANKET AUTHORITY TO TAX ASSESSOR TO FILE CORRECTIVE APPEALS AND COUNTERCLAIMS AND TO SETTLE APPEALS**
- #08-65 ACCEPTING MONTHLY REPORTS**
- #08-66 AMENDING TEMPORARY BUDGET**
- #08-68 AUTHORIZING ISSUANCE OF COIN OPERATED AMUSEMENT DEVICE LICENSES**
- #08-69 AUTHORIZING DESTRUCTION OF EQUIPMENT**
- #08-70 EXEMPTING SEASONAL EMPLOYEES FROM THE BOROUGH NEPOTISM POLICY AND SUPPLEMENTING AND AMENDING THE EMPLOYEE HANDBOOK AND PERSONNEL POLICIES AND PROCEDURES MANUAL**
- #08-71 RELEASING PERFORMANCE GUARANTEES AND RETURNING ESCROW DEPOSIT BALANCES FOR CHESTNUT RIDGE MAJOR SUBDIVISION**
- #08-72 ACCEPTING TREE REPLACEMENT ESCROW FOR BLOCK 14, LOT 1**
- #08-73 AUTHORIZING TRANSFER OF FUNDS**

Mr. McDowell moved to approve Resolutions #08-62 thru #08-66 and #08-68 thru #08-73. Mrs. Foster seconded and the motion was approved by the following roll call vote:

Mr. Dooley	Yes	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes, Abstained #70	Mr. Sooy	Yes

RESOLUTION #08-59, AWARDING A CONTRACT FOR RENTAL OF THE SNACK BAR AND RIGHTS TO SELL FOOD AND DRINK AT THE MUNICIPAL POOL, Mr. Dooley asked if we knew how much was made at the snack bar. Mr. Maresca said we do not have a document to answer that.

RESOLUTION #08-60, AWARDING A CONTRACT FOR GRASS CUTTING AND LAWN MAINTENANCE, Mr. McCrossan asked if the recreation lawn cuts in item #1 were the fields at the Polo Grounds, Rose Bowl, and Kiwanis. Mr. Maresca confirmed those are the fields.

RESOLUTION #08-61, AWARDING A CONTRACT FOR OLCOTT SQUARE/ROUTE 202 STREETSCAPE PROJECT, Mayor Honecker said this contract will be awarded this evening and the project will begin in the Spring.

RESOLUTION #08-67, AUTHORIZING PAYMENT OF BILLS, Mrs. Foster questioned the \$5,000 spent on street lighting every month and suggested prorating our payment since some of the lights are out. Mr. Rossi asked if the utility bills could be sent to the finance committee for study. Mr. Maresca said that was possible. Mayor Honecker said that Green Initiative is looking at street lights. Mrs. Foster said she feels the bill should be prorated until lights are replaced. Mayor Honecker said we should pursue pro rated bills.

Mrs. Foster moved to approve Resolutions #08-59 through 61 and 67. Mr. Rossi seconded and the motion was approved by the following roll call vote:

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

REPORT OF THE MUNICIPAL ATTORNEY - No comments

COUNCIL COMMITTEE REPORTS

Public Safety - Mrs. Foster thanked the Police Department for capturing the perpetrators of the school fires. Hybrid vehicles are being monitored by the Police Chief as a viable replacement for vehicles used by the borough. Chief Valentine met with NJ Transit to discuss concerns of litter and holes in fences. Signs will be posted stating "do not block sidewalks" to help alleviate day laborers congregating at the train station. Chief Valentine will explore installing cameras to monitor areas around the train station. It is thought that NJ Transit will probably not supply funds for the cameras, since only urban stations usually receive money for cameras. The parking kiosk for daily parking appears to be working well. The topic of jay-walking is being explored. Speed meters will be placed on heavily traveled roads. Lowering the speed limit on Washington Corner Road is being discussed due to an application before the Planning Board.

Finance - Mr. McCrossan reported that the committee is meeting with the Borough Auditor and the budget is the main topic of discussion. The committee is working with the fourth version of the budget. The committee is recommending that the temporary budget be carried forward until June to wait for the state budget proposal to be finalized.

Personnel - Mrs. Foster reported that consultants will begin to interview staff members tomorrow and into April.

Engineering, Technology & Public Works - Mr. Rossi said a five year plan for improvements to the sewer plant is needed. Cameras and jetting are areas for improvement. Equipment for cleaning the shoulder of the road is being explored. Lighting at the library is being discussed. The bridge on Meeker Road needs rebuilding. The Route 202 box culvert project at the Ruschmann property will be done at night and should not cause delays. Craig Lawrence, Hillside Avenue, asked if Meeker Road and Route 202 will be closed at the same time. Mr. Rossi answered no. Mr. Dooley asked if he could view three reports, Engineering Status Report, Overlay Report, and Major Project Report. Mr. Rossi agreed to include these three reports in the sendout.

Quarterly Reports

Cable TV - Mr. Rossi called Comcast to inquire about having a line into the station on the INET system. Mayor Honecker asked about cameras in the court room and suggested that topic be presented to the IT Committee.

Town and School - The last meeting was January 28th. Mayor Honecker said the committee should meet on a regular basis.

Board of Health - Mr. McDowell said the Board of Health met tonight. There are no major issues. Mayor Honecker mentioned a 5% increase in cost of shared services with Bernards Township.

Environmental Commission - Mr. Dooley said the Environment Commission is actively participating in the Green Initiative beginning with an energy audit of the library. The scope of the current GIS information is expanding to include more overlays, specifically waters and soils, which will also be used in the field on site plan reviews. Working with an environmental consultant to create a narrative to accompany the raw data in our ERI is being pursued. We have received a permit from the DEP to begin work on a small streambank restoration project on the Mine Brook, to be completed by June 2008. Three Commission members attend a day long statewide symposium on land use.

Information Systems - Mr. McDowell said the committee met in March and discussed phone systems and in-house IT help at borough hall. Records management work related to the county PARIS grant will begin in April.

Open Space Committee - Mrs. Foster said work has begun on an open space grant from Somerset County that will reimburse our open space fund for the Belcher property. Mayor Honecker said the Belcher property has been closed on and efforts will begin to get donations for the building.

Planning Board - The application for the Bearlapp property at the corner of Hardscrabble Road and Washington Corner Road has been approved. It is seven lots, cluster zoning, and keeps approximately twenty acres of open space. The Reagan Timchula property has come before the board again. The property had a "Y", and they wanted to put four homes in the left hand "Y". Due to the new country lane ordinance, they can only put one home, if the board agrees. Some members of the board members think the property should be purchased for Open Space. The Bernardsville Center application was withdrawn without prejudice. A study of COAH is on-going. Revision of the ordinances are being looking at with topics including floor area ratio, fencing, and lighting.

Recreation Committee - Mr. McCrossan said the committee is working with Municipal Alliance. The summer brochure is in planning. A senior pizza party with bingo was held. Peter's Park is being worked on. Quotes are being obtained to install water fountains at the parks. A new fence at Claremont field is required. Pool membership applications are being accepted at this time. Registration software allowing online registration is being reviewed.

Shade Tree Advisory Committee - Mr. Sooy said JCP&L is finishing up their work. The community forestry management plan has been approved as of March 2008. We were out of it as of last year, but are now back in until 2012. Outside sources are \$25,000 in Cool Cities, and \$3,000 from the State Department of Forestry, which requires matching requirements of continuing education units and service hours, which members keep logs of.

H.P.A.C. - Mrs. Foster said the Belcher property was closed on and the committee is looking to have it placed on the historic register. She said grants are being explored.

Insurance - Mr. McDowell said he will be attending a JIF course this week.

Housing Committee - Mayor Honecker said the ordinance establishing a Housing Advisory Committee was adopted tonight and he will present a slate of officers to council at the next work meeting in April.

ITEMS OF BUSINESS

Little League proposal to pave area at Kiwanis Field - Steve Schwed of Somerset Hills Little League was present. Mr. McCrossan said the Recreation Committee has not seen the final draft but was in general agreement. Because it is being "fast-tracked" Council members now have it under consideration. An additional request has been made to add four foot wide concrete walkways to

accommodate Senior citizens and strollers. Mr. McDowell moved to approve the plans subject to review by Engineering and Recreation if needed. The motion was seconded by Mr. McCrossan and approved with six yes votes.

OPEN SESSION

Terry Thompson, Mine Mount Road, reported that two benches outside the library that were given by Friends of the Library, were stolen.

CLOSED SESSION

It was moved and seconded to adjourn to an executive session to consider personnel matters and contract negotiations, and that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved.

ADJOURNMENT

It was moved and seconded to adjourn the meeting at 11:15 p.m. Motion carried.

Anthony Suriano, Deputy Clerk

keywords: kiwanis-school-budget-cell-phones-graffiti-housing-signs-parking-fields-recycling-grant-tax-nepotism-tree-recreation-streetscape-police-finance-little-league