

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
April 13, 2009

This meeting was called to order by Mayor Lee C. Honecker at 7:00 p.m. on Monday, April 13. Present were Council Members Joseph DeMarco, Charlotte J. Foster, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were John R. Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator & C.M.F.O. and Sandra G. Jones, Borough Clerk & Assistant Administrator. John McCrossan was absent.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News, Courier News and Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on January 6, 2009.

OPEN SESSION

Mayor Honecker read a Proclamation for Arbor Day on April 24, 2009, and noted for the public record that Bernardsville once again has been named a Tree City. "Congratulations," he said, to Lou Matlack and all members of the Shade Tree Committee. Mayor Honecker closed the open session.

ITEMS OF BUSINESS

Bernardsville School Budget

Pete Miller, Superintendent of Schools, Nancy Hunter, Business Administrator, and Board of Education members Linda Kragie and Bob Baker, were present to discuss the proposed school budget, which will result in a zero tax increase. Mr. Miller discussed highlights shown on a Summary Information Sheet dated 3/23/09 and lists of Proposed Revenue Increases and Expense Reductions. He said cuts were made "across the board", some user fees were built in, 6.5 staff positions were cut and about \$60,000 compensation (for health benefits) was given back.

Resolutions

- #09-75 ACCEPTING A DONATION**
- #09-76 AWARDING CONTRACTS FOR GRASS CUTTING AND LAWN
MAINTENANCE**
- #09-77 AUTHORIZING RELEASE OF A BOND FOR A STREET OPENING
PERMIT**
- #09-78 APPROVING A PLACE-TO-PLACE TRANSFER OF A.B.C. LICENSE
#1803-33-012-003**

- #09-79 AUTHORIZING REFUNDS OF POLICE OFF-DUTY ESCROW FUND BALANCE**
- #09-80 AUTHORIZING SUBMISSION OF AN APPLICATION FOR A COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT**
- #09-81 AUTHORIZING USE OF CASH PORTION OF PERFORMANCE GUARANTEE "HOLLEY HILL" MAJOR SUBDIVISION, #M-64 & #M-81, CODDINGTON CONSTRUCTION CO., LLC**
- #09-82 AUTHORIZING PAYMENT OF BILLS**
- #09-83 SETTING RECREATION FEES**
- #09-84 TEMPORARY CAPITAL BUDGET RESOLUTION**

Mr. Sooy moved approval of Resolutions #09-75 through #09-83. 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	absent	Mr. Sooy	yes

Resolution #09-84, approving a TEMPORARY CAPITAL BUDGET, was held for review after the associated ordinance.

Ordinances

Moved by Mr. McDowell that #09-1509, **BOND ORDINANCE APPROPRIATING \$775,000 AND AUTHORIZING THE ISSUANCE OF \$738,000 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., April 27, 2009. The motion was seconded by Mr. DeMarco. Mr. Rossi requested a opportunity to discuss the ordinance, and he recommended that the ordinance be amended to include drainage on certain roadways and pond dredging. Messrs. McDowell and DeMarco said the Public Works and Finance Committees worked on the ordinance for months and provided background. Mr. DeMarco called for a vote on the motion to approve the ordinance upon introduction. A call of the roll followed:

Mr. DeMarco	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	absent	Mr. Sooy	yes

Moved by Mr. McDowell that #09-1510, **AUTHORIZING AN APPROPRIATION OF \$76,000 FROM THE CAPITAL FUND BALANCE FOR LIGHTING AT THE BERNARDSVILLE LIBRARY**, 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., April 27, 2009. The motion was seconded by Mr. Rossi and a call of the roll followed:

Mr. DeMarco	no	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	absent	Mr. Sooy	yes

Moved by Mr. McDowell that #09-1511, **AUTHORIZING AN APPROPRIATION OF \$7,000 FROM THE CAPITAL FUND BALANCE FOR LIGHTING AT THE AMMERMAN PARKING LOT**, 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., April 27, 2009. The motion was seconded by Mrs. Foster and a call of the roll followed:

Mr. DeMarco	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	absent	Mr. Sooy	yes

Mr. McDowell moved approval of **Resolution #09-84, TEMPORARY CAPITAL BUDGET RESOLUTION**. Mr. Rossi seconded, and the motion was approved as follows:

Mr. DeMarco	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	absent	Mr. Sooy	yes

Recreation Committee/county open space grant

Recreation Committee members Janet Waite and Skip Orza were present to discuss the contents of a letter to be sent to Somerset County in support of a recreational grant application. Mr. Rossi moved that the grant request be \$1,000,000, that the Borough cover overage, if any, for the project, and that the Mayor sign said letter when it has been amended as discussed tonight. Mr. Sooy seconded the motion, which was approved with five yes votes.

Policy planning and coordination of energy initiatives

At Mrs. Foster's recommendation, this matter was tabled until the May 11 meeting.

Borough wide traffic study

Mr. Rossi said this subject is being discussed by the Public Safety Committee and that comments may be forthcoming at the next meeting.

Consultants report

Mrs. Foster recommended that the score card and issues report presented by Consultants Panza and Schneider be reviewed by all, then discussed by the Personnel Committee first, before the topic is considered by full council. Mr. Sooy recommended a press release or news letter on the subject be prepared to recognize the extensive pro bono work done by the consultants. It was agreed to discuss his recommendation further on April 27.

Liberty Cycle

The proposed Bike Race on June 14 was given conceptual approval at a Council meeting held March 9. Mr. Rossi reported that the Public Safety Committee has approved a proposed route, but the question of who will cover the police overtime cost (approximately \$3,500) is still pending. Mayor Honecker stated he will discuss the possibility of hosting the event with the Chamber of Commerce at their next meeting. In the meantime, the matter was tabled until April 27, but agreed that the Mayor would contact Liberty Cycle to explain the delay with final approval.

Mortgage Stabilization and Relief Act

Mayor Honecker discussed Section 17 of P.L. 2008, c 127, which requires notice to the municipal clerk of any intent to foreclose on a residential property. The law provides authority for the municipality to take code enforcement actions and hold the mortgage holder responsible to abate any violations and recover costs if public funds are used, and creditors must identify any property that is an affordable housing unit.

Friends for a Greener Bernardsville/hanging baskets downtown

Marilyn Dee for "Friends" said that the proposal discussed at an earlier meeting to hang baskets at the train station has not met with approval from New Jersey Transit, therefore, the group now seeks approval to hang 23 baskets on the new light posts in Bernardsville. A written proposal before the group was discussed; Mrs. Dee said that "Friends" will bear the full cost and will be responsible for watering. Mr. Rossi moved approval. Mr. Sooy seconded the motion which was approved with five yes votes.

Relative to another beautification project in Bernardsville, "Friends" requested permission to improve the landscaping at the base of the hill across from the fire station by planting trees. Mrs. Dee said 3" diameter Koosa Dogwoods are one example of the type of tree proposed. Mr.

DeMarco moved approval to plant five (5) trees, as discussed. Mrs. Foster seconded, and the motion was approved with five yes votes.

Request for a community project from Keller Williams

Peg Carton, on behalf of Keller Williams Towne Square Realty, was present to volunteer Keller Williams employees for a local "Red Day" volunteer project on May 14. Various possibilities were mentioned, but no definite project was selected at this time.

Request from new owner of 1 Somerset Ave.

Nat Conti requested permission to cleanup a portion of "Kuser Park" adjacent to 1 Somerset Avenue by trimming back three large trees, removing wild vines, dead/junk trees and trash, then planting approximately 25 Dogwood and Japanese Red Maple trees and low ground cover. Lou Matlack, Acting Tree Conservation Officer, in a memo dated April 12, recommended approval of this project and volunteered to work with Mr. Conti on the permits, tree removals and replanting. Mr. Rossi moved to grant Mr. Conti's request. Mr. McDowell seconded the motion, which was approved with five yes votes.

Welcome to Bernardsville sign

Mr. DeMarco discussed a proposal from Great American Sign, one (1) post installation v. two (2) post installation, and the possibility of cost sharing with the school for display of an attachment to congratulate various sports team champions. Mr. Rossi asked how durable the proposed materials are? In that regard, Mr. DeMarco agreed to obtain an amended proposal and to look for sponsors. The subject was referred to the April 27 agenda.

Mayfest/Bernardsville Chamber of Commerce

Caesar Mistretta discussed "Mayfest", an evening of music and shopping in the Downtown area the Chamber wishes to sponsor on May 16 (Rain date May 29) from approximately 5:00 to 9:00 p.m. Mr. Rossi, a Chamber member, stepped down. Mr. Mistretta said information on specific activities will be filed with the Borough Clerk as soon as planning is complete. The Borough Clerk asked the Borough Attorney if the Public Event licensing would apply? Mr. Pidgeon responded yes. Mr. DeMarco moved to approve the project in concept and to waive fees for licenses issued. Mr. McDowell seconded and the motion was approved with five yes votes.

Windows in vacant business properties

Mr. Sooy suggested the Borough consider an ordinance which requires property owners with vacancies to place something attractive in the windows, and he discussed ordinances in Madison and Morristown which require same. Mr. Pidgeon agreed to provide sample ordinances for consideration at a future meeting.

Fire Company grant application

A council member advised the Mayor that the Fire Company would appreciate it if he could provide a letter of support for a grant application to provide funding for a compressor. The Mayor asked that the Fire Company contact him with details.

OPEN SESSION

The Mayor opened the meeting to the public. David Gayle, Anderson Road resident, discussed his proposal for a community garden. The Mayor responded that the proposal is under consideration. The public portion was closed.

CLOSED SESSION

It was moved and seconded to adjourn to an executive session to consider **property acquisition** and **insurance for the Railroad Station**, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Motion carried. Mr. Pidgeon advised that action tonight is not anticipated.

REOPEN AND ADJOURNMENT

Mrs. Foster moved to reopen the meeting to the public and adjourn at 9:35 p.m. Motion was seconded and approved with five yes votes.

keywords: school-budget-donation-grass-cutting-lawn-street-abc-liquor-license-transfer-police-grant-recreation-bond-library-lighting-parking-lot-open-space-energy-traffic-bicycle-race-baskets-sign-fire-company-mayfest-chamber