

BOROUGH OF BERNARDSVILLE

Mayor and Borough Council Meeting Minutes

APRIL 24, 2006

The meeting was called to order by Mayor Jay Parsons, at 7:00 p.m. on Monday, April 24, 2006, in the Borough Hall. Present were Denis J. Dooley, II, Charlotte J. Foster, Lee C. Honecker, Michael Landau, Joseph Rossi and Mikael Salovaara. Also present were John R. Pidgeon, Esquire, Borough Attorney, Sandra Jones, Borough Clerk/Assistant Administrator and Ralph A. Maresca, Jr., Administrator and C.M.F.O.

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.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Stream Bank Restoration project

Paul Becker of the Environmental Commission discussed a demonstration project at the Claremont field, to be funded from municipal funds and federal grants, and he asked for permission to proceed on Borough property. Mr. Becker said the demonstration project is preliminary to a larger goal for Mine Brook. Background was provided in a memo dated April 20 from Mr. Becker, wherein he stated that the Environmental Commission believes that "continuing Borough pond sedimentation, and various other existing and impending upstream problems are caused by flash flooding of Mine Brook during storm events." Trout Unlimited and Princeton Hydro have been consulted by the Commission, which hopes to file a grant application in the Spring of 2007 with the DEP Division of Watershed Management. The general scope of that larger project was also discussed, and the possibility of involving others, including Somerset County. General consent was given for the Commission to proceed with the demonstration project, as discussed.

2006 Municipal Budget

Mr. Landau, Chairman of the Finance Committee, discussed the proposed budget and a written Finance Committee Report, dated April 24, 2006, copy attached hereto, providing facts and observations about the budget. Following discussion, it was agreed to approve the budget as presented.

Mr. Landau moved approval upon introduction, via Resolution #06-95 (sheet 2 of the Budget document) the proposed budget for 2006, as is, providing for an increase in funds to be raised for taxation by municipal purposes of 6.98%. Mr. Salovaara seconded and the motion was approved with six yes votes. Public Hearing and adoption is scheduled for May 22.

APPROVAL OF MINUTES

Mr. Salovaara moved that the minutes of meetings held on March 27 and April 10, 2006 be approved. Mr. Dooley seconded and the motion was approved with six yes votes.

OPEN SESSION

Peter Palmer, 22 Prospect Street, said he has read about the interest in 22 Mt. Airy Road for several potential uses, the possibility of acquiring same through Eminent Domain, and stated that he opposes any intensification of use for that property. Mr. Palmer asked the Borough Council to consider the following facts as they deliberate: The railroad track has historically been the dividing line between the business district and the residential areas. The Mr. Airy parking lot is underutilized now, so there is no evidence that another lot is needed in that area. If the new owner were to tear down the house, only two homes

could be built on the site according to existing zoning rules.

Mr. Salovaara said he agrees with Mr. Palmer's observations, and that he would favor acquisition with open space funds for a "pocket park". Mr. Rossi suggested that the site could accommodate senior housing; perhaps as many as 8 units.

Richard Kress, Esq., owner of 22 Mount Airy Road, discussed various possibilities he is considering for the site and asked the Borough Council to make a quick decision if interested, because he cannot build, renovate or sell, due to the pending eminent domain issue.

David Neill, Prospect Street, said he is in agreement with Mr. Palmer and Mr. Salovaara and NOT in favor of a parking lot.

Mayor Parsons closed the public session.

ORDINANCES

Mr. Landau moved that #06-1428, **AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**, 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, May 8, 2006.

Mrs. Foster seconded and the motion was approved by six yes votes.

Mr. Landau moved that #06-1429, **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., Monday, May 8, 2006. Mayor Parsons interjected that the fees were merely brought into line with those charged by surrounding towns. Mr. Salovaara seconded and the motion was approved by six yes votes.

Mr. Dooley moved that #06-1430, **AN ORDINANCE CONCERNING SPECIAL EVENT LICENSES AND SUPPLEMENTING AND AMENDING SECTION 4-12 OF THE BOROUGH CODE**, 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, May 22, 2006. Mr. Honecker seconded and the motion was approved by six yes votes.

Mr. Honecker moved that #06-1431, **AN ORDINANCE DELEGATING TO THE BOROUGH CLERK THE AUTHORITY TO APPROVE THE GRANTING OF RAFFLE AND BINGO LICENSES**, 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, May 22, 2006. Mr. Salovaara seconded and the motion was approved by six yes votes.

Mrs. Foster moved that #06-1432, **AN ORDINANCE CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF BERNARDSVILLE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT AND AMENDING ARTICLE 13 OF THE BOROUGH CODE ENTITLED "AFFORDABLE 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, May 22, 2006. Mr. Rossi seconded and the motion was approved by six yes votes.

Mr. Honecker moved that #06-1433, **AN ORDINANCE AMENDING PARKING REGULATIONS IN THE LIBRARY PARKING LOT AND SUPPLEMENTING AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED "PARKING LOTS AND OFF-STREET TRAFFIC REGULATIONS"**, 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, May 22, 2006. Mrs. Foster seconded and the motion was approved by five yes votes. Mr. Salovaara voted no.

RESOLUTIONS

#06-96 APPROVING AN OFF-PREMISE 50/50 RAFFLE APPLICATION FROM SOMERSET HILLS

LEARNING INSTITUTE

- #06-97 APPROVING AN OFF-PREMISE 50/50 RAFFLE APPLICATION FROM THE WOMEN'S ASSOCIATION OF MORRISTOWN MEMORIAL HOSPITAL
- #06-98 APPROVING MEMBERSHIP IN THE FIRE COMPANY
- #06-99 ACCEPTING A DONATION
- #06-100 AUTHORIZING RECYCLING OF OFFICE EQUIPMENT
- #06-101 AUTHORIZING TAX REFUND DUE TO A JUDGEMENT
- #06-102 ACCEPTING MONTHLY REPORTS
- #06-103 AUTHORIZING EMERGENCY TEMPORARY APPROPRIATION
- #06-104 AUTHORIZING PAYMENT OF BILLS
- #06-105 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RK OCCUPATIONAL & ENVIRONMENTAL ANALYSIS

Mr. Salovaara moved that RESOLUTIONS #06-96 through #06-105 be approved. Mr. Rossi seconded and the motion was approved upon a call of the roll with six yes votes.

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon's written report was reviewed.

COUNCIL COMMITTEE REPORTS

Public Safety Chairman, Mr. Honecker, said Mrs. Foster, Mr. Rossi and School Superintendent Miller will attend a meeting at the Somerset County offices on sidewalk grants at 9:00 a.m. on April 26, and preliminary information suggests that Bernardsville is a suitable candidate. It will be necessary to prioritize, comparing the Borough and school district wish lists. Speed limits on Lloyd Road will be more closely monitored. Five OEM members will receive certification soon. Private overtime payment due to 18 officers who worked for Barsan, now in bankruptcy, was discussed. Mr. Pidgeon said he is working with the Chief to develop an ordinance to collect these funds up front in the future. Milling and paving will begin within the week on Anderson Hill Road. The committee also discussed the budget for vehicle replacement of SUV's, firearms, and ammunition purchases.

Finance Committee Chairman, Mr. Landau, had no report.

Personnel Committee Chairman, Mr. Salovaara, had no report.

Engineering, Technology & Public Works matters were discussed. (Mr. Dooley, Chairman) Mr. Rossi said the gas company is willing to wait to pave at Church and Wesley Streets until approximately October, if the Borough wants to explore the possibility of the installing curbing. Mayor Parsons said this sounds like a good idea, but asked how the additional work would be funded? Mr. Salovaara suggested the Public Works committee review this possibility.

ITEMS OF BUSINESS

Draft ordinance authorizing the exercise of eminent domain

The possibility of purchasing Lot 2, Block 124 for a “pocket park”, using Open Space funds, was discussed. Mr. Salovaara suggested the ordinance be amended. Mayor Parsons suggested adding the following to the end of Section 1: “intending that such purchase be paid for with Open Space money and the property used for a pocket park.” Mr. Salovaara moved that **Ordinance #06-1434, AN ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN, IF ADVISABLE, TO ACQUIRE BLOCK 124, LOT 2**, be introduced by title as amended, 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, May 22, 2006. Mr. Rossi seconded. Mr. Honecker suggested that the ordinance be forwarded to the Recreation Committee and Public Works Department. The motion to approve upon introduction, as amended, was approved by six yes votes.

Health benefit alternatives

Mr. Landau discussed an effort underway to create a JIF-like health insurance pool, and discussed written information on the subject which was presented, via a memo dated April 4, 2006 from the Public Entity Risk Management Administration, Inc. The cost to participate in the study, exploring options, is \$2000. It was moved and seconded to proceed, and the motion was approved with six yes votes.

Rotary Club entrance signs into Bernardsville

Mr. Macdowall provided a memo dated April 18, with regard to the Rotary Club offer to erect new signs, summarizing issues raised by Council at the February meeting. Following discussion, it was agreed that Mr. Maresca would relay questions regarding colors, content, and whether one or two support posts will be used, and Mr. Macdowall will be directed to get clarification.

Raritan Valley Habitat for Humanity (RVHH)/volunteer parking

In response to a written request from Pam Ely, Executive Director of RVHH, members agreed to give permission to Habitat volunteers to park on the adjacent borough-owned property, west of the property where RVHH is building on Mine Brook Road, pending receipt of a certificate of insurance.

Verizon application for municipal consent

Mr. Landau briefly discussed the application from Verizon which is pending. A public hearing on said application is scheduled for May 22. Mr. Rossi discussed existing service problems with Verizon and recommended a “wait and see” attitude by the borough. Mayor Parsons said he has received about 20 letters from residents in favor of having access to a second cable carrier in town.

OPEN SESSION

Linda Kragie, Shadowbrook Court, asked the status of the Regan/Timchula property acquisition and was told the Borough is waiting for appraisals.

CLOSED SESSION

Mr. Dooley moved that the meeting be adjourned to Executive Session to consider property acquisition and personnel matters, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mr. Honecker seconded and all present approved.

REOPEN AND ADJOURNMENT

It was moved and seconded to reopen the meeting to the public, and that motion was unanimously approved. Mr. Landau

moved to adjourn at 10:00 p.m. Mrs. Foster seconded the motion, which was approved unanimously.

Borough Clerk

Sandra G. Jones,

042406.MIN

keywords:

stream-bank-budget-eminant-domain-mount-airy-cap-construction-code-fee-event-license-raffle-housing-parkin-library-fire-donation-tax-services-police-sidewalk-grant-oem-barsan-vehicle-gas-pave-church-wesley-health-benefit-rotary-club-sign-habitat-raritan-valley-verizon-municipal-consent-regan-timchula-appraisal