

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
April 26, 2010

This meeting was called to order by Mayor Honecker at 6:30 p.m. on Monday, April 26, 2010. Present were Joseph DeMarco, Charlotte J. Foster, Edward McDowell and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator & CMFO, and Sandra Jones, Borough Clerk & Assistant Administrator. John McCrossan and Joseph Rossi arrived late.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was supplemented on April 20, 2010, and annual notice 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 January 5, 2010.

CLOSED SESSION

Council Member Foster moved to adjourn to executive session to consider contract negotiations, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mr. McDowell seconded, and the motion was approved by four yes votes. Council Members McCrossan and Rossi arrived during Executive Session. Mr. Sooy moved to adjourn. Mr. McCrossan seconded and the motion was approved unanimously.

PLEDGE OF ALLEGIANCE

PRESENTATIONS (There were none)

APPROVAL OF MINUTES

Mrs. Foster moved to accept the minutes of March 22 (Mr. McDowell was absent), April 7 and April 12. Mr. Rossi seconded and the motion was approved by six yes votes.

OPEN SESSION (No comments)

ORDINANCES

Mayor Honecker opened the public hearing on **#10-1538, AN ORDINANCE AMENDING THE BOROUGH SALARY ORDINANCE AS IT PERTAINS TO THE FIRE OFFICIAL**. Without comments or questions, Mayor Honecker closed the public session. Mr. Rossi moved that the ordinance be passed on final reading and adopted as published. The motion was seconded by Mr. Sooy and approved by roll call vote:

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

Mr. DeMarco moved that **#10-1539, AN ORDINANCE PROVIDING FOR IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$450,000 THEREFOR CONSTITUTING PROCEEDS OF GRANTS**, 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., May 10, 2010. Mrs. Foster seconded . Mr. Rossi moved to add Mine Mount Road to the list of roads to be improved. Mayor Honecker asked for a second to the motion to amend the ordinance to include Mine Mount Road. Hearing no second, the motion failed. The motion to approve upon introduction was adopted by five yes votes. Mr. Rossi voted no.

Mr. Sooy moved that **#10-1540, AN ORDINANCE REPEALING SECTION 8-14 OF THE BOROUGH CODE ENTITLED "FIRE LANES - NO 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., May 10, 2010. Mr. Rossi seconded and the motion was approved by six yes votes.

Mrs. Foster moved that **#10-1541, AN ORDINANCE REPEALING SECTION 3-8 OF THE BOROUGH CODE ENTITLED "LOITERING"**, 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., May 10, 2010. Mr. Sooy seconded and the motion was approved by six yes votes.

Mr. McDowell moved that **#10-1542, AN ORDINANCE CONCERNING YARD WASTE COLLECTION AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE 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., May 10, 2010. Mr. Rossi seconded and the motion was approved by six yes votes.

Mr. McCrossan moved that **#10-1543, AN ORDINANCE AMENDING ORDINANCE #10-1536 WHICH ADDED SIX 3-HOUR PARKING SPACES TO THE MOUNT 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., May 10, 2010. Mrs. Foster seconded and the motion was approved by six yes votes.

Mr. McCrossan moved that **#10-1544, 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., May 10, 2010. Mr. Sooy seconded and the motion was approved by six yes votes.

Mr. DeMarco moved that **#10-1545, AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$15,000 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR AN EQUIPMENT STORAGE SHED**, 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., May 10, 2010. Mr. McCrossan seconded and the motion was approved by six yes votes.

Mrs. Foster moved that **#10-1546, AN ORDINANCE APPROPRIATING \$37,000 FROM THE SEWER UTILITY 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 at 7:00 p.m., May 10, 2010. Mr. McCrossan seconded and the motion was approved by six yes votes.

RESOLUTIONS

- #10-74 AUTHORIZING REDEMPTION OF OUTSIDE TAX CERTIFICATE #275**
- #10-75 ACCEPTING A DONATION**
- #10-76 AUTHORIZING REFUND OF ESCROW ACCOUNT BALANCES**
- #10-77 AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR OAK RIDGE IMPROVEMENTS**
- #10-79 GRANTING CABLEVISION LIGHTPATH-NJ, INC. AND 4CONNECTIONS LLC PERMISSION TO INSTALL FIBER OPTIC CABLE AND APPURTENANT FACILITIES IN BOROUGH RIGHTS-OF-WAY**
- #10-80 ACCEPTING MONTHLY REPORTS**
- #10-81 AUTHORIZING PAYMENT OF BILLS**

Mr. McDowell moved that Resolutions #10-74 through #10-77 and #10-79, 80 and 81, listed herein by title, be hereby adopted. Mr. Rossi seconded and a roll call vote followed:

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

Resolution **#10-78, AUTHORIZING MALCOLM PIRNIE, INC., TO PROVIDE PROFESSIONAL SERVICES FOR A WASTEWATER TREATMENT PLANT CONDITION ASSESSMENT**, was discussed. Mr. Rossi spoke about the cost which, in his opinion, is too high. Mr. DeMarco reminded Mr. Rossi that the cost must not exceed \$37,000, and it is hoped the work can be done for less. Mayor Honecker advised Mr. Rossi to forward any comments on this subject to the Public Works Committee.

Resolution **#10-82, AUTHORIZATION TO FILE A 2010-2011 HISTORIC PRESERVATION GRANT** for the Dunster Squibb House repairs, was discussed. HPAC members Dan Lincoln and Paula Marasco were present. Mr. Lincoln said an application to list the property on the National Historic Register is in progress, and if approved, it will open up other funding opportunities. Mrs. Marasco urged adoption of the resolution.

Mr. McCrossan moved that Resolution **#10-78, AUTHORIZING MALCOLM PIRNIE, INC., TO PROVIDE PROFESSIONAL SERVICES FOR A WASTEWATER TREATMENT PLANT CONDITION ASSESSMENT**, be approved. Mr. Sooy seconded and the motion was approved by six yes votes.

Mrs. Foster moved that Resolution **#10-82, AUTHORIZATION TO FILE A 2010-2011 HISTORIC PRESERVATION GRANT**, be approved. Mr. Rossi seconded and the motion was approved by six yes votes.

Mr. McCrossan moved that Resolution **#10-83, INTRODUCING THE 2010 BUDGET**, be approved. Mr. Rossi seconded. Mr. McCrossan provided the following information on the budget:

Borough of Bernardsville 2010 Municipal Budget

General Appropriations	\$ 10,637,640
* Reserve for Uncollected Taxes	1,573,553
Total General Appropriations Budget	\$ 12,211,193
Total Anticipated General Revenue	\$ 3,631,805
Municipal Tax Including the	
Reserve for Uncollected Taxes	\$ 8,579,388*
Total General Revenues	\$ 12,211,193

Notes:

- *Amount of Municipal Taxes to be raised in 2010 -- \$ 8,579,388
- Taxes Raised in 2009 were \$8,329,767
- Net tax increase in 2010 is \$249,621 which is 2.996%

* estimated- awaiting official tax documents from SHSD and Somerset County

Borough of Bernardsville 2010 versus 2009 Municipal Budget Comparison

	2010	2009	2010 M/(L) Than 2009	
General Appropriations	\$10,637,640	\$10,680,113	\$ (42,473)	
Reserve for Uncollected Taxes	<u>1,573,553</u>	<u>1,538,425</u>	<u>\$ 35,128</u>	
Total General Appropriations Budget	\$12,211,193	\$12,218,538	\$ (7,345)	
Total Anticipated General Revenue	\$3,631,805	\$ 3,888,771	\$ (256,966)	
Municipal Tax Including the Reserve for Uncollected Taxes	<u>\$8,579,388</u>	<u>8,329,767</u>	<u>249,621</u>	2.996*
Total General Revenues	\$12,211,193	\$12,218,538	\$ 7,345	

Notes:

- State aid revenue was reduced \$202,847 (23.5%)
- Employee Health Care Costs increased \$37,800
- Pension Contribution, Social Security, Unemployment Insurance costs increased \$62,134
- The Loss of State Aid combined with the cost increases for Healthcare insurance, Social Security, and Unemployment Insurance and Pension Contribution has a \$302,781 or 2.85% negative impact on provisioning for the 2010 municipal budget. Combined with the effect of provisioning for other inflationary costs these appropriations are offset by \$240,000 lower debt service for the sewer utility.
- The Tax Increase of \$249,621 is attributed to lower anticipated non-tax revenues.

2010 Tax Levy

The estimated Municipal Tax Levy is as follows:

<u>2010 Estimated Tax</u>	<u>2009 Actual Tax</u>	<u>2010 M/(L) 2009</u>
\$8,579,388	\$8,329,767	\$ 249,621

Property Valuations

\$2,339,973,100	\$2,555,612,200	\$ (215,639,100)	(8.44)%
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Tax Rate

.366	.326	.04 *	12.27%
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- Note: .03 of .04 Tax Rate is related to the decrease in property valuation.

2010 Budget Summary

- General Appropriations Budget for 2010, which includes the reserve for uncollected taxes will decrease .4% and the anticipated non-tax revenues for 2010 will decrease 6.6% over prior year.
- The Net effect of this is a 2.996% tax increase for 2010.
- Appropriations will decrease \$42,473 as a result of higher costs for employee healthcare and pension contributions of 20% and 11.2% respectively offset by lower costs in debt service for the sewer utility.
- The anticipated loss of \$256,966 in non-tax revenue is primarily due to the loss of state aid (23.5%), lower receipts for delinquent taxes, and interest on investments.
- 2010 property valuations have declined 8.44% over prior year. The combined effect of the change in property valuations and the tax increase will result in a .04 tax rate increase from .326 to .366.
- .03 of .04 Tax Rate increase is due to the decrease in property valuations.
- The anticipated surplus will increase \$282,000 (21.4%).
- Total debt service will be reduced \$352,000 over 2009 (20.4%).
- Taxes for school and Somerset County have been estimated. The Bernardsville School taxes and county tax official documents have not been received, therefore, the reserve for uncollected tax has been estimated.

A roll call vote followed on **Resolution #10-83, INTRODUCING THE 2010 BUDGET:**

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

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s report as of April 21 was accepted.

COUNCIL STANDING COMMITTEE REPORTS

Public Safety

Mr. Rossi said interviews are underway for the police officers. Better signs for crosswalks on Route 202 will be installed. Observance of new state regulations on signage and placement is being studied. An update to the PD computer infrastructure has been completed. This will make it possible to monitor remote camera locations in the community.

Finance

Mr. McCrossan thanked everyone who participated in the budget preparation, especially Mr. Maresca, Administrator and Finance Officer and John Cassells, Auditor. Mr. McCrossan reported that Beneficial was awarded our bond anticipation notes at a net rate of .8496%.

Personnel

Personnel matters will be discussed in Executive Session.

Engineering, Technology & Public Works

Mr. DeMarco said the committee discussed the Old Fort Road/Anderson Road project. Authorization has been given for a traffic study. A five-year plan for the sewer plant will be devised. Dredging of the pond next to Borough Hall has been discussed but no decisions have been reached. Several engineering firms are being considered, and recommendations will soon be made.

ITEMS OF BUSINESS

An Ordinance Concerning Special Events

Draft #2 of an ordinance to tighten up the financial reporting requirements for special events was reviewed, and it was decided to introduce same at the meeting on May 10th.

Open Space

Mr. DeMarco reported on the last Open Space Advisory Committee meeting and asked should the Open Space Committee "shepherd" requests from other groups to use open space funds? Mr. Rossi felt this would add another layer and delay response, but Mrs. Foster was in favor of providing an orderly and transparent process. By the time a request is discussed before council, members would be better prepared to respond. It was generally agreed that future requests should go to Open Space with copies to appropriate committees.

Use of Field Request

The Director of Recreation reported receiving a request from Dave Rupperecht, Bernardsville resident for the use of a field on May 16 from 4:00 - 7:00 p.m. to hold a free soccer clinic. He will be training approximately 40 participants as a Delbarton school project. His father will be in attendance as the "responsible adult" and insurance will be provided as required. The Director reported that Recreation Committee members have no objections. Council consent was granted.

Curbing Request

Council consent was given to a request from Lois Walter and Thomas Spinks to install Belgium block curbing across the front of their property at 5 Ann Street, subject to (1) receipt of written acknowledgment that they will proceed at their own risk and recognize the curbing will be in the Borough's right-of-way and therefore subject to removal by the Borough, and (2) that plans must be approved in writing by the Public Works Manager and Engineer.

Corpus Christi Procession

The Associate Pastor at Our Lady of Perpetual Help Church requested permission to hold a Procession on borough streets on June 6, 2010 from 111 Claremont Road to the Chapel on Bernards Avenue. Traffic implications and the proposed route, were discussed. It was agreed that Mr. Rossi will discuss this activity with the Chief and report back on May 10.

OPEN SESSION

The Mayor opened the meeting to the public. Hearing no comments/questions, the Mayor closed.

CLOSED SESSION

Council Member Sooy moved to adjourn to an executive session to consider contract negotiations and property acquisition, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mrs. Foster seconded and the motion was approved by a voice vote of six ayes.

REOPEN AND ADJOURNMENT

Moved, seconded, and unanimously approved at 9:30 p.m.

Keywords: fire-official-parking-grants-loitering-yard-waste-budget-cap-bank-shed-sewer-tax-cable-oak-ridge-historic-preservation-police-traffic-pond-dredging-special-events-curbing-fields-church-procession

BOROUGH CLERK