

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting**  
**April 28, 2008**

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, April 28, 2008. Present were Denis J. Dooley II, Charlotte J. Foster, John McCrossan, Edward McDowell, and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Anthony Suriano, Deputy Clerk and Ralph Maresca, Administrator. Joseph Rossi was absent.

**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**

**PRESENTATIONS**

Mayor Honecker read a Proclamation honoring the accomplishments of the Bernards High School Fencing Team and Laura Paragano.

*WHEREAS, the Bernards High School Boys and Girls Fencing teams celebrated an outstanding 2008 season with an Individual Girls Foil State Title won by Laura Paragano, State Titles in Boys Team, Boys Epee Squad and Girls Epee Squad; and*

*WHEREAS, the 2008 Boys Team had their first undefeated season ever with a record of 22 wins and 0 losses, and won the District 1 Championship and the Skyland Conference Title; and*

*WHEREAS, the Boys Team District 1 Individual Champions were Josh Hammond (Sabre) and Danny Burke (Epee); and*

*WHEREAS, the 2008 Girls Team placed 2<sup>nd</sup> with a record of 21 wins and 1 loss, and won the District 1 and Skyland Conference Titles; and*

*WHEREAS, Laura Paragano was the Individual Girls Foil State Champion; and*

*WHEREAS, the Girls Team District 1 Individual Champions were Kathleen Rand (Sabre), Laura Paragano (Foil), and Diane Zielinski (Epee); and*

*WHEREAS, the following students are recognized:*

**2008 Girls Team Starters**

*Team Captain Laura Paragano, Alanna Dunn, Squad Leader (Foil) Charlotte McCoy, Caitlin Marsh, Squad Leader (Sabre) Lauren Chilton, Kathleen Rand, Christina Ventura, Epee-Diane Zielinski, Christina Efthimion, Squad Leader (Epee) Melanie Atwater, Michelle Riegman, and Emily Stevenson.*

**2008 Boys Team Starters**

*Team Captain Andrew Bostick, Squad Leader Dan Burke, Matt Schilling, Joe Brown, Foil-Squad Leader James Nieuwland, Tim Bosworth, James Cox, Sabre-Josh Hammond, Squad Leader Phil Efthimion, Charles Efthimion, and Cotton Engleby.*

***NOW, THEREFORE, I, Lee C. Honecker, Mayor of the Borough of Bernardsville, by the authority vested in me, and representing the Borough Council of the Borough of Bernardsville, do hereby congratulate the Bernards High School Fencing Teams and proudly enter this proclamation into the public record of the Borough of Bernardsville on April 28, 2008.***

**APPROVAL OF MINUTES**

Without additions or corrections, Mrs. Foster moved to accept the minutes of March 24<sup>th</sup> and April 14<sup>th</sup>, 2008. Mr. McDowell seconded and the motion was approved with five yes votes.

**OPEN SESSION**

Mayor Honecker opened the public session and with no comments, closed the session.

**ORDINANCES**

Mayor Honecker opened the public hearing on **#08-1485, AN ORDINANCE CONCERNING HOUSE NUMBERS AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**. With no comments or questions from the public, the hearing was closed. Mr. McCrossan moved to pass the ordinance on final reading and adopt as published. 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	Absent
Mr. McCrossan	Yes	Mr. Sooy	Yes

Mayor Honecker opened the public hearing on **#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"**. With no comments or questions from the public, Mayor Honecker

closed the hearing. Mrs. Foster moved to pass the ordinance on final reading and adopt as published. Mr. Sooy seconded. Mr. McCrossan voiced concerns about it being difficult for the police to enforce the proposed four hour parking limit on Boylan Terrace. Mr. Dooley said it could be done by marking tires. Mrs. Foster said commuters are parking their cars for long periods on Boylan Terrace and time limit parking will alleviate that. Mayor Honecker said the Police Chief reviewed this ordinance. The motion was approved by the following roll call vote:

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

Mayor Honecker opened the public hearing on **#08-1487, AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$18,000 FROM THE RECREATION CAPITAL IMPROVEMENT FUND.** With no comments or questions from the public, Mayor Honecker closed the hearing. Mr. McCrossan moved to pass the ordinance on final reading and adopt as published. Mr. McDowell seconded and the motion was approved by the following roll call vote:

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

Discussion on #08-1489 took place. Mr. McDowell asked when graffiti violations could be enforced. Mr. Pidgeon said this ordinance clarifies who enforces the violations and it can be enforced with the adoption of this ordinance. Mayor Honecker asked who notifies the building owners of this ordinance. Mr. Pidgeon answered Zoning Enforcement since property maintenance is enforced by them. Mr. McDowell suggested notifying business owners. Mrs. Foster moved that **#08-1489, AN ORDINANCE CLARIFYING ENFORCEMENT DUTIES IN THE GRAFFITI ORDINANCE, 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. on Tuesday May 27, 2008. Mr. Sooy seconded and the motion was approved with five yes votes.

### RESOLUTIONS

**#08-83 AUTHORIZING TAX LIEN REDEMPTIONS**

**#08-85 ACCEPTING MONTHLY REPORTS**

**#08-86 AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR TREE PRUNING/REMOVAL**

**#08-87 AUTHORIZING SUBMISSION OF 2008 SOMERSET COUNTY/MUNICIPAL OPEN SPACE PARTNERSHIP GRANT FOR BELCHER PROPERTY/HISTORIC DUNSTER HOUSE**

**#08-88 SUPPORTING THE *CLICK IT OR TICKET* MOBILIZATION OF MAY 19-JUNE 1, 2008**

**Consent Resolutions** - Mrs. Foster moved that Resolutions #08-83, #08-85 through #08- 88 listed herein by title, by hereby adopted. Mr. McDowell seconded and the motion was approved by the following roll call vote:

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

**Additional Resolutions:**

Mr. McCrossan said he would like an amendment added to the next to last paragraph of the document which would read, "in this year's state budget adoption". Mr. McDowell moved that **RESOLUTION #08-80, OPPOSING THE FAILURE OF THE GOVERNOR'S PROPOSED STATE BUDGET FOR THE 2008-09 FISCAL YEAR TO TREAT PROPERTY TAX RELIEF AS OUR PRIORITY**, listed herein by title, be hereby adopted as amended. Mr. McCrossan seconded and the motion was approved by five yes votes.

Mr. McCrossan felt this contract is too costly and pointed out that the first three items in Phase 1 have already been completed and only items 4 through 7 remain. He also believes Phase 2 should be reduced from \$11,000 to \$10,000. Mayor Honecker asked if we have time to hold off on this resolution. Mr. Maresca said the project is due to be completed by this fall. Mr. McCrossan would like the vendor to review the cost proposal. Mayor Honecker asked Mr. Maresca to take this back to Brownworth Engineering for further discussion and report back to council on May 12<sup>th</sup>. **RESOLUTION #08-81, AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH BROWNWORTH ENGINEERING FOR LIBRARY LIGHTING** was tabled.

Mr. McCrossan asked if this function would require police traffic control and if so, would the officers would receive borough or private overtime pay? Mr. Maresca replied that Somerset Hills Country Club would cover the expense. Mrs. Foster moved that **RESOLUTION #08-82, APPROVING A FIREWORKS PERMIT FOR SOMERSET HILLS COUNTRY CLUB (SHCC)**, listed herein by title, be hereby adopted. Mr. McCrossan seconded and the motion was approved by five yes votes.

Mr. McCrossan had a question on page 4 of the current fund of the bill list. He referenced check #30739 for \$1,953 payable to the VNA of Somerset Hills. He asked Mr. Maresca for an explanation of the charge. Mr. Maresca said it is the quarterly payment from the borough for our contract with the VNA. Mrs. Foster moved that **RESOLUTION #08-84, AUTHORIZING PAYMENT OF BILLS**, listed herein by title, be hereby adopted. Mr. McCrossan seconded and the motion was approved by the following roll call vote:

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

**REPORT OF THE MUNICIPAL ATTORNEY** - Mr. Pidgeon had one item to be held for Executive Session

### COUNCIL COMMITTEE REPORTS

Public Safety - Mrs. Foster referred to the resolution just passed regarding the "Click It or Ticket" program running from May 19<sup>th</sup> to June 1<sup>st</sup>, for which a grant of \$4,000 was received. On May 12<sup>th</sup> a resolution will be considered for alternate criteria for crossing guards as well as a mutual aid agreement. Mrs. Foster said she also has one item for Executive Session.

Finance - Mr. McCrossan reported that the committee is satisfied it address the operating budget. The committee had some questions for Mr. Maresca and he is preparing his answers and will report back. The first draft of the budget will be sent home to council this Friday, May 2<sup>nd</sup>. Introduction of the budget will be presented at the May 12<sup>th</sup> meeting.

Personnel - Mrs. Foster said the consultants will be ready to make an overview presentation on May 5<sup>th</sup> at 2:00 p.m. The consultants want council to decide on their strategic role in the future. She asked other council members as to whether all members of council or just representatives should be in attendance on May 5<sup>th</sup>. Mayor Honecker asked for their decision and it was agreed that all council members be present. The Deputy Clerk was directed to notice this special meeting on May 5<sup>th</sup> at 2:00 p.m.

Engineering, Technology & Public Works - Mr. Sooy reported that spring curbside clean-up is underway and 40 loads have been removed so far. JCP&L removed three trees. Improvements to Peter's Park are underway. The Meeker Road bridge project is in progress, as is the Route 202 drainage project. A meeting with the Chamber of Commerce is to be held at 9:00 a.m. the next morning regarding the Downtown Project. The Mayor asked Mr. McCrossan if he could attend. The contract for lighting at the library was discussed. Mayor Honecker said the Earth Day cleanup successfully took place this past Saturday.

### ITEMS OF BUSINESS

**Hearing on possible administrative code violations by Mr. Rossi** - Mr. Rossi was absent and this matter was carried to the May 12<sup>th</sup> meeting.

**Ten Towns Committee membership** - Terry Thompson, Mine Mount Road, spoke about the Ten Towns Committee and feels it would be helpful to join. Mr. McCrossan asked what we will get for our membership fee. Mrs. Thompson said the Ten Towns Committee is working on strategies and sample ordinances for the mitigation side of stormwater management. Mr. McCrossan asked if the Ten Towns Committee can provide a letter as to what their plans are. Mrs. Thompson said that was possible. Donald Knudsen, Anderson Hill Road, said that Bernardsville will remain in the Ten Towns Committee through 2009, and that one member must be an elected official. Mr. McCrossan said he wanted clarification on what the borough is getting through joining the committee. Mrs. Foster suggested a council member serve on the committee. Mr. Pidgeon said that appointment would be made by council. Mrs. Foster moved to approve payment of \$4,750 for membership in the Ten Towns Committee. Mr. Sooy seconded and the motion was approved upon the following call of the roll:

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

**Use of Open Space funds** -Mr. Pidgeon provided two draft resolutions for consideration. Draft 1A would use a portion of existing monies with no tax increase. Draft 1B would have a .2 cent tax increase. After discussion with Donald Knudsen, Anderson Hill Road, Skip Orza, Old Fort Road, and Sherry Frawley, Carriage House Road, it was decided to table discussion to the May 12<sup>th</sup> meeting.

**Schlott Charles Road Subdivision** - A three lot subdivision, which met all the design elements required by the Fire Prevention Bureau with the exception of the construction of a cistern was approved by the Planning Board. Mr. Pidgeon said that Schlott will obtain more bids for the construction of the cistern and that he will follow up.

**Well sharing at Lot 11.02 in Block 6** - A resident is currently building a home for himself at 101-2 Ballantine Road, which is adjacent to the area which has a fire cistern and well for the neighborhood. He is requesting utilizing the well for his domestic water along with use of the cistern. Mr. Pidgeon said more information is needed. Mayor Honecker said Mr. Maresca should pass this onto Fire Prevention and also to Mr. Mondok for input from the Planning Board.

**Relaxation of construction noise ordinance for downtown project** - Mrs. Foster moved to relax the construction noise ordinance for the downtown project. Mr. McCrossan seconded and the motion was approved by five yes votes.

**Municipal Alliance Appointments** - Mayor Honecker officially appointed Paula Marasco and Alice Steinbacher to the Municipal Alliance.

**Borough Cleanup Day**- Mayor Honecker spoke about former cleanups along Route 202 held by the Environmental Commission volunteers. Mayor Honecker asked for research of past cleanups and this topic will be discussed at the next meeting.

### **OPEN SESSION**

Mayor Honecker opened the public session.

Anthony Dello Russo, Mine Mount Road, called for harmony among the council members. The Mayor said council members have the borough's best interests in all their decisions.

Without further comments from the public Mayor Honecker closed the session.

### **CLOSED SESSION**

Council Member Sooy moved to adjourn to an executive session to consider personnel matters and that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved. Mrs. Foster seconded and the motion was approved with a voice vote of five eyes.

### **REOPEN AND ADJOURNMENT**

Mrs. Foster moved to adjourn the meeting. Mr. McDowell seconded and the motion was approved with a voice vote of five eyes.

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Anthony Suriano, Deputy Clerk

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keywords: fencing-housing-parking-recreation-dugouts-graffiti-tax-tree-pruning-belcher-open-space-police-grant-fireworks-ten-towns-open-space-subdivision-well-noise-alliance-cleanup