

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Agenda**  
**May 11, 2009**

This meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, May 11, 2009. Present were Joseph DeMarco, Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Sandra G. Jones, Borough Clerk/Assistant Administrator, and Ralph Maresca, Administrator/CMFO.

**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 January 6, 2009.

**OPEN SESSION**

Mayor Honecker opened the meeting to the public. Pat D'Amico, Mine Avenue resident and Crossing Guard, asked for feedback on his employment status. He said he has not been working due to findings of the Borough physician. Mr. Pidgeon recommended further public conversation be tabled. The Mayor said the Council has no knowledge of these matters, but agreed to refer the question to the Chief.

Harry White, Childs Road resident, repeated a complaint he said he made last year; that bushes in the center of the library lot prevent clear line of site for turning. The bushes have not been trimmed, and he said he has had close calls at the location. Mr. Maresca said he believes trimming is on the spring clean up list, and he agreed to follow up with Public Works. The Mayor closed the public session.

**ITEMS OF BUSINESS**

2009 Municipal Budget Introduction

Mr. McCrossan moved approval of **#09-96, RESOLUTION INTRODUCING THE 2009 BUDGET** (Sheet 2 of budget), providing for publication of a budget synopsis on May 21 and a public hearing on the introduced budget on June 8 at 7:00 p.m. Mrs. Foster seconded. Mr. McCrossan thanked all those who worked on the budget and he provided budget highlights, concluding with the bottom line, that the "net effect on taxes to be raised is 1.94%." A call of the roll followed:

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

Resolutions

- #09-98            AUTHORIZING PAYMENT OF BILLS**
- #09-99            SUPPORTING THE CLICK IT OR TICKET MOBILIZATION**
- #09-100          AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE POSTED  
IN CONNECTION WITH PERMITS FOR LOTS 18.01 AND 20.02 OF  
BLOCK 7**
- #09-101          CONSENTING TO RJR DEVELOPERS' TREATMENT WORKS  
APPROVAL (TWA) APPLICATION**
- #09-102          MEMORANDUM OF AGREEMENT FOR 2008 SERGEANTS AND  
LIEUTENANTS**

Mr. Rossi moved that **#09-98 thru #09-102**, listed herein by title, be hereby approved. Mr. Sooy seconded and the motion was approved upon a roll call vote:

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

Resolution #09-97, **CANCELING A CAPITAL ORDINANCE BALANCE**, was discussed. Mr. DeMarco asked why such a high sum was appropriated for purchase and installation of a swim pool diving stand and only a small sum used? Mr. Rossi explained that after approval of the ordinance, the Recreation Director learned about an acceptable modification to existing equipment which was considerably cheaper to do. Mr. Rossi seconded the motion to approve and the resolution was adopted unanimously.

Ordinances

Mayor Honecker opened the public hearing on **ORDINANCE #09-1512, AN ORDINANCE APPROPRIATING \$410,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 10/12 PARK LANE**. Mike Zazzarino, Childsworth Avenue resident and Secretary of the Somerset Hills Little League spoke in support of expansion of recreational facilities whenever the opportunity presents itself. Terry Coyle, Boulderwood Drive resident and Open Space Advisory Committee Chairman, objected to purchase of the front parcel/private home and he complained that the Open Space Advisory Committee was not given ample opportunity to consider this purchase. Janet Waite, Rippling Brook Way resident and member of Open Space and Recreation committees, repeated objections stated by Mr. Coyle, and complained that Council has

no specific plan for the parcels. Skip Orza, Old Fort Road resident and member of the Recreation Committee agreed with Mr. Coyle and Mrs. Waite, and called the purchase the biggest waste of taxpayer money he has seen in his 15 years as a resident. Hearing no further remarks, Mayor Honecker closed the public hearing. Mr. Rossi moved that **Ordinance #09-1512** be passed on final reading and adopted as published. Mr. DeMarco seconded. Mrs. Foster asked the status of the contract on the property? Mr. Pidgeon recommended the meeting be closed to the public to discuss property acquisition/contractual matters. Mrs. Foster moved to adjourn to **executive session** before a vote is taken on the ordinance. Mr. McCrossan seconded and the motion was approved unanimously. The executive session was closed and the meeting opened. Council members expressed views and concerns and a call of the roll followed:

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

Mr. McDowell moved that **#09-1513, AUTHORIZING AN APPROPRIATION OF \$6,750 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR OUTDOOR FURNITURE & EQUIPMENT**, 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 26, 2009. Mr. Sooy seconded and the motion was approved with six yes votes.

Council Member Rossi moved that **#09-1514, AN ORDINANCE CONCERNING THE SALARIES OF SUBSTITUTE DISPATCHERS AND AMENDING ORDINANCE #08-1495 AS PREVIOUSLY AMENDED BY ORDINANCE #08-1499**, 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 26, 2009. Mr. Sooy seconded. Mr. McCrossan voiced objections to the increases considering the state of the economy and suggested an analysis be done to out source dispatch services. Chief Valentine recommended out sourcing as a topic for another discussion, and he defended the need for competitive salaries as long as in-house dispatching exists. Mr. Sooy seconded the motion which was approved with five yes votes. Mr. McCrossan voted no.

Council Member McCrossan moved that **#09-1515, 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 26, 2009. Mrs. Foster seconded and the motion was approved by a voice vote of six ayes.

**Fire Company/request for sign**

Jim Pickell, Fire Company President, requested permission in writing to display an "outdoor sign on the brick exterior of 1-3 Olcott Square from May 12 to June 7. " A sample of the sign advertising their First Annual Summer Bash on June 6 was provided (no size was indicated on the sample). Mr. McDowell moved to approve this request. Mrs. Foster seconded and the motion passed with six yes votes.

**Chamber/Sounds Around Town**

This event was approved in concept on April 13 and a more complete list of participants, activities and locations was reviewed on this date. With regard to activity on Olcott Square, Chief Valentine said he has no concerns from a Public Safety point of view. Whether or not a DOT permit would be required for road closure in that area was debated. Mr. McCrossan expressed concern about overtime expenses which will not be paid by the event sponsor, as is the case with most public events. That point was also debated at length. It was decided the event will proceed as described by the Chamber, and new or additional procedures for public events may be considered for the future.

**Traffic Study**

Mr. Rossi said the Public Safety Committee has discussed a town wide study of roads, including specific problematic locations. He speculated the cost at approximately \$7000. Mr. Pidgeon was asked to prepare specifications for proposals.

**Consultants Report**

Mrs. Foster reported that the personnel committee will focus on performance reviews and job descriptions. It was suggested that a future special meeting may be required to discuss the consultants findings and recommendations.

**Draft Ordinances**

**Vacant buildings** -- Mr. Pidgeon was directed to expand the draft for review at a future meeting.

**Bicycle/bike rack regulations** -- Mr. Pidgeon was given suggested changes to the draft and it was agreed that when the draft is ready, it will be referred to the Police Committee for review.

**Regulating dumpsters** -- It was agreed that Mr. Pidgeon will modify the ordinance as discussed, for introduction on May 26.

**Modifying the Lot Shape Requirement in the R-1-10 Zone** -- Mrs. Foster said this would prevent the creation of long, narrow lots. It was agreed to introduce this ordinance on May 26.

**Policy planning & coordination of energy initiatives** -- Mrs. Foster said she is tentatively planning an event in the fall on this topic and is currently compiling a list of people who might be interested.

**Summer hours** -- Mr. Maresca asked permission to offer the summer working schedule to full-time office employees who may be interested. The program rules will be the same as previous years and it will run from Memorial Day to Labor Day. Mr. McDowell moved to approve. Mrs. Foster seconded and the motion was approved with six yes votes.

**Parking for Keller Williams grand opening** -- In an email dated May 8, Ms. Formisano of Keller Williams asked permission to use a portion of the Borough lot at the train station to accommodate attendees at their grand opening from 5:00 to 8:00 p.m. on June 4. Chief Valentine stated that he has no concerns. Borough Council members consented.

**Correspondence** -- Mayor Honecker said Recreation sent the usual invitation for Council to participate in the annual Memorial Day Parade, on Monday, May 25<sup>th</sup>. The parade begins at 10:30 a.m. at Bernards High School. A copy of the letter from Verizon to COAH was received, seeking relief from the Scarce Resource Restraint in connection with their application to construct a 145 foot tree pole and equipment shelter at 171 Washington Corner Road. Kaleidoscope of Hope has requested a proclamation recognizing the Turn the Town Teal campaign and declaring September as ovarian cancer awareness month. Said proclamation will be prepared for the next meeting.

## ADJOURNMENT

It was moved, seconded and unanimously agreed to adjourn the meeting at 10:00 p.m.

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Sandra G. Jones, Clerk

keywords: library-lot-budget-finance-treatment-works-police-contract-open-space-trust-recreation-park-lane-fire-company-sign-chamber-commerce-sounds-around-town-traffic-study-consultants-vacant-buildings-bicycle-racks-dumpsters-zoning-energy-summer-hours-parking-keller-williams-correspondence-parade