

# **BOROUGH OF BERNARDSVILLE**

## **BOROUGH COUNCIL MEETING MINUTES**

May 22, 2006

The meeting was called to order by Mayor Jay Parsons at 7:00 p.m. on Monday, May 22, 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, Ralph A. Maresca, Jr., Administrator & C.M.F.O. and Sandra Jones, Municipal Clerk & Assistant Administrator.

### **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**

#### **CERT certificate presentations**

Police Chief and Emergency Management Director Kevin Valentine presented certificates to Pat Robinson, Catherine Ferrara, Laurie Felber and Kathryn Paragano, for completion of the voluntary disaster management training course for CERT (Community Emergency Response Team) Members. Chief Valentine recognized other CERT team members who were present, including Lois and John Palomaki and Peter Burn.

#### **2006 Municipal Budget Hearing**

Mayor Parsons opened the public hearing on the 2006 Municipal Budget as introduced on April 24. Without comments or questions from the public, the Mayor closed the public hearing.

Delivered to the group on this date was a resolution to amend the budget, #124A, and a resolution relative to self-examination of the budget, #124B. Messrs. Maresca and Landau explained the proposed amendment, reducing the budget by \$27,000, and the line items effected.

The Mayor opened discussion on the proposed amendment. Mr. Rossi discussed his view of the needs of the senior community, and recommended an addition to the budget for this purpose. Mr. Dooley listed various resources available to seniors. Mr. Landau said he was open to developing a plan to provide assistance in the 2007 budget, after the needs are clarified. Mrs. Foster discussed the senior van, her view that a new van is needed, asked if the lift on the van is working properly, and listed funding sources for a new van which are being explored. Mr. Maresca stated that as far as he knows the van, and all its parts, are functioning.

Members of the public offered comments at this point in the budget amendment hearing. Jean Oliver, Somerset Avenue, said transportation for seniors in this area is a real difficulty, and commented that some seniors cannot afford the \$1.50 lunch at the senior center. Edith Cavaluzzo, Garibaldi Street, said that Somerset County staffs the Senior Center, provides supplies, food and transportation, and that the \$1.50 is a suggested donation. Various trips already available through the senior program were discussed by Mrs. Cavaluzzo.

Mr. Landau moved that the amendment to the 2006 Municipal Budget, as shown in #06-124A, along with the resolution for self examination, shown in #06-124B, be adopted by the Council. Mr. Honecker seconded, and the motion was approved by five yes votes. Mr. Salovaara abstained.

Mr. Landau moved that Resolution #06-125 (Sheets 49 and 50 of the Budget Document), adopting the 2006 Municipal Budget as amended, be hereby adopted. Mr. Rossi seconded, and the motion was approved upon a call of the roll, as follows:

Mr. Dooley	Yes	Mr. Landau	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. Honecker	Yes	Mr. Salovaara	No

### Verizon Application for Municipal Consent

Mayor Parsons opened the public hearing on the Verizon application. Verizon was represented by Ed Butts, Franchising Manager and Arquelio Fraticelli, Director of External Affairs. Mr. Butts discussed Verizon's application for statewide consent and commented that a decision in Trenton is expected within the next two weeks. If granted, statewide consent would make public hearings on the municipal level unnecessary, and Mr. Salovaara asked if it would, in that case, be prudent to delay this hearing until the next meeting? With a decision to continue tonight, and a request to be brief, Mr. Butts discussed their goals of competitive service and pricing. He said Verizon is replacing the telephone system with underground fiber optic cable in the future whether or not their cable application is approved. Mr. Pidgeon said the borough has no control over franchise fees; 2% is set by statute. Under this new act, however, the Borough would receive 3.5%. Mr. Rossi asked what Verizon will do for Bernardsville, discussed the INET system which has been given to the town by Patriot Media, and listed his concerns with Verizon, including switch box locations. Terry Thompson, Planning Board Member, said Verizon has Planning Board approval for switch locations. Kathy Palmer, Prospect Street, expressed her displeasure with Verizon installations when considering them for work at her home. Al Licata, Basking Ridge, spoke about the cable industry in general, said that while he served on the Bernards Township governing body, he sat on the League of Municipalities committee to review the Verizon bill, which now has League support. Mr. Holanda, Patriot Media advocated letting this "play out" since passage of the bill would take the process away from local review. Mr. Butts responded that no one has to switch service even if Verizon installs cable in the borough and that "competitive necessity" will resolve problems. Mr. Salovaara moved to adjourn public hearing to June 12. Mr. Rossi seconded the motion which was approved by six yes votes.

### APPROVAL OF MINUTES

Mr. Salovaara moved to approve meeting minutes of April 24 and May 8, 2006, with minor corrections as discussed (spelling of Kathy or Cathy Pierce, and the times of the Mission Fair). The Borough Clerk agreed to check records and make the corrections. Mrs. Foster seconded and the motion was approved with six yes votes.

### OPEN SESSION

Mayor Parsons opened the public hearing. Terry Thompson, Borough representative to the Ten Towns Committee, asked if the Ten Towns membership fee for 2006 will, or perhaps has, been paid? Mr. Maresca answered that it has, or will be paid. Mayor Parsons closed the public session.

### ORDINANCES

#### Public Hearings

Mayor Parsons opened the public hearing on **#06-1430**. Without comments or questions from the public, the hearing was closed. Mr. Salovaara moved that **#06-1430, AN ORDINANCE CONCERNING SPECIAL EVENT LICENSES AND SUPPLEMENTING AND AMENDING SECTION 4-12 OF THE BOROUGH CODE**, be passed on final reading and adopted as published. The motion was seconded by Mr. Landau and approved with six yes votes.

Mayor Parsons opened the public hearing on **#06-1431**. Without comments or questions from the public, the hearing was closed. Mr. Landau moved that **#06-1431, AN ORDINANCE DELEGATING TO THE BOROUGH CLERK THE**

**AUTHORITY TO APPROVE THE GRANTING OF RAFFLE AND BINGO LICENSES**, be passed on final reading and adopted as published. The motion was seconded by Mr. Salovaara and approved with six yes votes.

Mayor Parsons opened the public hearing on **#06-1432**. Peter Palmer, Prospect Street, asked if Council had taken any initiative to protect the affordable housing on Pine Street? He explained that after 20 years the municipality must extend, or loose, the affordable housing classification and if lost, the community must start over to fulfill COAH obligations. Irwin Oris, Old Colony Road, introduced himself as a professional planner specializing in affordable housing and said that the third round plan should address this situation. Mr. Pidgeon was directed to review and report back. Joe Rega, Sunset Drive, speculated that Pine Street housing is not occupied by low income individuals, "judging by the expensive cars in the lot." Jean Oliver, Somerset Avenue, said she heard that at least one unit was sold at market price, but Mr. Pidgeon said that is not true; all units have remained in the program. Mayor Parsons closed the public hearing. 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 passed on final reading and adopted as published. The motion was seconded by Mr. Dooley and approved with six yes votes.

Mayor Parsons opened the public hearing on **#06-1433**. Philip Pitney, Lloyd Road, asked what this ordinance would accomplish? Mayor Parsons responded, then closed the public hearing. Mr. Dooley 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 passed on final reading and adopted as published. The motion was seconded by Mrs. Foster and approved with five yes votes. Mr. Salovaara voted no.

Mayor Parsons opened the public hearing. Brian McParland, Prospect Street, said he lives adjacent to the subject property. At this point Mr. Honecker recused himself. Mr. McParland said he does not favor building another house on the site. Irwin Oris, Old Colony Road, stated he supports acquisition for open space, and urged the council to consider the residents wishes as well as safety issues when developing future plans. Mr. Salovaara stated that adoption of the ordinance would not commit the Borough to anything, not even acquisition. Jean Oliver agreed that the safety of children should be considered if a park is built on the site, due to close proximity to the roadway. Karen Kaminski, Dogwood Lane, said she does not favor a park at that site unless it is well lit. Mayor Parsons closed the public hearing. Mr. Salovaara moved that **#06-1434, AUTHORIZING THE EXERCISE OF EMINENT DOMAIN, IF ADVISABLE, TO ACQUIRE BLOCK 124, LOT 2**, be passed on final reading and adopted as published. The motion was seconded by Mr. Rossi and approved with five yes votes. Mr. Honecker returned to the podium.

### Ordinance Introduction

Mr. Honecker moved that **#06-1435, AN ORDINANCE CONCERNING INSPECTION OF RESIDENTIAL RENTAL PROPERTIES AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE 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, June 26, 2006. Mr. Salovaara seconded and the ordinance was approved upon introduction with six yes votes.

### CONSENT RESOLUTIONS

Certain resolutions were discussed. Mr. Rossi moved that **#06-113 through #06-123**, listed herein by title, be approved. Mr. Honecker seconded and the motion was approved with six yes votes.

**#06-113 AUTHORIZING THE USE OF THE BERNARDSVILLE MUNICIPAL POOL GROUNDS ON**

**SEPTEMBER 7, 2006 FOR BERNARDS HIGH SCHOOL PROJECT GRADUATION**

- #06-114 AUTHORIZING THE USE OF THE BERNARDSVILLE MUNICIPAL POOL ON SEPTEMBER 9, 2006**
- #06-115 APPROVING THE 2006 FARMERS MARKET**
- #06-116 CONSENTING TO A BANNER ADVERTISING UNITY DAY IN THE BOROUGH OF BERNARDSVILLE**
- #06-117 AUTHORIZING TAX REFUNDS**
- #06-118 PROVIDING FOR THE INSERTION OF \$773.95 AS A SPECIAL ITEM OF REVENUE IN THE 2006 BUDGET (Chapter 159, P.L. 1948)**
- #06-119 APPROVING AN OFF-PREMISE 50/50 RAFFLE APPLICATION FROM THE BERNARDSVILLE FIRE COMPANY, INC.**
- #06-120 APPROVING A PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE #1803-33-013-010**
- #06-121 ACCEPTING MONTHLY REPORTS**
- #06-122 AUTHORIZING DISCHARGE OF HOUSING REHABILITATION MORTGAGE**
- #06-123 AUTHORIZING PAYMENT OF BILLS**

**REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon's written report was received by Mayor and Council via email.

**COUNCIL COMMITTEE REPORTS**

**Public Safety Chairman**, Mr. Honecker, reported that an ordinance is being reviewed regarding off-duty employment of Police Officers. The Mayor asked if any conclusion had been reached with regard to the library parking situation? Mr. Honecker said certain issues with enforcement and signs are being discussed, and a decision should be forthcoming before September.

**Finance Chairman**, Mr. Landau, discussed the incorrect Bernardsville News article referencing "lost revenues" from taxation, and the second article which he requested in order to clear up any misconceptions the public may have as a result of reading the first article. Two members of the public spoke at this point, Jean Oliver, Somerset Avenue, regarding meetings held years ago during a revaluation, and Joseph Rega, Sunset Drive, regarding inspections by assessors, and what results when inspectors do not gain entrance. Mayor Parsons responded.

**Personnel Committee Chairman**, Mr. Salovaara, said meetings scheduled with union representatives had to be rescheduled, so there is nothing new to report. The committee will meet after the next negotiating sessions, evaluate, then report to the entire Council.

**Engineering, Technology & Public Works Chairman**, Mr. Dooley, said that written information was provided on Wesley Avenue and Church Street work. Trees behind the library, near Wesley Avenue, need to be removed at an approximate cost

of \$800. Mr. Rossi discussed the possibility of paving the gravel lot at the train station, storm water regulations as related to Hardscrabble Road paving, and electrical service for Unity Day. Messrs. Dooley and Macdowall responded that paving for the gravel lot is under consideration and that more detail is needed from the Chamber of Commerce in regard to the electrical service. Mr. Macdowall advised that, in regard to the electrical service and the trenches which would be necessary, a wetlands expert recently inspected the area and his report is expected very soon.

## **ITEMS OF BUSINESS**

### **Request from SHSD for waiver of fees**

The Somerset Hills School District request was discussed for a waiver of fees (\$1,050) for a variance application for a sign by the front entrance of the Bernardsville Middle School at 121 Seney Drive. Mr. Salovaara moved to waive the fees. Mr. Honecker seconded, and the motion was approved by six yes votes.

## **OPEN SESSION**

Mayor Parsons opened the public session. Neil Schetelick, Mine Avenue, asked Mr. Dooley when Bernards Avenue work would begin, and who is responsible to remove stumps when “town trees are cut down”? Mr. Dooley responded that Bernards Avenue work should begin in June, and that he would look into the tree stump question and contact Mr. Schetelick with an answer. Mayor Parsons closed the public session.

## **CLOSED SESSION (There was none)**

## **ADJOURNMENT**

It was moved by Mr. Landau to adjourn the meeting at 9:05 p.m., seconded by Mrs. Foster, and approved unanimously.

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Sandra G. Jones, Borough Clerk

keywords:

cert-budget-verizon-cable-ten-towns-special-events-raffle-bingo-housing-parking-library-lot-eminent-domain-rental-inspection-pool-farmers-unity-day-banner-tax-re-funds-revenue-liquor-transfer-rehabilitation-mortgage-bills-off-duty-taxation-union-trees-train-station-paving-electrical-school-waiver-fees-bernards-avenue-stumps