

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**May 24, 2010**

This meeting was called to order by Mayor Honecker at 7:00 p.m. on Monday, May 24. Present were Council Members Joseph DeMarco, John McCrossan, Joseph Rossi, and Kevin Sooy. Also present were Ralph Maresca, Administrator/CMFO, Sandra Jones, Borough Clerk/ Assistant Administrator, and Borough Attorney John R. Pidgeon, Esquire. Edward McDowell and Charlotte J. Foster were 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 January 5, 2010.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Housing Element and Fair Share Plan/COAH

David Zimmerman, Planner, was present to discuss the Planning Board Resolution Adopting the Housing Element and Fair Share Plan, an amendment to the Master Plan, adopted on May 20. He said the next step is a resolution of the governing body to petition COAH for certification. The Mt. Laurel obligation (120 affordable housing units and 15 rehabilitation units by 2018) has been reduced to 61, and the make up of that need is described in an Executive Summary prepared by Mr. Zimmerman, and distributed to the Mayor and Council at this meeting. Because the future of COAH is under review, requirements may change, but adoption of the Housing Element and Fair Share Plan complies with deadlines already imposed. (See Resolution #10-101)

2010 Municipal Budget Hearing

Mayor Honecker opened the hearing on the budget. John Cassells, Auditor, was present to answer questions. Hearing no comments or questions, the public hearing was closed. A resolution to adopt the budget will follow later in this meeting.

**APPROVAL OF MINUTES**

Mr. Sooy moved to accept minutes of meetings held April 26 and May 10. Mr. DeMarco seconded the motion, which was approved with four yes votes.

**OPEN SESSION**

Mayor Honecker opened the meeting to the public. Hearing no comments or questions, the public session was closed.

**ORDINANCES**

Mayor Honecker opened the continued public hearing on #10-1542, **AN ORDINANCE CONCERNING YARD WASTE COLLECTION AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**. Without comments or questions from the public, Mayor Honecker closed the hearing. Mr. Rossi moved to pass the ordinance on final reading and adopt as published. Mr. Sooy seconded the motion which was approved upon a roll call vote:

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

Mr. DeMarco moved that **#10-1547, AN ORDINANCE ESTABLISHING GUIDELINES FOR ACCEPTANCE OF IN-KIND DONATED SERVICES AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**, 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., June 28, 2010. Mr. McCrossan seconded and the motion was approved by four yes votes.

Mr. DeMarco moved that **#10-1548, AN ORDINANCE CONCERNING SPECIAL EVENTS AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING"**, 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., June 28, 2010. Mr. McCrossan seconded and the motion was approved by four yes votes.

Mr. Sooy moved that **#10-1549, CONCERNING FEES FOR COPIES OF BOROUGH RECORDS AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**, 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., June 28, 2010. Mr. DeMarco seconded and the motion was approved by four yes votes.

**RESOLUTIONS**

- #10-87      APPOINTING A PART-TIME, SUBSTITUTE SCHOOL CROSSING GUARD**
- #10-88      APPROVING FULL-TIME STATUS FOR KIRSTEN KASULANIS, SECRETARY TO THE BOROUGH CLERK**
- #10-89      ACCEPTING MONTHLY REPORTS**

- #10-90        AUTHORIZING 2010 TAX AND SEWER FEE REFUNDS**
- #10-91        AUTHORIZING REDEMPTION OF OUTSIDE TAX CERTIFICATE #266**
- #10-92        APPROVING A FIREWORKS PERMIT FOR SHCC**
- #10-93        AUTHORIZING THE SUBMISSION OF THE YEAR 2011 SOMERSET  
HILLS MUNICIPAL ALLIANCE REQUEST FOR APPLICATION WITH  
SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS**
- #10-94        AUTHORIZING EXECUTION OF A TREATMENT WORKS APPROVAL  
(TWA-1) AND STATEMENT OF CONSENT (WQM003) FOR RYLOCAIT,  
INC.**
- #10-96        AUTHORIZING EXTENSION OF TIME FOR OLD FORT ROAD  
MUNICIPAL AID GRANT**
- #10-97        AUTHORIZING PAYMENT OF BILLS**
- #10-98        AUTHORIZING PROFESSIONAL SERVICES APPOINTMENTS AND  
CONTRACTS**
- #10-99        AUTHORIZING A CONTRACT WITH NORTHEAST PROFESSIONAL  
SERVICES INC. TO PERFORM HOUSING INSPECTIONS**
- #10-100       ESTABLISHING A PROCEDURE FOR SPENDING OPEN SPACE TRUST  
FUNDS**
- #10-101       ENDORSING HOUSING ELEMENT AND FAIR SHARE PLAN AND FILING  
PETITION FOR SUBSTANTIVE CERTIFICATION WITH COAH**
- #10-102       AUTHORIZING A SECTION 125 FLEXIBLE BENEFITS PLAN FOR  
UNREIMBURSED MEDICAL EXPENSES AND PREMIUM WAIVER AND  
DEPENDENT CASE**

Mr. Sooy moved that Resolutions #10-87 through #10-94 and #10-96 through #10-102 be approved.  
Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

Regarding #10-95, Mr. Rossi asked if pricing in change orders could be reviewed in advance? Mr. Rossi moved that **RESOLUTION #10-95, APPROVING CHANGE ORDERS #2 AND 3 TO THE CONTRACT FOR OAK RIDGE ROAD DRAINAGE IMPROVEMENTS**, listed herein by title, be hereby adopted. Mr. Sooy seconded and the motion was approved upon a roll call vote:

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

Mr. McCrossan moved that **RESOLUTION #10-103, ADOPTING THE 2010 BUDGET** (Sheets 41 and 42 of the Budget document), be adopted. Mr. Rossi seconded the motion.

Mr. McCrossan moved to approve **#10-104, PROVIDING FOR THE INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2010 BUDGET (Chapter 159, P.L. 1948)**. Mr. Sooy seconded and the motion was approved by Mr. Sooy.

Mr. McCrossan moved to approve **RESOLUTION #10-105, SELF EXAMINATION OF BUDGET RESOLUTION** . Mr. Rossi seconded the motion.

Mr. Pidgeon offered **RESOLUTION #10-106, AUTHORIZING THE BUDGET TO BE READ BY TITLE AS AUTHORIZED BY STATUTE**. Mr. DeMarco moved to approve and Mr. Rossi seconded the motion.

A roll call vote followed on **Resolutions #103, 104, 105 and 106:**

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

**REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon’s Report as of May 20 was received.

**COUNCIL STANDING COMMITTEE REPORTS**

Mr. Rossi reported for the **Public Safety Committee** that Police Officer interviews are in progress. The committee will discuss commercial vehicle parking issues and report at the council work meeting.

Mr. McCrossan reported for the **Finance Committee** that the budget has been their main focus.

Mr. Sooy, **Personnel Committee**, reported that matters will be discussed in Executive Session.

Mr. DeMarco, for **Engineering, Technology, & Public Works**, said their last meeting was productive with discussion covering projects on Eastern Avenue and Overleigh Road. Anderson Road will be discussed with the neighbors on June 2. Future projects for Elmer Avenue and Sycamore Hill were discussed as well.

### ITEMS OF BUSINESS

#### Little League request for temporary lighting

Michael Flaherty, 11 Pine Street, offered no objection to this request. John Wronko, 59 Liberty Road, said neighbors have been told they would be notified of any intensive use at the field, like the night lighting, and he requested notification for all neighbors in the future. Mayor Honecker said he would contact the Little League to notify surrounding neighbors when they wish to use the lights on the field. Mr. Rossi suggested notification be put on the playing schedule. Mayor Honecker will email the League to remember this notification issue. Mr. Rossi moved to approve temporary lights at the Kiwanis Field during the Little League's Homerun Derby. Mr. Sooy seconded and the motion was approved by four yes votes.

#### Sussman bench celebration

Mayor Honecker described the site selected, near a tree facing the pond, for this event on Saturday June 12 at 2:00 p.m. All members agreed to the placement of a bench honoring long time resident Sid Sussman.

#### Request from Phil Vernimb

Members discussed a proposal by this student who applied for a Peddler's License to sell snacks and beverages. After an investigation was completed by the Police Department, it became evident that the license was not intended for door to door use, but instead at private parties and/or public gatherings, and that the activity as proposed does not fall within the definition in our ordinance. In response to the appeal for special permission as outlined in a letter from Mr. Vernimb dated May 19, no action was taken.

#### Efficiency recommendations

This topic was carried to the June work meeting.

Requests for open space funds

Two requests have been received. From HPAC, \$20,000 for the Dunster Squibb House. Mr. Lincoln and Mrs. Marasco were present to discuss that proposal. From Public Works, a proposal to use open space funds to replace a bridge to the Claremont Field at a cost of about \$100,000. The Borough Clerk was directed to forward both requests for review and comment by June 9 for the June 14 meeting, pursuant to the newly adopted resolution #2010-100, a Resolution Establishing a Procedure for Spending Open Space Trust Funds.

Correspondence

A letter from the Borough Clerk to David Neill was sent on May 19, regarding the Mayor's appointment of Mr. Neill to the Historic Preservation Advisory Committee to serve for an unexpired term until December 31, 2011.

Mayor Honecker reported receipt of a letter from PS&G regarding gas emergency response and coordination during gas emergencies, and providing emergency contact information.

Mayor Honecker reported receipt of a letter dated May 14 from the Township of Woodbridge announcing the 2<sup>nd</sup> Annual Raritan River Symposium at Cook College Center on June 4.

Mayor Honecker reported receipt of letters from Somerset County regarding:

- Department of Human Services regarding automatic renewal of participation in Community Development Block Grant (CDBG) & HOME Investment Partnership programs for 2011 - 2013.
- Recycling Program announcement of June as "Curb Hunger" month, and asking that a representative of the Borough Public Works contact them in this regard.

In a letter dated May 19, the Mayor reported that the Attorneys representing the JIF are hosting another series of Public Affairs Breakfasts from 8:00 to 10:00 a.m. on June 10 at the Somerset Hills Hotel.

In a letter dated May 13, the Mayor was asked for recognition for a Girl Scout who resides in Warren, Kira Seiger, who will be recognized for service "above and beyond."

Update on the Downtown project

This matter was tabled for closed session.

Bernardsville pocket directory

The Borough Clerk was authorized to proceed with a directory for 2010 at a cost of about \$450, with the addition of reference to the Civic Complaint process.

**OPEN SESSION**

The Mayor opened the meeting to the public. Dan Lincoln expressed thanks to the Borough Council for the Street Fair and explained how helpful it was for HPAC's community outreach. Mayor Honecker closed the open session.

**CLOSED SESSION**

Council Member Sooy moved to adjourn to an executive session to consider (*Collective Bargaining/Contract Negotiations*) labor contracts and (*Attorney-client privilege exemption*) April 7 Closed Session Minutes, and that the time when and circumstances under which the matters can be disclosed to the public is when it (they) are finally resolved. Mr. Rossi seconded and the motion was approved with four yes votes.

**REOPEN**

Moved, seconded, and approved with four yes votes.

Moved by Mr. Rossi that #10-1550, **SALARY ORDINANCE FOR BOROUGH EMPLOYEES WHO ARE MEMBERS OF THE I.B.E.W., LOCAL 118**, 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., June 14, 2010. Motion was seconded by Mr. McCrossan and approved with four yes votes.

Moved by Mr. Rossi that #10-1551, **AN ORDINANCE INCREASING SALARIES/HOURLY RATES OF NON-CONTRACTUAL EMPLOYEES AND AMENDING ORDINANCE #08-1495**, 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., June 14, 2010. Motion was seconded by Mr. DeMarco and approved with four yes votes.

It was moved, seconded, and approved with four yes votes to adopt Resolution#10-107, entitled **APPROVING A MEMORANDUM OF AGREEMENT BETWEEN BOROUGH OF BERNARDSVILLE AND LOCAL 1158, I.B.E.W.**

**ADJOURNMENT**

Moved, seconded, and approved with four yes votes at 9:35 p.m.

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keywords: coah-budget-housing-plan-fair-share-yard-waste-events-copies-tax-fireworks-lights-little-league-alliance-old-fort-rylocait-service-open-space-medical-labor-contract-drainage-bench-sussman-peddler-downtown