

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
May 26, 2009

This meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, May 26, 2009. Present were Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi and Kevin Sooy. Joseph DeMarco arrived late. Also present were Borough Attorney John R. Pidgeon, Esquire, Sandra G. Jones, Assistant Administrator & Borough Clerk, and Ralph Maresca, Jr., 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.

PLEDGE OF ALLEGIANCE

Mayor Honecker congratulated Recreation Director Cheryl Ferrante, upon completion of a Bachelor of Arts Degree in Recreation Administration from Kean University. Mrs. Ferrante thanked current and past councils for their financial support.

PRESENTATIONS

Mayor Honecker read a proclamation supporting a *Turn The Towns Teal* ovarian cancer awareness campaign during September, when ribbons will be displayed throughout town.

APPROVAL OF MINUTES

Mrs. Foster moved to approve minutes of meetings held April 27, May 11 and May 18. Mr. Sooy was absent on May 18. Mr. Rossi seconded the motion which was approved with five yes votes.

OPEN SESSION

Mayor Honecker opened. Hearing no comments, the Mayor closed the open portion of the meeting.

ORDINANCES

Mayor Honecker opened the public hearing on **#09-1513, AUTHORIZING AN APPROPRIATION OF \$6,750 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR OUTDOOR FURNITURE & EQUIPMENT**. Hearing no comments or questions, the Mayor closed the public hearing. Mr. Rossi moved that the ordinance be passed on final reading and adopted as published. Mr. Sooy seconded the motion which was approved upon a roll call vote:

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

Mayor Honecker opened the public hearing on **#09-1514, AN ORDINANCE CONCERNING THE SALARIES OF SUBSTITUTE DISPATCHERS AND AMENDING ORDINANCE #08-1495 AS PREVIOUSLY AMENDED BY ORDINANCE #08-1499**. Hearing no comments or questions, the Mayor closed the public hearing. Mr. Sooy moved that the ordinance be passed on final reading and adopted as published. Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

Mayor Honecker opened the public hearing on **#09-1515, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**. Hearing no comments or questions, the Mayor closed the public hearing. Mr. McCrossan moved to amend by adding the following: *"Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent. In particular, Ordinance #09-1507 is repealed."* Mr. McDowell seconded and the motion to amend was approved and with five yes votes. Mr. McCrossan moved that #09-1515 be passed on final reading, as amended. A call of the roll followed:

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

Mrs. Foster moved that **#09-1516, AN ORDINANCE MODIFYING THE LOT SHAPE REQUIREMENT IN THE R-1-10 ZONE DISTRICT**, 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 22, 2009. The ordinance was discussed, and it was agreed to ask Planning Board representatives to attend the public hearing on this ordinance, to answer questions before passage. Mr. McDowell seconded and the motion was approved by four yes votes. Mr. DeMarco was absent and Mr. McCrossan abstained.

Mrs. Foster moved that **#09-1517, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH LAND DEVELOPMENT ORDINANCE ENTITLED "ZONING" BY ADDING PROVISIONS REGULATING DUMPSTERS**, 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 22, 2009. Mr. Sooy seconded. Mrs. Foster asked how this ordinance would affect dumpsters currently in use in the borough? Mr. Pidgeon said they would not be grandfathered. It was agreed that Mr. Pidgeon will amend this ordinance to include sidewalks. The motion to approve upon introduction was adopted by five yes votes.

Mr. Sooy moved that **#09-1518, AN ORDINANCE REQUIRING PROPERTY OWNERS TO PAINT EXTERIOR BOARDS THAT COVER WINDOWS AND DOORWAYS OF VACANT PROPERTIES AND SUPPLEMENTING AND AMENDING THE COMMERCIAL AND RESIDENTIAL PROPERTY MAINTENANCE CODES SET FORTH IN CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE"**, 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 22, 2009. Mrs. Foster seconded and the motion was approved by five yes votes.

RESOLUTIONS

- #09-103 AUTHORIZING A 2008 TAX REFUND**
- #09-104 AUTHORIZING SUBMISSION OF A 2009 MUNICIPAL AID GRANT APPLICATION**
- #09-105 ACCEPTING MONTHLY REPORTS**
- #09-106 AUTHORIZING PAYMENT OF BILLS**
- #09-107 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$738,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**

Mr. Rossi moved adoption of Resolutions #09-103 through #09-107. Mr. McDowell seconded and the motion was approved upon a call of the roll:

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

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon discussed quotes obtained for lead and oil clean up at the Belcher property. Converse Consultants will monitor cleanup work, along with the DEP. Escrow will cover the cost.

COUNCIL STANDING COMMITTEE REPORTS**Public Safety**

Mr. Rossi spoke of many topics; hiring a new police officer, the need for a sliding pay scale for the dispatch center, Old Fort Road traffic study and grant funds. Mayor Honecker recommended that council review the award for Safe Routes to School and that the Public Safety Committee make their concerns known to Public Works. Mayor Honecker read a letter dated May 12 from DOT Commissioner Stephen Dilts stating the Borough has "been selected to receive funding from the Department of Transportation's Safe Routes to School Program for the School Route Pedestrian Safety Enhancement 1 - Old Fort, 2 - Anderson Hill, 3 - Mine Mt. and 4 - Olcott, Infrastructure project in the amount of \$300,000."

Finance

Mr. McCrossan said the 2009 budget hearing is scheduled for June 8, and that he will have an analysis prepared for that meeting.

(Mr. DeMarco arrived)

Personnel

Mr. Sooy said performance based job evaluations and amended descriptions will be considered, and he said the committee will start with the Borough Clerk's Office.

Engineering, Technology & Public Works

Mr. McDowell said the committee met with the Scillias and Mr. Brightley and certain design changes were considered for Clark Road. An alternate bid will go out to do the portion of Clark linking Mrs. Schneider's catch basin with one to be installed further down the road. Old Fort Road has been discussed as well as several others. Work will begin on Jockey Hollow Road in July or August. Flower baskets have been hung downtown. Punchlist items for the downtown improvement project are not going well and \$120,000 is being withheld until we are satisfied. Trees have been ordered for planting at the end of May on Olcott Avenue. Mr. Pidgeon has scheduled a meeting on June 11 with NJ Transit about work that needs to be done at the train station building, parking lot and infrastructure. The borough hopes for a commitment for co-funding from NJT. Street lights for the Ammerman lot have been ordered. Library lighting bids are due June 16th.

ITEMS OF BUSINESS**Request from Bernardsville Post Office**

Julianne Lopiccolo of the Bernardsville Post Office via email recently notified the borough that they "are in the process to fix their building, due to structural damage, and would like permission to put a trailer in the lot next to their building while the construction is being done; for about three months." The Borough Clerk reported that another representative from the Post Office real estate department phoned to discuss the repairs, and their related negotiations with the building owner. The Borough Clerk said she asked for a letter to clarify the matter; and provided a phone number for the Borough Attorney. Mr. Pidgeon confirmed that he had not been contacted in this regard. Following discussion, it was decided to hold the request to place a trailer in the lot, pending receipt of more information.

Sustainable Energy Joint Meeting

Mr. McDowell, Council representative to the Suburban Municipal Joint Insurance Fund, discussed the possibility of participating in an energy co-op to purchase electricity and natural gas, and he provided written background on the program provided at the last JIF meeting. A resolution to join is necessary and the fee is \$600. Members decided to review the information and place this subject on a future agenda for discussion.

Planning for energy initiatives

Mrs. Foster advised that she will hold a meeting/pre-planning session for the Sustainable Jersey initiative on Tuesday, June 23 in the community room at the high school, and she asked that a certificate of insurance be provided to cover the use.

Request for waiver of site plan review fee

Somerset Hills School District, via a letter dated May 15 from the Business Administrator, requested waiver of site plan review fees in connection with their application for parking lot and running track improvements at Bernards High School. Mr. McDowell moved to waive fees (\$2400, per Mr. Mondok). Mr. Rossi seconded and the motion was approved by six yes votes.

Unity Day Financial report

The report was discussed. Mayor Honecker asked about donations shown on the report (\$12,000 to the police department and \$2,000 to seniors). Mr. Rossi said the \$12,000 went to the fire department and the money for seniors goes via Phyllis Anderson. The Mayor reminded Mr. Rossi, for future

public events, that the ordinance requires filing of "financial statements audited by a certified public or registered municipal accountant within three months after conclusion of events."

Recommendations from the Housing Committee

Mr. Sooy, Council representative to the committee, discussed a citizen complaint form which has been suggested by the committee for use by any citizen or employee. After completion, forms would be directed to a central desk, he said. Mr. Rossi discussed concerns with the October due date for housing reinspections, and he suggested a rolling schedule, one year from the initial sign-up.

Senior van

The recent story in the Chapter II publication was discussed. Mr. Rossi said the story did not list upcoming events of interest to seniors. He suggested various events which might be included in the schedule.

Correspondence

Mayor Honecker acknowledged receipt of a letter from the Somerset County Business Partnership regarding the NJ Identity Theft Prevention Act, and he asked the Borough Attorney to review same.

Laurelwood and Round Top residents sent a letter to obtain a permit to replace the water mains and work to be covered.

The Somerset County Cultural Diversity Coalition breakfast meeting will be held at 8:00 a.m. on July 13th in Branchburg.

Mayor Honecker acknowledged receipt of a letter dated May 11 regarding Somerset County Recycling and Public Works Departments efforts for June, "Curb Hunger" month. Recycling vehicles will pick up food from County residents who wish to donate to local food banks. The Mayor asked that a representative of our Public Works department contact the county in this regard.

Somerset County has advised that the recreation grant for the Polo Grounds will not be funded during 2009.

OPEN SESSION (There was none)

CLOSED SESSION

Council Member McDowell moved to adjourn to executive session to consider pending and/or anticipated litigation (Curnin/Bernardsville Centre v. DOT), 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 all present.

REOPEN AND ADJOURNMENT

The meeting was reopened to the public, then adjourned at 10:00 p.m.

BOROUGH CLERK

keywords: recreation-police-finance-budget-cap-bank-zoning-lot-dumpster-vacant-property-tax-grant-municipal-aid-bond-traffic-school-evaluations-post-office-trailer-energy-site-plan-waiver-unity-day-housing-senior-van-water-main