

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting**  
**May 29, 2007**

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Tuesday, May 29, 2007. Present were Charlotte J. Foster, Michael Landau, John McCrossan, Joseph Rossi, and Mikael Salovaara. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator and C.M.F.O., and Sandra G. Jones, Clerk and Assistant Administrator. Denis J. Dooley II arrived at 7:02 p.m.

**STATEMENT OF PRESIDING OFFICER**

Mayor Honecker 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 12, 2006. The group recited the Pledge of Allegiance.

**PRESENTATIONS**

**Employee Service Awards**

Mayor Honecker announced 2007 Employee Service Awards for years of service as of December 31, 2006, as follows: Scott McKay, Road Foreman, 30 years; Jeffrey Tallmadge, Sergeant, Len Delia, Driver/Laborer and Larry Phillips, Mechanic, 20 years; Michael Perez, Lieutenant and Bernard Jewson, Sergeant, 15 years; and Anthony Suriano, Deputy Clerk, 10 years.

Mayor Honecker announced that because students are not available this evening, the Proclamation for the Bernards High Fencing Team will be presented on June 11. The presentation by SHAFF was held until later in the meeting.

**APPROVAL OF MINUTES**

Mr. Landau moved approval of minutes of meetings held on April 23 and May 14, 2007. Mr. Dooley seconded the motion. April 23<sup>rd</sup> was approved unanimously by voice vote. Messrs. Dooley, Landau, Rossi and Salovaara voted yes to approve May 14<sup>th</sup> minutes. Mrs. Foster and Mr. McCrossan were absent on May 14, therefore they abstained from voting on those minutes.

**OPEN SESSION**

Mayor Honecker opened the public session. Gerald Happ, Olcott Avenue resident, expressed thanks for trees recently planted by the borough. Mayor Honecker said his comments would be passed along to the Shade Tree Committee members who were responsible for selection of the trees (approximately 40), and the Mayor closed the public session.

**ORDINANCES**

Mayor Honecker announced that a public hearing on **#07-1460, AN ORDINANCE VACATING A PORTION OF TYSLEY STREET**, is continued from May 14. The Borough Clerk advised that the Planning Board response had not been received. Mr. Salovaara said the ordinance was amended at another meeting, and the version on the table does not reflect the change. Mr. Pidgeon was directed to revise the ordinance for the next meeting, and Mr. Salovaara moved to continue the hearing to June 11. Mr. Rossi seconded the motion, which was approved unanimously.

Mayor Honecker opened the public hearing on **ORDINANCE #07-1463, AUTHORIZING AN APPROPRIATION OF**

**\$20,000 FROM THE CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A PARKING PAY STATION.**

With no questions or comments from the public, Mayor Honecker closed the public hearing. Mr. Salovaara moved to pass the ordinance on final reading and adopt as published. Mr. Rossi seconded. Mr. McCrossan asked about Section 2, relative to the Railroad Trust Fund and Mr. Pidgeon answered. Roll call vote followed:

Mr. Dooley	Yes	Mr. McCrossan	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. Landau	Yes	Mr. Salovaara	Yes

Mayor Honecker opened the public hearing on **#07-1464, AN ORDINANCE AMENDING ORDINANCE 05-1399 APPROPRIATING \$65,000 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT.** Without comments or questions from the public, Mayor Honecker closed the public hearing. Mr. Salovaara moved that the ordinance be passed on final reading and adopted as published. Mr. McCrossan seconded and a roll call vote followed:

Mr. Dooley	Yes	Mr. McCrossan	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. Landau	Yes	Mr. Salovaara	Yes

Ordinance #07-1462 was discussed. Mrs. Foster moved that **#07-1462, CONCERNING PARKING REGULATIONS AT THE RAILROAD PLAZA PARKING LOT AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED “PARKING LOTS AND OFF-STREET TRAFFIC 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., June 25, 2007. Mr. Rossi seconded and the motion was approved by six yes votes.

Mr. Landau moved that **#07-1465, AN ORDINANCE REVISING POLICE DEPARTMENT POSITIONS 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 25, 2007. Mr. Salovaara seconded and the motion was approved by six yes votes.

**SHAFF Presentation**

Mayor Honecker introduced Doug Smoot with SHAFF. Mr. Smoot introduced Matt Olds who discussed the artificial turf, specifications for installation of same and the warranty on the product. He gave examples of fields where the product is in use, including Dover, Randolph and Chatham high schools. Bob Zoeller, Musco Sports Lighting, discussed “light structure green” lighting, and elaborated on shielding and new lighting technology in general. He said four 70' light poles with 10 lights each are proposed, and he displayed photos to illustrate a lit field from various distances. Members of the Borough Council and members of the public (Mary & Pete Kellogg, Rosalie Baker, Skip Orza, Paul St. Onge) asked questions and expressed concerns, including the height of the poles, maintenance and contaminants in the turf, heat buildup on the turf, drainage issues with turf vs. grass, applicability to storm water regulations and/or local approvals, glare into area homes, especially on Olcott Avenue and Old Colony Road, and the possibility of increased traffic which might follow increased use of the field.

**RESOLUTIONS**

**#07-96 APPROVING MEMBERSHIP IN THE FIRE COMPANY**

**#07-97 GRANTING TAX DEDUCTION TO A VETERAN**

**#07-98 APPROVING A FIREWORKS PERMIT FOR SOMERSET HILLS COUNTRY CLUB (SHCC)**

- #07-99 AUTHORIZING THE USE OF THE BERNARDSVILLE MUNICIPAL POOL ON SEPTEMBER 8, 2007 FOR THE FIRE COMPANY ANNUAL PICNIC**
- #07-100 AUTHORIZING REFUND OF AN ERRONEOUS TAX PAYMENT**
- #07-101 ACCEPTING MONTHLY REPORTS**
- #07-102 AUTHORIZING PAYMENT OF BILLS**
- #07-103 AUTHORIZING THE MAYOR TO SIGN A GRANT AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE DOWNTOWN IMPROVEMENT PROJECT**

Mr. Rossi moved that Resolutions #07-96 through #07-103, listed herein by title, be hereby adopted. Mr. Salovaara seconded, and the motion was approved upon a call of the roll, as follows:

Mr. Dooley	Yes	Mr. McCrossan	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. Landau	Yes	Mr. Salovaara	Yes

Mr. Landau discussed **Resolution #07-89, AMENDING RESOLUTION #07-36 SETTING FEES FOR RECREATION/POOL PROGRAMS**. He asked why there is a 13% to 20% discount given for early membership registration for the pool? He suggested a smaller discount would be more appropriate, perhaps 10%, and would allow the recreation department to use the increased revenue for maintenance. Mr. Orza, Recreation Committee member, said “historically it’s been done this way”. Mr. Rossi suggested that this discussion is too late for this year but a change should be considered before next year. Mr. Salovaara moved that Resolution #07-89 listed herein by title, be adopted. Mr. Landau seconded and the motion was approved with six yes votes.

Mr. McCrossan asked the Mayor’s permission to refer back to Resolution #07-101, **ACCEPTING MONTHLY REPORTS**, and he asked Mr. Maresca if the uncollected tax of \$883,000 year- to-date shown in the April Collector’s Report reflects an anomaly or a concern? Mr. Maresca responded.

#### **REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon’s written report as of May 23 was accepted.

#### **COUNCIL COMMITTEE REPORTS**

Public Safety Committee Chair, Mrs. Foster, asked who would attend Chief Valentine’s demonstration on June 22. Mr. Pidgeon advised that it will not be necessary to provide notice when members attend a meeting or seminar where no decisions are required.

Finance Committee Chair, Mr. Landau, said there was nothing to report since the last meeting.

Personnel Committee Chair, Mr. Salovaara, reported that the committee is discussing three vacant positions, and will make recommendations shortly.

Engineering, Technology & Public Works Committee Chair, Mr. Dooley, reported that Public Works Director John Macdowall was present at this meeting to discuss the draft of the new written monthly progress report requested by Mr. McCrossan. Suggestions for additions to said report were made. Mr. Dooley discussed an emergency situation which

developed in front of King's supermarket when a sanitary pipe broke when it was undermined by run-off from Route 202. Mr. Macdowall spoke about the timetable for the downtown development project and advised that the DOT will be reviewing the most recent submissions from the borough. Mayor Honecker asked if approval is given, how long before the project begins? Mr. Macdowall estimated three months. The entire project would then take approximately three months to complete. When asked about "fast tracking" the entire process, Mr. Rossi said Assemblyman Kip Bateman has said he will do what he can to help. The delay in processing by the state has caused a large delay in the project and since this has gone on since 2002, many in the borough are determined that it should begin. It was suggested that the projected cost of the project should be tracked by computer. Mr. Rossi said the finance department is looking at a software package which he feels will provide all the information desired, so that Mr. Macdowall will not have to do it manually.

## **ITEMS OF BUSINESS**

### **Request from Michael & Jill Partow for piers & knee wall in easement**

A written request from Mr./Mrs. Partow for permission to construct entry piers and a connecting knee wall in a conservation easement was discussed. The applicant stated that construction outside the easement would require removing a few older trees. Mr. Salovaara recommended that this be referred to the Planning Board for comment, and that if it returns to the Borough Council, neighbors within 200 feet be noticed before the subject appears on the agenda again. A straw poll was taken and six members were not in favor of allowing construction in the easement. Mr. Maresca was directed to notify Mr./Mrs. Partow in case they choose not to proceed.

### **Historic Property Reinvestment Act**

This subject was tabled until the June 11<sup>th</sup> work meeting.

### **Habitat for Humanity**

The Borough Clerk advised that Pam Ely, Executive Director of Habitat for Humanity contacted her by telephone to ask permission to use the Borough parking lot for their dedication ceremony of the two houses under construction across the street from the municipal building. A follow up letter from Ms. Ely was received, and a certificate of insurance naming the Borough as additional insured. Mayor Honecker said he would attend the ceremony on June 2 at 10:00 a.m. Mr. Salovaara moved to approve the request for use of the parking lot, subject to insurance requirements. Mr. Landau seconded and the motion was approved unanimously.

### **Open Space tax**

Members agreed to carry this topic to the June 25<sup>th</sup> meeting so that public notice can be provided. Mr. Landau moved to publish notice and place notice on the Borough website. Mr. McCrossan seconded and the motion was approved with six yes votes.

### **Resolution adding a parcel to the Open Space Plan**

A draft resolution adding Lots 14 and 14.01 of Block 80 to the Borough list of potential acquisitions was tabled to the June 25<sup>th</sup> meeting. Mr. Salovaara requested a map to illustrate the location of the parcels be attached to the resolution when it returns for consideration.

### **Garden Club proposal for planting**

Mr. Salovaara moved to approve the request by the Friends for a Greener Bernardsville to plant three viburnum bushes around the new generator at Bernardsville Borough Hall to screen the equipment. Mr. Landau seconded and the motion was approved with six yes votes.

## **Road opening permit**

Mrs. Foster moved to approve the request for a road opening permit at block 77, Lot 10, 65 Mine Brook Road, in order to install a new sanitary sewer connection for David R. McShane, owner of the property. Mr. Rossi seconded and the motion was approved with six yes votes.

## **OPEN SESSION**

Mayor Honecker opened the public session. There were no comments or questions. Mayor Honecker closed the public session.

## **CLOSED SESSION**

Council Member Foster moved that the meeting be adjourned to executive session to consider potential litigation and that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved. Motion was duly seconded and approved with six yes votes.

## **REOPEN AND ADJOURNMENT**

Moved and seconded at 10:00 p.m.

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Sandra G. Jones, Borough Clerk

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keywords:  
awards-trees-tysley-parking-sewer-shaff-fields-lights-tax-fireworks-pool-picnic-grant-downtown-development-project-recreation-piers-easement-habitat-open-space-parcel-planting-road-opening-permit