

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting
June 25, 2007

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, March 26, 2007. Present were Denis J. Dooley II, Charlotte J. Foster, Michael Landau, John McCrossan, and Joseph Rossi. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator and C.M.F.O., and Anthony Suriano, Deputy Clerk. Mikael Salovaara was 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 December 12, 2006. The Pledge of Allegiance to the flag was recited by all. A moment of silence was observed for the death of former councilwoman Joan Buchanan.

PRESENTATIONS

None

APPROVAL OF MINUTES

Mr. Rossi moved to approve minutes of the meetings held May 29, 2007 and June 11, 2007. Mr. Dooley seconded and the motion was approved with five yes votes.

OPEN SESSION

Mayor Honecker opened the public session. With no comments or questions from the public, Mayor Honecker closed the public session.

ORDINANCES

Mayor Honecker opened the public hearing on **Ordinance #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"**. With no questions or comments from the public, Mayor Honecker closed the public hearing. Mrs. Foster moved to pass the ordinance on final reading and adopt as published. Mr. Rossi seconded. A roll call vote followed:

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

Mayor Honecker opened the public hearing on **Ordinance #07-1465, AN ORDINANCE REVISING POLICE DEPARTMENT POSITIONS AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. With no questions or comments from the public, Mayor Honecker closed the public hearing. Mrs. Foster moved to pass the ordinance on final reading and adopt as published. Mr. Rossi seconded. A roll call vote followed:

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

Mr. Dooley moved that **#07-1466, AN ORDINANCE AMENDING THE BOROUGH FLOOD DAMAGE PREVENTION ORDINANCE AND AMENDING ARTICLE 14 OF THE BOROUGH LAND DEVELOPMENT**

REGULATIONS ENTITLED “ENVIRONMENTAL REQUIREMENTS”, 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., July 9, 2007. Mr. Pidgeon mentioned that this ordinance is being done to keep up with current regulations. Mr. Dooley asked about the amendments in this ordinance. Mr. Pidgeon responded that there are no substantive changes, but if we do not pass this ordinance, residents will not be able to get flood insurance. Mrs. Foster seconded and the motion was approved with five yes votes.

Mr. Landau moved that **#07-1467, APPROPRIATING \$54,000 FROM THE CAPITAL IMPROVEMENT FUND FOR FIRE 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., July 9, 2007. A representative from the Fire Company was present to discuss the need to improve their radio equipment and stressed the importance of this ordinance. Mr. Landau also spoke about the need for improved radio equipment. Chief Valentine said the police department is on the same page with the Fire Company for new equipment and technology on the county trunking system. Mayor Honecker said the new radio equipment will help the Police Department and Fire Company. Mr. Rossi said it would also help Public Works. Chief Valentine discussed the county’s plan of building a tower in the northeast part of Somerset County and the possibility of them placing the tower on Pill Hill Road. Mr. Rossi seconded and the motion was approved with five yes votes.

Mr. Landau mentioned introducing an ordinance regarding the library. Mayor Honecker said that he would like that ordinance to be on the July 9th agenda when members of the Library Board were coming to attend the council meeting. Discussion on whether the ordinance could be introduced at this meeting took place. Mr. Pidgeon said that Mr. Landau has the right to move introduction of the ordinance. Mayor Honecker asked if there was a motion to introduce. Mr. Landau moved introduction of **Ordinance #07-1468, AN ORDINANCE CONCERNING THE FREE PUBLIC LIBRARY AND CREATING A NEW CHAPTER IX IN THE BOROUGH CODE ENTITLED “PUBLIC LIBRARY”**. Mr. Dooley seconded. A roll call vote followed and the motion to introduce failed.

Mr. Dooley	Yes	Mr. McCrossan	No
Mrs. Foster	No	Mr. Rossi	No
Mr. Landau	Yes	Mr. Salovaara	Absent

RESOLUTIONS

- #07-110 AUTHORIZING THE EMPLOYMENT OF THOMAS P. SHADOOD, SEWER MAINTENANCE/LABORER**
- #07-111 SUPPORTING THE HISTORIC PROPERTIES REVITALIZATION ACT A896/S2030**
- #07-112 RELEASING PERFORMANCE GUARANTEE WITH CIN-MAUR CONSTRUCTION, INC. “ESTATE OF FERRANTE”, MAJOR SUBDIVISION**
- #07-113 RELEASING PERFORMANCE GUARANTEE WITH GRAND TOURING MOTOR CARS, d/b/a/ BERNARDSVILLE VOLKSWAGEN**
- #07-114 ACCEPTING DONATION TO THE BERNARDSVILLE POLICE DEPARTMENT**
- #07-115 ACCEPTING MONTHLY REPORTS**
- #07-116 AUTHORIZING PAYMENT OF BILLS**
- #07-118 AUTHORIZING REFUNDS OF POLICE OFF-DUTY ESCROW FUND BALANCES**

#07-119 **AWARDING A CONTRACT FOR GARBAGE CONTAINER REMOVAL AND DISPOSAL**

Resolution #07-117 was pulled from the consent list. Mr. McCrossan moved to approve Resolutions #07-110 to #07-116, #07-118, and #07-119. Mrs. Foster seconded. A roll call vote followed:

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

Resolution #07-117 **APPROVING AN AGREEMENT** (for Habitat housing), was discussed. Mr. Pidgeon explained the resolution. He said it would cost \$4,500, and enter the borough in a Housing Affordability Service (HAS). He mentioned Mr. Mondok recommends approval. Mayor Honecker asked if there were any time constraints. Mr. Pidgeon replied that Habitat For Humanity may want to move this along. Council decided to hold this resolution until July 9th. (Later in the meeting, it was decided to pass this resolution).

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon's written report was accepted. There were items to be discussed in closed session.

COUNCIL COMMITTEE REPORTS

Public Safety

Mrs. Foster said she would report at the July 9th meeting.

Finance Committee

Mr. Landau said they are reviewing new software to replace the current finance system. They have looked at three vendors and Mr. Maresca has made a proposal to the council and a resolution will be prepared for July 9th to acquire a new system. An ordinance for new radio equipment for the Fire Company was introduced tonight.

Personnel Committee

Mr. McCrossan said this will be discussed in executive session.

Public Works

Mr. Dooley distributed minutes from the June 21st Public Works Committee meeting. Mr. McCrossan spoke about a meeting between the borough and State Officials at NJDOT regarding the downtown project. Mr. McCrossan, Mr. Rossi and Mayor Honecker attended that meeting. The permit for the project has been issued and is good for a two year period. However, several issues need to be resolved, including local aid, historical preservation and environmental matters that still need state approval. It is anticipated that these items could take three to four months to finally resolve. This would mean the downtown project could not be done during the good weather season and would have to be planned for Spring of 2008. Mr. McCrossan expressed his disappointment for the delays. He would like to tighten up this project and hold people accountable every step of the way until the project is implemented. Mayor Honecker explained that we received the engineering permit, which satisfied the engineering requirement. He said that because we are going for a grant implemented through the federal government we have to submit plans to the State Historical Preservation Office for review. We have to get "categorical exclusion documents" (CED). To get a CED, the Historical Preservation Office would review the plans and it would also go

through a process at NJDOT. CED's are a part of the grant application. Mayor Honecker asked the State Officials if we could start the project because we have our engineering permit approved, and then submit for CED's at a later date. He was told if we did this we would lose the grant. We have to get CED's since we are going for a federal grant. It takes four to six months for the state to review, then the federal government takes three to four weeks for review. Once the federal government looks at it, it would be approved. We are in no risk of losing the grant because the delay is not on our end. If we were not getting a federal grant, we would not need this process and could start the project this year.

Mr. Rossi commented about placing a sign in the center of town to make sure no tractor trailers travel on Claremont Road because they are having a problem turning around due to Route 202 being closed between Meeker Road and Whitenack Road. Chief Valentine said he had addressed that with DOT and did not see any results. He said he will address it again.

Cable TV

Mr. Rossi said once they get a plan of the site, the equipment will be laid out that will be necessary for live TV. Patriot Media has been sold to Comcast, and they hope everything will stay status quo, or they might add new channels.

Town and School

Mr. Rossi said Chief Valentine has gone to the Board of Education for a grant for a camera system in the school for security. Chief Valentine said on June 26th, a bicycle safety program will be held.

Board of Health

Mr. Rossi talked about restaurants and food establishments installing a 750 gallon exterior grease trap. This serves the restaurant and our problem at the sewer plant much better. It is easier for the distributor to come in and clean the grease out. Exterior grease traps will become the new law and a requirement for any remodeling or new restaurants in the future.

Environmental Commission

Mr. Dooley spoke about runoff.

Information Systems

Mr. Landau asked for a time frame of when we are going to "go live". Mr. Rossi said the committee will set a meeting and he will have an answer at a future meeting.

Open Space Committee

Mr. Salovaara was absent and there was no report.

Planning Board

Mrs. Foster mentioned that Mr. Pidgeon referred the complaint regarding PODS to the Planning Board. The Planning Board wanted to know if our sign ordinance covered that. Mr. Pidgeon responded and Mrs. Foster will report back to the Planning Board. Mr. Dooley suggested being more specific in our ordinance if we are going to ban it. Mr. Pidgeon agreed.

Recreation Committee

Mr. McCrossan said Recreation is working on trips and activities for senior citizens using grant money from the Municipal

Alliance. The Memorial Day Parade was held May 28th and was a success. Summer programs began June 18th, and sign-ups are running close to last year's. Police and Recreation are hosting a bike rodeo on June 28th. Backstops were installed at the Polo Grounds, hardball field and Claremont, along with fencing. The Recreation Director met with a vendor for irrigation systems. It was recommend to install water tanks to help maintain water pressure. The water cannon for irrigation for the Polo Grounds was ordered. Evankow fields were seeded on June 7th. Lower and upper Evankow fields were closed, with the exception of one game on the upper field. The second seeding will take place on June 11th. The pool opened on May 26th. The new filter is working well. There is difficulty obtaining lifeguards for pre-season pool parties, but they expect to have a full staff once school is out. Mayor Honecker asked how long the Evankow fields will be closed. Mr. McCrossan responded that they are open now and were just closed for the seeding.

Shade Tree Advisory Committee

Mr. Salovaara was absent and there was no report.

Historic Preservation Advisory Committee

Nothing new to report.

Insurance

Nothing new to report.

Housing Committee

Mayor Honecker said the committee met and discussed stacking. Mayors from other towns were invited to this meeting and good ideas were discussed.

ITEMS OF BUSINESS

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

Mr. Pidgeon said that Mr. Partow provided the required notice to property owners. Mrs. Foster stated that the Planning Board agreed with the proposal by Mr. Partow, but three members were absent at the meeting when the vote was taken. Mr. Rossi raised concerns about a turnaround for fire trucks. Mr. Pidgeon said that this request can be approved subject to the requirements of the Fire Company. Mr. Rossi said that it should go to the Fire Prevention Bureau as well. It was moved by Mr. Rossi to approve Mr. Partow's request subject to the requirements of the Fire Company and Fire Prevention Bureau. Mr. Dooley seconded. Messrs. Dooley, McCrossan, and Rossi voted yes, and Mrs. Foster and Mr. Landau voted no. The motion was approved three votes to two.

Dog licensing fees (and possibility of multi-year licensing)

Tabled until the July 9th meeting.

Drainage at Kings' Supermarket

Mr. Rossi explained that this area is one of the most problematic in the borough, with run-off from Route 202 flooding the Penn's Brook area. He would like a group to be formed between Kings', Shop-Rite, Bernards High School and NJDOT to combine resources to eliminate this problem. Mayor Honecker said we can have the group come to a future meeting to give a presentation so we have a concrete plan. Mr. Rossi agreed it would be good to have a plan to fix this problem.

Resolution adding Lots 14 & 14.1, Block 80 to list of potential Open Space acquisitions

The Open Space Advisory Committee has recommended these lots be added to the list of open space acquisitions. Mr. McCrossan asked why a resolution needs to be done. The purposes of the land was discussed. Mr. Landau said this resolution is just to put the lots on the list. Mr. Landau moved to adopt **Resolution #07-120, RESOLUTION AMENDING THE 2002 OPEN SPACE AND RECREATION PLAN BY ADDING PROPERTY KNOWN AS LOTS 14 & 14.1 IN BLOCK 80 TO THE POTENTIAL OPEN SPACE ACQUISITIONS.** Mrs. Foster seconded. Messrs. Dooley and Landau and Mrs. Foster voted yes, and Messrs. McCrossan and Rossi voted no. The motion passed three votes to two.

Open Space Tax

Sherry Frawley, Carriage House Road, Rosalie Ballantine, Pheasant Hill Drive, Skip Orza, Old Fort Road, Mary Kellogg, Olcott Avenue, and Pat McFadden, Round Top Road, all voiced their opinions on this subject. Mayor Honecker called the question, "Should we have a referendum at all?" A voice vote was taken. Messrs. Landau and Dooley voted yes. Messrs. McCrossan and Rossi, and Mrs. Foster voted no. No referendum will take place.

Downtown Project

This was discussed earlier in the meeting with the Public Works Committee report.

JIF recommendations for medical exams for Crossing Guards

Mr. Pidgeon will prepare a resolution for July 9th.

Green Acres

Mr. Pidgeon said that we have \$500,000 in open space funds to be used by July 9th. In order to use said funds, we would need to obtain two appraisals by July 9th, which is unlikely given such a short amount of time. No formal action was taken.

OPEN SESSION

Mayor Honecker opened the public session. With no comments or questions from the public, Mayor Honecker closed the public session.

CLOSED SESSION

Mr. Landau moved that the meeting be adjourned to an executive session to consider personnel matters and potential litigation, and that the time when and circumstances under which the above can be disclosed to the public is when the matters are finally resolved. Mrs. Foster seconded and the motion was approved with five yes votes.

REOPEN AND ADJOURNMENT

It was moved and seconded to reopen the meeting. The motion passed with five yes votes. It was moved by Mrs. Foster to adopt **Resolution #07-117 APPROVING AN AGREEMENT (for Habitat housing)**, subject to Mr. Pidgeon's review and approval. Mr. Dooley seconded. The motion was approved with five yes votes.

It was moved and seconded to adjourn the meeting. The motion passed with five yes votes at 10:50 p.m.

DEPUTY CLERK

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keywords:

parking-railroad-police-flood-fire-library-sewer-performance-guarantee-garbage-contract-habitat-finance-software-downtown-project-cable-school-food-grease-trap-d
rainage-pods-housing-easement-partow-licensing-dog-open-space-tax-referendum-green-acres-jif-medical-exams-crossing-guards