

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
June 28, 2010

This meeting was called to order by Mayor Honecker at 7:02 p.m. on Monday, June 28, 2010. Present were Council Members Joseph DeMarco, Charlotte Foster, 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 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 January 5, 2010.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Polo Grounds Scoreboard

This item was moved forward on the agenda at the request of Joel Sanchez of the Somerset Bulldogs. The organization has offered to purchase and install electrical conduit and a scoreboard on borough property, for use by all groups using the Polo Grounds. Installation is proposed on the third base side of the field. Council had no objections, but provided Mr. Sanchez with a copy of Ordinance #10-1547 regarding in kind donated services, and asked him to comply with requirements of said ordinance, if he had not already done so.

APPROVAL OF MINUTES

Mr. Sooy moved to accept minutes of meetings held May 24 (Members Foster and McDowell were absent), June 1 and June 14. Mr. Rossi seconded the motion, which was approved with five 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 public hearing on #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"**. The Mayor reviewed the ordinance in response to questions from Mr. Skip Orza of the Recreation Committee. Mayor Honecker closed the hearing.

Amendments to the ordinance were suggested by Mr. McCrossan. Mr. Rossi moved to adopt as published and amended on final reading. Mrs. Foster seconded the motion which was approved upon a roll call vote:

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

Mayor Honecker opened the public hearing on **#10-1548, AN ORDINANCE CONCERNING SPECIAL EVENTS AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING"**. In response to a question from Mrs. Foster, Mr. Pidgeon stated it is the responsibility of the licensee to provide proof of IRS Section 170 status. Without comments or questions from the public, Mayor Honecker closed the hearing. Mr. McCrossan moved to pass the ordinance on final reading and adopt as published. Mrs. Foster seconded the motion which was approved upon a roll call vote:

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

Mayor Honecker opened the public hearing on **#10-1552, AUTHORIZING AN APPROPRIATION OF \$15,000 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF A GAZEBO/SHELTER**. 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. DeMarco seconded the motion which was approved upon a roll call vote:

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

Mayor Honecker opened the public hearing on **#10-1553, AN ORDINANCE REVISING HOUSING INSPECTION FEES AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE"**. Without comments or questions from the public, Mayor Honecker closed the hearing. Mr. McCrossan moved to pass the ordinance on final reading and adopt as published. Mrs. Foster seconded the motion which was approved upon a roll call vote:

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

Mayor Honecker opened the public hearing on **#10-1554, CONCERNING FEES FOR COPIES OF BOROUGH RECORDS AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Without comments or questions from the public, Mayor Honecker closed the hearing. Mrs. Foster 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	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

Mrs. Foster moved that **#10-1555, AN ORDINANCE APPROPRIATING \$20,000.00 FROM THE BOROUGH OPEN SPACE TRUST FUND TO BE USED TO COVER THE COST OF FILING AN APPLICATION TO OBTAIN HISTORIC PRESERVATION STATUS FOR THE DUNSTER SQUIBB PROPERTY**, 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 12, 2010. Mr. Sooy seconded the motion, which was approved with five yes votes.

RESOLUTIONS

- #10-123 ACCEPTING MONTHLY REPORTS**
- #10-124 RELEASING PERFORMANCE GUARANTEE; ESTABLISHING MAINTENANCE GUARANTEE; RELEASING INSPECTION ESCROW; AND ACCEPTING IMPROVEMENTS OF TALL OAKS DEVELOPMENT, LLC SUBDIVISION #630 (DUSTOW)**
- #10-125 RELEASING PERFORMANCE GUARANTEE; ESTABLISHING MAINTENANCE GUARANTEE FOR VILLAGE SUPERMARKETS, INC., aka SHOP RITE (PB#SP-205)**
- #10-126 AUTHORIZING RELEASE OF BOND FOR STREET OPENING PERMIT**
- #10-127 AUTHORIZING REFUND OF ESCROW ACCOUNT BALANCE**

Mr. Sooy moved that Resolutions #10-123 through #10-127 be approved. Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

Resolution #10-122 was discussed. Mrs. Foster recommended setting criteria for reports and directing those departments which have not been providing regular statistical reports to do so beginning in July. It was decided that the Public Works Manager and Zoning Officers will be so directed, and the Clerk was given permission to remove the list of reports not received from the next resolution. **Resolution #10-128** was discussed. Mrs. Foster requested that the computer equipment be recycled rather than destroyed, if possible. Mr. Sooy moved adoption of **RESOLUTION #10-122, ACCEPTING MONTHLY REPORTS and #10-128, AUTHORIZING RECYCLING OR DESTRUCTION OF EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE**, both listed herein by title. Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s Report as of June 28 was received.

COUNCIL STANDING COMMITTEE REPORTS

Mr. Rossi reported for the **Public Safety Committee** that interviews are in progress for promotions.

Mr. McCrossan reported for the **Finance Committee** that he reviewed the May trial balance and that he has reviewed and supports a request to purchase Edmunds tax collection software system. The proposal was discussed by Mr. Maresca. Messrs. Rossi and Sooy also expressed support for the transition to Edmunds, and it was agreed to prepare a resolution for July 12, to award the purchase without bidding as proprietary software. Mr. Maresca discussed the possibility of estimated tax bills being necessary, depending whether or not we have a rate in time, and said he will report again at the July 12 meeting. Mr. McCrossan moved that Resolution #10-129, **AUTHORIZING THE PURCHASE OF EDMUNDS TAX PROGRAM AT A COST OF \$9,500.00**, be approved. Mr. Rossi seconded and the motion passed upon a roll call vote:

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

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

Mr. DeMarco, for **Engineering, Technology, & Public Works**, said the committee discussed the Sperry property drainage issues, and the Old Fort Road/Anderson Road project. A progress status report on the latter will be given on July 12. Also discussed was future work on Mullens Lane, Eastern Avenue and possibly Tower Mountain.

(QUARTERLY REPORTS)

Mr. Rossi reported on **Cable TV**. The Chief is working on a grant to tie into the surveillance cameras. The IS Committee will meet to discuss CISCO drivers to connect to schools and other sites in the Borough.

There was no report from the **Board of Health**.

Mr. DeMarco reported for the **Environmental Commission**. The use of Open Space funds was a topic of discussion. The new ERI is completed.

Mr. Rossi reported on **Information Systems**. He said a proposal is needed to light cable already installed. It was decided to combine the Cable and IS reports in the future.

Mrs. Foster reported on the **Open Space Advisory Committee**. At the meeting last week two properties were discussed. One is contiguous to the Peter's Tract and would provide an access, and the other is the McGuire property along Route 202. The committee discussed the possibility of having a fence installed along the train track for safety reasons, and use of Open Space funds for maintenance such as dredging the Borough pond. The suitability/potential uses of the McGuire property was debated without conclusion.

Mrs. Foster reported that the **Planning Board** review of the Bernardsville Centre application continues. A water conservation ordinance will be reviewed in the near future.

Mr. Rossi reported that the **Recreation Committee** has discussed the use of Open Space funds for base maps for six sites and the replacement of the Claremont Field Bridge. It was decided that the Public Works Manager should seek RFP's for the bridge work. Pool membership is down this year by approximately \$35,000, and fees are under review.

Mr. Sooy reported for the **Shade Tree Advisory Committee**. He said there is \$18,000 in the Tree Trust Fund. Trees in Olcott Square are to be trimmed.

Mrs. Foster reported that **HPAC** is working on the grant for the Dunster Squibb house.

Insurance - There was no report.

Mr. Sooy reported for the **Housing Committee**. Tom Petto is the new inspector. Fees have been updated (Ordinance #10-1553). Inspection/working schedule will be adjusted pursuant to demand. Inspectors are working with Mitchell Humphrey regarding necessary updates to the software.

Mr. McCrossan reported for the **Library Board of Trustees**. Their fund raising program was discussed, especially in light of the pending bill to eliminate the 1/3 mil funding.

Mrs. Foster reported on the **Sustainable Jersey** program and asked that the subject be added to the list of quarterly reports for the September meeting.

Fire Prevention - There was no report.

ITEMS OF BUSINESS

Citizen Public Safety Advisory Committee

Tabled to the July 12th meeting.

Tie a Ribbon Campaign

A letter/request dated June 17 seeking permission for the Susan G. Komen for the Cure Tie a (pink) Ribbon Campaign during the month of October 2010, was considered. Mr. McCrossan moved approval. Mr. Rossi seconded the motion, which was approved with five yes votes.

Efficiency Recommendations

Mrs. Foster recommended that the Personnel Committee meet to discuss these recommendations before they are discussed by full Council. With the group in agreement, the matter was tabled for a future meeting.

Polo Grounds Score Board (Discussed earlier in this meeting.)

Request for Open Space Funds for Claremont Field Bridge

Mr. DeMarco reported that more details/engineering plans are needed. Mr. McCrossan asked if a bridge replacement project would include clearing surrounding shrubbery, and Mr. DeMarco said yes. Mrs. Foster said the Open Space Committee would support bridge replacement, but commented that the existing bridge should be removed for safety reasons. Mr. Rossi will get opinions from the Recreation Committee on the possibility of constructing a temporary bridge.

Mr. Sooy moved to authorize an expenditure of \$2,800 for engineering plans. Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

Communication to Residents

This suggestion to prepare a written letter to taxpayers for distribution with tax bills was tabled until the July 12 meeting. In the meantime Mrs. Foster asked Council Members to provide her with comments/concerns so that she can prepare a list for consideration at the next meeting.

Correspondence

Mayor Honecker acknowledged receipt of the following:

- A letter dated June 9 from the New Jersey Highlands Water Protection and Planning Council regarding a Regional Master Plan Update Report for the Millington Quarry (located in Somerset County but not in Bernardsville).
- A letter dated June 15 from the New Jersey State PBA containing their comments regarding the 2.5% Cap proposal.

OPEN SESSION

The Mayor opened the meeting to the public. Hearing no comments, the session was closed.

CLOSED SESSION

Mr. McCrossan moved to adjourn to an executive session to consider *PBA and Road Department Contracts, Personnel Matters* and *the Schlott Cistern*, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mayor Honecker advised members of the public that no action is anticipated this evening. Mr. Sooy seconded and the motion was approved with five yes votes.

REOPEN/ADJOURNMENT

At 10:20 p.m. it was moved to reopen the meeting to the public and adjourn. The motion was seconded, and approved with five yes votes.

keywords: polo-grounds-recreation-scoreboard-donated-special-events-housing-fees-copies-open-space-escrow-peformance-guarantee-computer-tax-software-drainage-bridge-cable-ribbon-claremont-highlands