

# BOROUGH OF BERNARDSVILLE

## MAYOR & COUNCIL MEETING MINUTES

July 10, 2006

The meeting, held July 10 in the Borough Hall, was called to order at 7:00 p.m. by Mayor Jay Parsons. Present were Denis J. Dooley, II, Charlotte J. Foster, Michael Landau, Joseph Rossi and Mikael Salovaara. Also present were John R. Pidgeon, Esquire, Borough Attorney, Ralph A. Maresca, Jr., Administrator/C.M.F.O., and Sandra Jones, Borough Clerk/Assistant Administrator. Lee C. Honecker 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 14, 2005.

### PLEDGE OF ALLEGIANCE

### PRESENTATIONS

#### Verizon municipal consent hearing

Mr. Pidgeon reported that Verizon requested that the hearing be adjourned to August 14. Mr. Salovaara moved to adjourn said hearing; Mr. Landau seconded and the motion was approved with five yes votes.

### APPROVAL OF MINUTES

Mr. Rossi moved to accept the minutes of June 26, 2006. Mrs. Foster read a paragraph she provided to elaborate on her report for HPAC, and she seconded the motion, which was approved with four yes votes. Mr. Salovaara, who was absent on June 26, abstained. Mr. Honecker was absent from this meeting.

### OPEN SESSION

Mayor Parsons opened the meeting to the public. There were no comments or questions and the Mayor closed the open session.

### ORDINANCES

#### Public Hearings

Mayor Parsons opened the public hearing on Ordinance #06-1436. Members discussed a written recommendation from the Planning Board that the ordinance be adopted with revisions, as follows:

*Section 13-5.5c be supplemented with the effective dates of ordinance #95-1018 and #06-1420;*

*Remove "to amend" near the end of the last paragraph on the first page (the NOW THEREFORE paragraph).*

*It was decided to incorporate the changes suggested by the Planning Board. Hearing no comments from the public, Mayor Parsons closed the public hearing. Mr. Salovaara moved that **#06-1436, AN ORDINANCE CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING ARTICLE 13 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED "AFFORDABLE HOUSING"**, be passed on final reading and adopted as amended. Mrs. Foster seconded the motion which was approved upon a call of the roll:*

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

Mayor Parsons opened the public hearing on Ordinance #06-1437. Skip Orza, Old Fort Road resident, asked why this change is necessary? He was advised that the Police Department made this request based upon public safety concerns. Mayor Parsons closed the hearing. Mr. Dooley moved that **#06-1437, AN ORDINANCE LOWERING THE SPEED LIMIT ON WESLEY AVENUE FROM 25 MILES PER HOUR TO 15 MILES PER HOUR AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, be passed on final reading and adopted as published. Mr. Landau seconded the motion which was approved upon a call of the roll:

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

Mayor Parsons opened the public hearing on Ordinance #06-1438. Hearing no questions or comments from the public, Mayor Parsons closed the hearing. Mr. Salovaara moved that **#06-1438, AN ORDINANCE APPROPRIATING \$50,000 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND**, be passed on final reading and adopted as published. Mr. Dooley seconded the motion which was approved upon a call of the roll:

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

Mayor Parsons opened the public hearing on Ordinance #06-1439. Hearing no questions or comments from the public, Mayor Parsons closed the hearing. Mrs. Foster moved that **#06-1439, AN ORDINANCE CONCERNING SPECIAL EVENT LICENSES AND AMENDING SECTION 4-12 OF THE BOROUGH CODE (AS PREVIOUSLY AMENDED BY ORDINANCE #06-1430)** be passed on final reading and adopted as published. Mr. Dooley seconded the motion which was approved upon a call of the roll:

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

### Ordinance Introduction

Mr. Rossi moved that **#06-1440, AN ORDINANCE AUTHORIZING THE EXERCISE OF EMINENT DOMAIN, IF ADVISABLE, TO ACQUIRE BLOCK 124, LOT 2, AND REPEALING ORDINANCE #2006-1434**, 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., Monday, August 14, 2006. Mrs. Foster seconded the motion, and discussion ensued, with Council Members explaining why they will vote for, or against, the ordinance. Mayor Parsons called for a vote on the version of #06-1440, as presented, under consideration:

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

Mr. Salovaara moved introduction of a new version of **#06-1440, AN ORDINANCE REPEALING ORDINANCE #2006-1434 WHICH AUTHORIZED THE ACQUISITION OF BLOCK 124, LOT 2 BY EMINENT DOMAIN.**

Mr. Dooley seconded and the ordinance was introduced with three yes votes (Messrs. Dooley, Landau & Salovaara) to two no votes (Mr. Rossi and Mrs. Foster), passed on first reading, ordered to be published according to law, and a public hearing was scheduled for a meeting beginning at 7:00 p.m., Monday, August 14, 2006.

### CONSENT RESOLUTIONS

- #06-142 AUTHORIZING RENEWAL OF A.B.C. LICENSE ( Stone Tavern & Brewery)**
- #06-143 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #06-145 ACCEPTING DONATION**
- #06-146 ACCEPTING MONTHLY REPORTS**
- #06-147 AUTHORIZING PAYMENT OF BILLS**
- #06-148 CONFIRMING APPOINTMENT OF NICK DAVID DIGHT, TEMPORARY WASTEWATER LABORER IN THE SEWER DEPARTMENT**
- #06-149 AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR A SECOND COMMUNITY FORESTRY MANAGEMENT PLAN**
- #06-150 AUTHORIZING THE ISSUANCE OF ESTIMATED TAX BILLS**
- #06-152 AUTHORIZING ADVERTISEMENT FOR BIDS**

Mr. Rossi moved to adopt resolutions #06-142, #06-143, #06-145 through #06-150 and #06-152. Mrs. Foster seconded and the motion was approved with five yes votes. Mr. Honecker was absent.

Mayor Parsons asked the Borough Clerk to send a letter of thanks to the Cub Scout Pack #150 for their donation of \$100 for the care of animals in the pound.

Regarding Resolution **#06-144**, Mr. Orza, Recreation Committee member, explained that Camp Splash is an on-going project started many years ago by parents for disabled children. It was formed to enable children to use the pool facilities. He said at one time \$50,000 was raised by the parents. Mr. Salovaara asked if the borough provides matching funds? Mr. Maresca agreed to answer that question before the next meeting. Mr. Landau moved that Resolution **#06-144, AUTHORIZING A 2006 APPLICATION FOR FUNDING FOR CAMP SPLASH**, listed herein by title, be hereby approved. Mrs. Foster seconded and the motion was approved with five yes votes. Mr. Honecker was absent.

Regarding Resolution **#06-151**, Mr. Landau asked that the record clearly show that money paid for health benefits waivers is not pensionable income, and that it is paid as a separate element in the employee's paycheck. Mr. Landau moved that Resolution **#06-151, ALLOWING BOROUGH EMPLOYEES TO WAIVE HEALTH INSURANCE**, listed herein by title, be hereby approved. Mrs. Foster seconded and the motion was approved with five yes votes. Mr. Honecker was absent.

### REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon's written report was reviewed and certain items were held for Executive Session

### COUNCIL COMMITTEE REPORTS

## Public Safety

Mrs. Foster asked about the sidewalk grant. Mr. Maresca said that will be brought up under Public Works report. Mr. Rossi discussed the gas line work scheduled to begin tomorrow at Route 202 and North Finley Avenue, and recommended the contractor work only at night to alleviate traffic problems. The Council directed Mr. Pidgeon to communicate with Chief Valentine to let him know that the Council will support whatever steps he deems necessary to ensure the project will proceed with the least amount of public inconvenience.

Finance & Personnel Committees (There was no report.)

## Engineering & Public Works

Mr. Dooley discussed the \$35,000 grant available to those municipalities which participate in the Intermunicipal Policy Agreement Between Somerset County Planning Board and Municipal Planning Boards. Mr. Pidgeon provided background on the agreement and the changes the borough requested in 2001. When the county refused to make said changes, Bernardsville decided not to participate. Mr. Dooley said the question of whether to reverse that decision deserves study, and in the meantime, he suggested that the Public Works Committee talk with the Town & School Committee to determine priority sidewalk areas. Mr. Salovaara suggested that Mr. Pidgeon be authorized to negotiate again with the County in respect of the IPA, but that suggestion received no support. Mayor Parsons requested copies of the agreement be provided to the Governing Body and the possibility of a special meeting, if necessary, was discussed.

## ITEMS OF BUSINESS

### Use of library lot by contractors for borough projects

In a memo from the Public Works Manager dated July 6, Mr. Macdowall asked permission for the use of 20 parking spaces in the library lot usually designated for high school student parking in order to accommodate certain employees and contractors storage and parking needs during two Borough projects scheduled during July. Mr. Salovaara asked, "Are we legally able to say yes given the contract, or written agreement, we have with the other people? Can we allow the library lot to be used by other folks for set periods of time?" Mr. Pidgeon responded that it affects the rights of Hampshire and Sattler. Mayor Parsons suggested to go ahead with the request unless someone complains. Mr. Salovaara said that does not work for him and that it is a question of legality. The request was approved with four yes votes. Mr. Salovaara voted no.

### Rental housing registration/public information letter

Mayor Parsons and Council Members discussed a letter which will be distributed with all tax bills, and in final form will read:

***Dear Owner of Bernardsville Residential Property:***

*You should know that the borough has amended the ordinance relating to rental housing. Under this ordinance, the property owner/landlord must:*

- (1) Register each rental residential property with the borough annually by October 1;*
- (2) Register when there is any change of tenants;*
- (1) Use registration forms supplied by the borough.*

*If you have registered one or more changes of tenants since January 1, you may skip the annual registration for that year.*

*Borough registration is required for all rented housing in the borough, except properties subject to the state law allowing seniors to rent a portion of their home to one other person.*

*If you rent your entire house to one family for a week or two, you must register.*

*If you are yourself a tenant and you rent portions of your home to others, you must register.*

*Registered properties are subject to inspection to ensure that the rented housing units are safe, sufficiently large and otherwise in compliance with state laws and regulations. Registration does not permit use of a building contrary to the zoning requirements.*

*Failure to register is an offense that may lead to substantial fines in municipal court. Ordinance #06-1435 is available on the Borough website at For further information, please contact the borough at (908) 766-3000, extension 114.*

### **OPEN SESSION**

Mayor Parsons opened the public session. Without comments or questions from the public, Mayor Parsons closed the public session.

### **CLOSED SESSION**

It was moved and seconded that the meeting be adjourned to an executive session to consider **property acquisition**, and that the time when and circumstances under which the matters can be disclosed to the public is when the matter(s) is/are finally resolved. The motion was approved with five yes votes.

### **REOPEN AND ADJOURNMENT**

It was moved by Mr. Landau, seconded by Mr. Salovaara, to release the appraisal reports on the Regan/Timchula property. The motion was approved with five yes votes. Mr. Salovaara moved, seconded by Mr. Dooley, to authorize the Mayor and/or the Borough Attorney to complete and circulate an explanatory letter regarding said appraisals to those who request copies. The motion was approved with five yes votes. Mr. Salovaara moved to adjourn the meeting. Mr. Dooley seconded the motion, which was approved with five yes votes.

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Sandra G. Jones, Borough Clerk

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keywords:

verizon-housing-development-fees-speed-wesley-sewer-capital-special-events-license- eminent-domain-abc-liquor-fire-membership-donation-grant-forestry-shade-tree-tax-bills-estimated-bids-cub-scout-camp-splash-health-insurance-waive-sidewalk-policy-agreement-planning-library-lot-rental-appraisal