

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Minutes
August 10, 2009

This meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, August 10. Present were Joseph DeMarco, Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, and Sandra Jones, Borough Clerk. Ralph Maresca, Administrator, 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 6, 2009.

PLEDGE OF ALLEGIANCE

PRESENTATIONS (There were none)

APPROVAL OF MINUTES

Mr. Rossi moved to accept the minutes of meetings held on July 13, July 17 (Messrs. Sooy and McCrossan absent), July 27 (Mr. Sooy absent), and August 4 (Messrs. DeMarco and Sooy absent). Mr. McDowell seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Honecker opened the public session. Karen Brodsky, Bernardsville Library Director, thanked Messrs. Maresca and McCrossan for negotiating a better interest rate for library funds. Mayor Honecker closed the public session.

ORDINANCES

Mayor Honecker announced that the public hearing on **#09-1517, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH LAND DEVELOPMENT ORDINANCE ENTITLED "ZONING" BY ADDING PROVISIONS REGULATING DUMPSTERS**, is continued (introduced on May 26). With no comments from the public, Mr. McDowell moved to carry the hearing on this ordinance to September 14 with no further public notice. Mr. Rossi seconded and the motion was approved with six yes votes.

Mr. McDowell moved that **#09-1519, AN ORDINANCE CONCERNING SPECIAL EVENTS AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING"**, 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., September 28, 2009. Mr. Rossi seconded and the motion was approved with six yes votes.

Mr. DeMarco moved that **#09-1520, AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON QIMBY LANE AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, 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., September 28, 2009. Mr. McDowell seconded and the motion was approved with six yes votes.

Mrs. Foster moved that **#09-1521, AN ORDINANCE CONCERNING FERTILIZER AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE 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., September 14, 2009. Mayor Honecker asked to have Paul Ferriero or John Macdowall touch base with Bernards Township, since they are strict with fertilizer use, to see how they fared with organic fertilizer. Mr. Sooy seconded and the motion was approved with six yes votes.

RESOLUTIONS

#09-138 SUPPORTING THE CAPITAL BUDGET PLAN RECOMMENDED BY THE FINANCE COMMITTEE

#09-140 AUTHORIZING 2009 PROPERTY TAX REFUNDS

#09-141 ACCEPTING MONTHLY REPORTS

#09-142 AUTHORIZING PAYMENT OF BILLS

Mr. McDowell moved to adopt Resolutions #09-138 and #09-140 to #09-142. Mr. McCrossan seconded and the motion was approved by roll call vote:

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

Resolution #09-139, ENDORSING THE "GREEN ACRES, WATER SUPPLY AND FLOOD PLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION ACT OF 2009", was referred to the Environmental Commission for review and comment, and tabled to the September 28th meeting, pending that response.

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon's report was reviewed. Mr. Pidgeon said he would like to discuss the railroad station sublease in executive session.

COUNCIL STANDING COMMITTEE REPORTS

Public Safety. Mr. Rossi said there will be a meeting soon to discuss the Street Fair. A new police officer has been hired and a ceremonial swearing in will be scheduled for a future meeting.

Finance. Later this month a committee meeting will be scheduled to review revenue and expense experience. Also, the committee will begin an operating budget impact analysis including pension and health benefit increases effective next year.

Personnel. Mr. Sooy said there was a meeting tonight, before the council meeting. The committee discussed various strategies, solutions, and has requested information on some matters. Personnel matters will be discussed tonight in executive session.

Engineering, Technology & Public Works. Mr. McDowell said all capital road projects are in line for completion by the end of the year. The committee is reviewing the best plans and options for Old Fort Road and Mullens Lane, to be done next year. Ferriero Engineering will be providing a proposal for a road study. Messrs. Macdowall and Haynes met with transit parking engineers and they have agreed to provide parking designs for the train station lot at no cost to the borough. We are awaiting a response from NJ Transit on what we consider to be major repairs at the train station. Mr. Rossi requested change orders for the downtown improvement project.

ITEMS OF BUSINESS

Sounds Around Town

Caesar Mistretta Sr. was present to discuss this event. Mayor Honecker asked if this would be different than the one held in the spring? Mr. Mistretta said it would be on a Saturday instead of Friday and would run from 5:00 p.m. until 10:00 p.m., which is an hour later than in the spring.

Turtle crossing signs

Jacqueline Totten, Planning Board member, raised a concern that turtles have been crushed by cars at Route 202 and Mount Harmony Road. Mayor Honecker said that Sherry Frawley, Environmental Commission Chair, agreed that signs are important. Council consent was given to authorize spending \$150 to purchase turtle crossing signs, as discussed.

Security Lighting at Kiwanis Snack Shack

Mr. Rossi said security lights are proposed and would be installed by JCP&L on either side of the snack shack, at a cost of \$42 per month for both, said amount to be added to our monthly bills (pole and bulb maintenance included). The lights have sensors so they turn on automatically. Mr. Rossi also recommended cleaning brush undergrowth and said a landscaper has volunteered to do the work at no cost. Mr. DeMarco requested a written proposal. It was noted that proof of insurance would be required. Mr. Rossi said he will present something in writing to council. Mayor Honecker asked for a decision on the lights; it was decided to carry the matter to the September 14 meeting.

Gypsy moth egg mass survey

In a letter dated July 15, the NJ Department of Agriculture informed that "defoliation caused by the gypsy moth has been detected in" Bernardsville, and "if determined from egg mass surveys that aerial treatment is needed, the Department will develop spray contracts, supervise spray operations and apply for federal cost sharing funds." There was unanimous consent to submit the application for survey of gypsy moth egg masses, and authorize either the Borough Clerk or Administrator to sign the document on behalf of the governing body.

Little League celebration

Mr. DeMarco discussed the Somerset Hills Little League team's success in playoffs, and recommended the borough sponsor a recognition event. There is a balance in "celebration of public events" which could be utilized, he said, and he suggested reaching out to Peapack and Far Hills to seek participation. Mr. DeMarco moved "that Mayor Honecker work with the appropriate parties, whether that be the Recreation Director or anyone else in borough hall who has the time, with the little league parents or the organization themselves and with the other Mayors, to put on a celebration of the success of our twelve year old little league team, the way they presented themselves and how they played the game." The motion was seconded and approved with six yes votes.

Street Fair

This item was carried to the meeting on September 14, pending receipt of information requested from the Chief of Police and a final form of contract for consideration.

OPEN SESSION

Terry Thompson, Mine Mount Road resident and Planning Board member, after listening to the discussion on security lights at Kiwanis field, said that lights on poles in or near residential areas were the subject of great discussion, concern and deliberation during several Planning Board applications. The board made three sets of applicants get rid of the JCP&L security lighting and

substitute motion sensor, lower lighting because of related residential complaints. She recommended that the potential for creating a problem be considered. Mayor Honecker said we would make it subject to our professional's recommendation.

CLOSED SESSION

Council Member McDowell moved to adjourn to an executive session to consider labor negotiations, railroad station sublease agreement, and personnel matters 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 with six yes votes.

ADJOURNMENT

It was moved and seconded to adjourn the meeting. The motion was approved with six yes votes at 9:30 p.m.

Sandra G. Jones, Borough Clerk

keywords: dumpsters-library-special-events-parking-fertilizer-capital-budget-green-acres-tax-refunds-old-fort-mullens-street-fair-train-station-parking-light-kiwanis-turtle-signs-little-league-gypsy-moth-sounds-around-town-jcpl