

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 14, 2009

The meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, September 14, 2009. 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, Anthony Suriano, Deputy Borough Clerk, and Ralph Maresca, Administrator.

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.

OPEN SESSION

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

ITEMS OF BUSINESS

Economic Development Toolkit – SC Business Partnership – Peter Wright and Michael Kerwin of the Somerset County Business Partnership gave a presentation. They talked about planning for economic development at the local level and different strategies involved. They distributed and discussed Chapter Two of the Somerset County Business Partnership's Economic Development Toolkit for Local Elected and Appointed Officials.

Oath of Office – Michael Grosso, Patrolman, was sworn in by Mr. Pidgeon.

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, it was moved to carry the hearing on this ordinance to October 13 with no further public notice. The motion was seconded and approved with six yes votes.

Mayor Honecker moved to open the public hearing on **#09-1521, AN ORDINANCE CONCERNING FERTILIZER AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS**. With no comments from the public, it was moved to carry the hearing to September 28, with no further notice. Mr. Pidgeon will follow up with the engineer. The motion was seconded and approved with six yes votes.

It was moved by Mrs. Foster that ordinance #09-1522, AN ORDINANCE CONCERNING THE OFFICE OF EMERGENCY MANAGEMENT AND SUPPLEMENTING 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., September 28, 2009.

RESOLUTIONS

- #09-143 **APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #09-144 **AUTHORIZING REFUND OF POLICE OFF-DUTY ESCROW FUND BALANCE**
- #09-145 **AUTHORIZING AN EXCHANGE OF CERTAIN HOLIDAYS**
- #09-146 **ACCEPTING DONATIONS**
- #09-147 **APPOINTING PART-TIME/SUBSTITUTE DISPATCHERS**
- #09-148 **AUTHORIZING SUBMISSION OF AN APPLICATION FOR A YOUTH ATHLETIC AND RECREATION GRANT**
- #09-149 **AUTHORIZING 2009 PROPERTY TAX REFUNDS**
- #09-150 **SUPPORTING NEW JERSEY DIVISION OF STATE POLICE LIVE SCAN INITIATIVE**
- #09-151 **SUPPORTING THE CAPITAL BUDGET PLAN RECOMMENDED BY THE FINANCE COMMITTEE**
- #09-152 **AUTHORIZING PAYMENT OF BILLS**

Mrs. Foster asked if the refunds in Resolution #149 were a result of appeals. Mr. Pidgeon answered no, they are a result of overpayments. Mr. Rossi moved to adopt Resolutions #09-143 thru #09-152. Mr. Sooy seconded and the motion was approved by the following roll call vote:

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

Street Fair - Discussion took place on the proposed contract between StreetFairs.org and the borough for a street fair on May 16, 2010. Chief Valentine estimated police overtime to be from \$1,900 to \$2,500 for this event. Mayor Honecker said this would be our expense. Public Works is estimated under \$3,500. Mayor Honecker said we have until October 1st to get them the contract and would like clarification as to where the barricades will be placed. Mr. Pidgeon will get clarification and this item will be carried to the September 28th meeting.

Library Volunteer Recognition Program/request for champagne toast - Karen Brodsky, Library Director, was present to ask permission to have a champagne toast at a Volunteer Recognition program at the library on September 15th from 4:30pm to 5:30pm. Council consent was given. Ms. Brodsky said this is an annual program and asked if permission could be given for repeat events. Council agreed to annually give permission and instructed Ms. Brodsky to inform the Borough Clerk of the event date each year.

Tie a Ribbon Campaign - Charlotte Drinkwater was present to ask permission to tie pink ribbons around trees for Breast Cancer Awareness month in October. The ribbons would be on trees in the downtown area and not telephone poles. They will be removed on the last day of the month. Council consent was given.

ATV noise - Steven and Diana Kramer spoke about a neighbor riding off road vehicles very close to their property line. They said the noise prevents them from enjoying their home and property. Mr. Pidgeon will draft an ordinance regarding off road vehicle noise to be discussed at the October 13th meeting.

Census New Construction Program - The New Construction Program provides an opportunity to submit a list of city style addresses for housing units for which basic construction began during or after March 2009 and completion is expected by Census Day, April 1, 2010. Mrs. Foster suggested asking the Construction Office how many building permits and certificates of occupancy were issued since March. Mr. Maresca will follow up with the Construction Office and this item will be discussed at the September 28th meeting.

Correspondence, Ms. Goralczyk/Elmer Ave. - Barbara Goralczyk, Elmer Avenue, discussed the condition of Elmer Avenue. She said there is a problem with drainage and flooding. Mr. McDowell said he will talk with Mr. Macdowall, Public Works Manager, and report back on September 28th in his Public Works Committee report. Mayor Honecker invited Ms. Goralczyk to come to the meeting on September 28th.

Correspondence, Frank Clancey/signs - Frank Clancey, of Clancey Realty Group on Essex Avenue, was present to discuss Bernardsville's sign ordinance. Mr. Clancey requested that council eliminate any time limits to market commercial property. He said there are no limitations to

residential signs and commercial signs should have same. Mr. Pidgeon suggested sending this topic to the Planning Board. Mrs. Foster asked Mr. Maresca to advise Mr. Mondok to add this topic to the Planning Board agenda for September 17th.

Correspondence, Mr. and Mrs. Hahn/downtown - Mayor Honecker acknowledged a letter from Douglas and Monica Hahn, Douglass Road, complimenting those at the borough who helped with the downtown project.

Correspondence, Jack Stinson/tree maintenance - Mr. Stinson, Somerset Avenue, discussed Morris Avenue which is a paper street that borders his backyard. He said there is a lack of tree maintenance on the Morris Avenue right-of-way, and his fence and neighbor's garage had some damage from limbs falling. Mr. Pidgeon said Morris Avenue is a paper street, which means it's dedicated to the borough but not accepted, so the borough has is responsible for the street. Mr. Stinson asked why the borough granted an easement to the water company. Mr. Pidgeon said utilities have the right to go through a paper street. Mayor Honecker asked if the water company and Mr. Matlack of the Shade Tree Committee could be contacted about this. Mr. Pidgeon will contact the water company and Mr. Maresca will contact Mr. Matlack and report back to council. This item will be placed on the September 28th agenda.

Security lighting at Kiwanis snack shack - A question concerning the cost of the lights was discussed. The cost is \$42 per month for two lights, and not \$4,200. This amounts to approximately \$500 per year. Mr. Maresca said it will be an ongoing cost to the borough. Mayor Honecker asked if we can handle \$500 per year. Mr. Maresca said yes, we can put this in the budget. Chief Valentine said the \$42 quote was from several weeks ago, and it may have increased to \$44 per month at this time. Mayor Honecker said we could authorize it not to exceed \$50 per month. Mr. McDowell moved to authorize security lighting not to exceed \$50 per month for the charges with the stipulation that the utility company puts up the lights. Mr. Rossi seconded and the motion was approved with six yes votes.

Sign recognizing state champs - Mr. DeMarco said the cost for one sign is \$1,500 and the cost for two signs in \$2,500. Mr. Rossi said there needs to be rules and regulations on how many signs go up, how long they stay up, the size of the sign, etc. Mrs. Foster mentioned having signs for academic recognition, not just for sports teams. Mr. DeMarco asked Mr. Pidgeon to get a copy of the material used in Long Hill. Mayor Honecker said this item should be taken to public works. This topic will come back to council at a future date when more information is gathered.

Owner's request to rent Pine Ridge condo - Sharon Murphy is seeking an exemption in order to be allowed to rent her unit at 1525 Pine Street. She is looking for work in or out of state, and would like to rent her unit to see how the job works out before selling her unit. The interim period is one year. Linda Gargiulo, Manager of HAS Operations, advises that HAS does not act

on such a request until there is a promise of employment made. Ms. Gargiulo is seeking the borough's input before taking formal action. Mr. McDowell moved to grant approval subject to the approval of HAS. Mr. Rossi seconded and the motion was approved with six yes votes.

Request to extend summer hours program - This matter was held to executive session. There was no motion or decision to extend summer hours.

Modification of partial payment for sewer connection fee - Tomas Gonzalez, 61 Washington Avenue, has indicated that he is unable to pay the initial \$2,000 fee, and is asking to be allowed to pay \$500 every other month until the fee is paid. A memo from Mr. Macdowall stated that at a recent Public Works Committee meeting, it was recommended that we permit the homeowner to make the first payment under the terms of \$500 every other month with the understanding that a lien will be placed on the property for failure to keep up with the proposed arrangement, subject to review and approval by the borough attorney. Mr. Rossi moved the recommendation as stated above. Mr. McDowell seconded and the motion was approved with six yes votes.

Mayor Honecker appointed Mr. McCrossan, Mrs. Foster, Mr. Sooy and Chief Valentine to a committee to investigate sharing services with Somerset County for police dispatch. The committee will come back to council with their findings. Mr. McCrossan will be the chair of the committee.

CLOSED SESSION

Council member Foster moved to adjourn to an executive session to consider the matters set forth below, and that the time when and circumstances under which the matters can be disclosed to the public is when it is finally resolved.

Contract negotiations and Pending and anticipated litigation; Rolling Hills Condo Association vs. Caruso; Estate of Beatrice Bernhard

Mr. McDowell seconded and the motion was approved with six yes votes.

REOPEN AND ADJOURNMENT

It was moved and seconded to reopen the meeting to the public. Motion approved. It was moved and seconded to adjourn the meeting at 11:05 p.m. Motion approved.

Anthony Suriano, Deputy Clerk

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keywords: somerset-county-business-partnership-police-dumpsters-fertilizer-emergency-management-fire-donation-recreation-youth-grant-tax-refund-live-scan-initiative-capital-budget-plan-street-fair-library-noise-construction-census-tie-ribbon-signs-drainage-elmer-tree-lights-kiwanis-pine-ridge-sewer-connection