

BOROUGH OF BERNARDSVILLE

**Mayor & Borough Council Meeting
September 25, 2006**

A regular meeting of the Governing Body was called to order by Mayor Jay Parsons at 7:00 p.m. on Monday, September 25, 2006. Present were Denis J. Dooley II, Charlotte J. Foster, Lee C. Honecker, Joseph Rossi and Mikael Salovaara. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator/C.M.F.O. and Sandra G. Jones, Clerk and Assistant Administrator. Michael Landau was absent.

STATEMENT OF PRESIDING OFFICER

Mayor Parsons announced that 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

Mayor Parsons read a proclamation, copy attached hereto, honoring Russell Kostelak, Ana Barry and others for their participation in organizing the First Annual Hannaford Swim-A-Thon, which was held on July 16, in honor of Kevin Hannaford and all those who lost lives in the World Trade Center disaster.

APPROVAL OF MINUTES

Mr. Honecker moved to accept the minutes of meetings held on August 14 and September 11. Mrs. Foster seconded the motion. Mr. Salovaara was absent on August 14 and therefore abstained from voting on those minutes, but voted yes to approve minutes of September 11. Members Dooley, Foster, Honecker and Rossi voted yes on August 14 and September 11.

OPEN SESSION

Mayor Parsons opened the public session. Caesar Mistretta spoke in support of a letter dated September 20 from Ken Neff, President of the Chamber of Commerce, requesting relief of certain licenses and fees for Unity Day, and clarification as to whether or not concessionaires licenses are required for those participants who will not sell items. It was agreed to license three outside vendors who will provide rides and the Chamber of Commerce which will collect money in exchange for tickets for rides or food/beverages. Mayor Parsons closed the public session.

ORDINANCES

Mayor Parsons opened the public hearing on **#06-1441, AN ORDINANCE ESTABLISHING PROCEDURES FOR PRIVATE CONTRACTORS AND OTHER OUTSIDE ENTITIES TO RETAIN THE SERVICES OF POLICE OFFICERS AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. The police committee recommended that the escrow be lowered to 100% of the estimated amount and that the Administrator set the administrative and equipment charges. Mr. Rossi moved to amend the ordinance as discussed. Mrs. Foster seconded and the motion was approved with five yes votes. Without comment or questions from the public, the hearing was closed. Mr. Salovaara moved that Ordinance #06-1441 be passed on final reading and adopted as amended. Mr. Honecker seconded and the ordinance was approved as follows:

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

Mayor Parsons opened the public hearing on **#06-1442, AN ORDINANCE PERMITTING SITE VISITS BY BOARD OF ADJUSTMENT MEMBERS AND REQUIRING PROPERTY OWNERS TO “MARK OUT” THE CORNERS OF ANY SUBDIVISION, BUILDING OR ADDITION AND AMENDING ARTICLE 3 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED “ZONING BOARD OF ADJUSTMENT.** Mr. Pidgeon discussed a memo from the Planning Board dated September 15, recommending adoption, subject to suggested revisions, relative to mark-outs and making the ordinance applicable to both the Board of Adjustment and the Planning Board. Members agreed to proceed with adoption as introduced, and to incorporate the Planning Board suggestions into a separate ordinance to be prepared for the next meeting, or as soon as possible. Mayor Parsons closed the public hearing. Mr. Salovaara moved that Ordinance #06-1442, be passed on final reading and adopted as published. Mr. Honecker seconded and the motion was approved as follows:

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

Mayor Parsons opened the public hearing. Mr. Salovaara moved to amend **#06-1443, AN ORDINANCE ESTABLISHING REGULATIONS AT THE SCHOOL DISTRICT/BOROUGH TENNIS COURTS AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED “POLICE REGULATIONS”**, to permit bottled drinking water and to clarify the private lessons that are prohibited. There were no questions from the public, and Mayor Parsons closed the hearing. Mr. Dooley seconded the motion to amend, and it passed three yes votes to two no votes (Honecker and Rossi voted no). Mr. Salovaara moved that Ordinance #06-1443 be passed on final reading and adopted as amended. Mr. Dooley seconded and the motion was approved as follows:

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

Mr. Salovaara moved that **#06-1444, AN ORDINANCE REZONING BOROUGH PROPERTY TO R-10A TO ACCOMMODATE HOUSING FOR LOW AND MODERATE INCOME HOUSEHOLDS**, 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, October 30, 2006. Mrs. Foster seconded and the motion was approved with five yes votes.

Mr. Honecker moved that **#06-1445, AN ORDINANCE CONCERNING PARKING REGULATIONS ON CLAREMONT ROAD 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., Monday, October 30, 2006. Mr. Salovaara seconded and asked why a parking space is being eliminated? Mr. Pidgeon stated that, if Claremont is a county road, Somerset County approval will be needed prior to adoption. The motion was seconded and approved with five yes votes.

Mr. Rossi moved that **#06-1446, AN ORDINANCE REVISING FIRE CODE FEES AND AMENDING CHAPTER XV OF THE BOROUGH CODE ENTITLED “FIRE PREVENTION”**, 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, October 30, 2006. Mr. Salovaara seconded and the motion was approved with five yes votes.

Mrs. Foster moved that **#06-1447, AN ORDINANCE CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING ARTICLE 13 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED “AFFORDABLE HOUSING” (AS PREVIOUSLY AMENDED BY ORDINANCE**

#2006-1436), 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, October 30, 2006. Mr. Salovaara discussed this ordinance which would reduce the fee for age-restricted housing units that result from “d” variances, and explained that this ordinance was introduced because of a particular developer who wanted to increase density in a certain area. He is in favor of an age-restrictive definition. As discussed, section 13-5.2 was changed to make the ordinance applicable to a minimum age of 62 years and inserting Peapack-Gladstone Bank to section 13-5.7. Mr. Honecker moved to amend, Mr. Salovaara seconded and the motion was approved with five yes votes. Mr. Salovaara moved to approve upon introduction, as amended, Mr. Honecker seconded, and the motion was approved with five yes votes.

Mr. Salovaara moved to adopt **RESOLUTION #06-191, A RESOLUTION REQUESTING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) TO REVIEW BOROUGH DEVELOPMENT FEE ORDINANCE**. Mr. Honecker seconded and the motion was approved with five yes votes. **RESOLUTIONS**

- #06-184 PROVIDING FOR THE INSERTION OF \$500 AS A SPECIAL ITEM OF REVENUE IN THE 2006 BUDGET (Chapter 159)**
- #06-185 ACCEPTING DONATION**
- #06-186 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #06-187 AUTHORIZING PAYMENT OF BILLS**
- #06-188 ACCEPTING MONTHLY REPORTS**
- #06-189 AWARDED A CONTRACT FOR BERNARDSVILLE COMMUNITY POOL FILTER REPLACEMENT**
- #06-190 AUTHORIZING THE MAYOR TO SIGN A SETTLEMENT AGREEMENT WITH N.J.D.E.P.**
- #06-192 APPOINTING A PART-TIME SUBSTITUTE DISPATCHER**

Consent Resolutions

Mr. Salovaara moved that Resolutions #06-184 thru 192 (excluding #06-191 which was approved earlier) be approved. Mr. Honecker seconded and the motion was approved as follows:

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

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s written report of September 19 was accepted.

COUNCIL COMMITTEE REPORTS

Public Safety Chair, Mr. Honecker, reported that the Borough is accepting applications for a full-time, replacement dispatcher and for part-time, substitute dispatchers. Chief Valentine is investigating the installation of a parking ticket machine for the commuter lot at the train station. He is interested in a particular machine and is compiling quotes on it as well as on digital meters which he will present for comparison at the next meeting. Crossing signals at pedestrian crosswalks at Olcott Square

and signs at the crosswalks further east on Route 202 need updating. Library parking lot signs have been ordered. The DOT has asked if the Borough would prefer that contractors for future work on a water line at Route 202 and Spring House Road work at night? There was general consent to said work being done at night, or outside of heavy traffic hours.

Finance & Personnel - No report

Engineering, Technology & Public Works Chair, Mr. Dooley, submitted a written report, discussed road work currently in progress around the borough and reported that residents immediately affected are being given advance notice by personally delivered flyers.

Quarterly Reports

Cable TV - Mr. Rossi reported that Patriot Media has completed installation of the INET system for school and town properties and it is up and running within school buildings. Installation of cable TV and internet connections to town hall, police headquarters, public works and sewer buildings, and library will be done soon. The Senior Center will also be wired by Patriot and the free phone that was offered earlier will be installed there.

Town and School - Mr. Rossi discussed The RBA Group, an engineering, planning, architectural group who formalized the "Safe Walks" plan. They will soon present a four-hour clinic to discuss speed calming, safe crosswalks, bump outs, and many other topics for representatives from the school, the public and the Planning Board. The committee discussed field usage. The school utilizes the recreation fields at the Polo Grounds about 80% of the time and the committee feels that maintenance costs and actual work should be shared by the school and Recreation. Mayor Parsons asked that the current sidewalk study be given to Michael Mondok for the Planning Board to utilize.

Board of Health - No report

Information Systems - Mr. Rossi said the Cisco system must be reviewed. Mayor Parsons said the Zoning Enforcement Officer is interested in a computer program which would aid in her work. The Borough Clerk was directed to ask the IS Committee to review the program and make a recommendation.

Open Space - Mr. Salovaara reported that at the September 20 meeting, a proposal was made to purchase a three acre property on Route 202 which is adjoined by another three acres about to go on sale, and a parcel at the intersection of Seney Drive and Anderson Hill Road. Maintenance expenditures are being discussed.

Planning Board - Mayor Parsons said the board has discussed low income housing requirements of the Borough, and seems to agree that the Borough should not overbuild in light of the possibility of lower COAH requirements.

Recreation Committee - Mr. Honecker reported that the committee met on September 12. Pool revenues are down substantially and the situation was attributed to the fact that Chester has a community pool. Field usage was discussed. Approval was given to the bid for pool repairs. Mr. Rossi raised the question of brush removal and topsoil leveling near the restrooms to enable clear visibility of children walking to that area by coaches and parents. All agreed this is something that should be done as soon as possible and will be handled by the Road Department. The Recreation fee schedule was discussed, along with the practice of explaining changes in a separate memo. While some members favored a change in practice, it was agreed to continue to show all fees in one resolution.

Shade Tree Advisory Committee - Mr. Salovaara reported on a meeting held September 21st. The Library tree planting was discussed. Training and Continuing Education units will be implemented for two library employees. The committee is considering major changes to the tree protection ordinance and suggested that Mr. Pidgeon review the Cedar Grove case to make sure the Borough ordinance is enforceable in the short term.

Historic Preservation Advisory Committee - Mrs. Foster said a site visit of Borough Hall by the committee will soon occur. It will include Bob Craig, from the DEP Preservation Department and will determine if the building is suitable for historic designation. That would open up the possibility for grants for exterior work on the building. The committee is also working with Wachovia Bank to get the clock on its corner fixed. They will also request again, that the Planning Board consider implementing a demolition ordinance which would allow documentation of a historic property before demolition takes place.

Insurance - No report

Housing Committee. Mr. Honecker reported on the Landlord/Tenant meeting on September 16th. Only 25 people attended as compared to 200 the first time. The Zoning Enforcement Officer explained our ordinance to the public. Mr. Honecker moved that the October 1st compliance deadline be extended to November 1st. Mr. Rossi seconded and the motion was approved with five yes votes. The Borough Clerk was directed to put the housing form(s) on the website.

Hunt Parking - Mr. Rossi moved to approve use on October 28 of the train station lot by the Bernardsville Fire Company for a parking fund raiser for the Far Hills Hunt. Permission granted earlier was for October 21. Mr. Honecker seconded the motion which was approved with five yes votes.

ITEMS OF BUSINESS

Request from Township Twig for directional signs

This group requested permission to place directional signs in select locations around Bernardsville, for a one night fund-raising event they are hosting Saturday, October 21, 2006 for the benefit of Morristown Memorial Hospital. Permission was granted with five yes votes. The Mayor directed the Borough Clerk to advise the individual who sent the request, Gayle Khoury.

Feld Conservation Easement

Mr. Honecker recused himself from discussion on this matter due to a conflict. Mr. Bisogno, Attorney for the Felds, requested relief due to part of a septic field built in error in a conservation easement. It was agreed that this matter must be returned to the Board of Adjustment for review and recommendation to the Council. Mr. Pidgeon agreed to advise Mr. Bisogno.

OPEN SESSION

John McCrossan spoke about the new landlord/tenant housing application and recommended the deadline remain October 1st. He was assured that the ordinance is in effect but fines for late sign-up will not be levied at this time.

CLOSED SESSION

Mr. Salovaara moved that the meeting be adjourned to an executive session to consider 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. The public was advised that no official action is anticipated, therefore, adjournment will follow without reopening the public meeting. Mrs. Foster seconded and the motion was approved with five yes votes.

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Sandra G. Jones, Borough Clerk

keywords:

proclamation-unity-day-police-zoning-school-tennis-court-housing-parking-claremont-fire-code-budget-donation-membership-pool-dep-dispatcher-meters-crosswalk-road-cable-recreation-open-space-planning-shade-tree-historic-hunt-signs-conservation-easement