

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**September 28, 2009**

This meeting was called to order by Mayor Lee Honecker at 6:00 p.m. on Monday, September 28, 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, Sandra G. Jones, Borough Clerk/Assistant Administrator, and Ralph Maresca, Administrator/CMFO.

**STATEMENT OF PRESIDING OFFICER**

Notice 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 September 17, 2009.

**EXECUTIVE SESSION**

Mr. McDowell moved to adjourn to Executive Session to discuss the contract for the downtown improvement project and potential litigation. Mrs. Foster seconded the motion, which was approved with six yes votes. At 6:40 p.m., following discussion, Mr. McDowell moved to adjourn. Mrs. Foster seconded the motion was approved with six yes votes.

**STATEMENT OF PRESIDING OFFICER**

Mayor Honecker reconvened the meeting at 7:00 p.m. and announced that notice 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**

Mayor Honecker moved 12C, Old Fort Road, to this point in the meeting. Mr. McDowell said the Public Works Committee will present what they believe is the two best options for Old Fort Road. Bob Brightley, Ferriero Engineering, displayed plans and discussed both an "upper route" and a "lower route". Mr. McDowell said costs for both are within 5%, the committee feels the lower option would be less impact on the neighborhood and pedestrian traffic currently favors this route. Mr. Rossi said the upper route is safer, with fewer crosswalks, and stated that opinion is shared by the athletic director and the school superintendent. Mr. McDowell called for public comment, and Mayor Honecker opened the meeting for public comment on the Old Fort options.

Dr. Mark Aronson, 77 Old Fort Road, said students walk the lower, shorter loop. Scott Stange, 53 Old Fort Road, believes the upper route is safer and feels children can be trained to use it. Marilyn Clendenny, 45 Old Fort Road, asked what happened to the original plan utilizing the lower route? Mr. Brightly spoke about grade problems on the original plan. Mrs. Clendenny said pedestrian traffic, five to one, favors the lower route, and she asked about sidewalk placement vs. the right of

way? Mr. Brightly responded that sidewalks would be built in the right of way and would not affect setbacks. Tom Clendenny said this will impact many people and the Borough must not squander taxpayer money by building a useless and unused sidewalk on the upper route. In response to his question, Mr. Clendenny was informed that property owners are responsible to clear snow from sidewalks in front of their property. Dennis McConnell, 21 Old Fort Road, said a sidewalk on the upper loop would be a waste of money, that the biggest problem is the volume and speed of traffic, and that he still favors speed bumps. Mr. Rossi discussed the "Safe Walks" program, Chief Valentine discussed pros and cons of speed bumps, and Mr. DeMarco said speed bumps could be added later if it is determined they are a viable option. Carol Bocchino, 2 Old Fort Road, expressed doubt that students can be trained to walk the upper route, and concluded "No one wants sidewalks". Edith Cavaluzzo, Garibaldi Street, asked Chief Valentine if placement of a speed trailer would help to slow motorists down? Dr. Arenson asked if one way traffic has been considered? Chief Valentine said one way traffic was considered, and he commented that traffic studies show that most cars are not exceeding the speed limits. Mr. McCrossan asked if it is possible to restrict thru traffic? The Chief responded that while possible, it would just create traffic problems in other areas. In response to a suggestion to lower speed beyond the current limit of 25 mph, the Chief said traffic studies would be necessary. The police department, he said, would support sidewalks on both routes and the school could affect walking routes of student athletes headed for the Polo Grounds. Skip Orza, 59 Old Fort Road, asked how wide the road would be? Mr. Brightley responded 17 to 24 feet with four foot wide concrete sidewalks. Terry Thompson, Planning Board member and resident at 79 Mine Mt. Road, discussed the sidewalk element of the Master Plan. Who will pay, Mr. Orza asked? Mr. DeMarco responded \$150,000 is from a state grant , \$300,000 from a "Safe Routes to School" grant, and the borough portion is approximately \$250,000. Mr. Orza said speed bumps are noisy and unsightly. Mayor Honecker asked for a show of hands from those who feel speed and traffic volume are the real problem on the road? The show of hands was significant.

Mr. McDowell cautioned that grant money for this project will be lost if bids are not awarded on time (April/May, 2010). The Public Safety Committee was asked for a recommendation on speed reduction and traffic calming for the next meeting. Mr. Rossi said they will need assistance from a traffic expert. No motion in that regard was considered or authorized. It was agreed a decision on the Old Fort project should be made at the next meeting.

Scott Stange, 53 Old Fort Road, asked what responsibility the homeowners would have for the new sidewalks. Mr. Pidgeon responded homeowners will be responsible for snow removal but will not be charged for sidewalk installation.

Mayor Honecker called for a break at 8:30 p.m.

**APPROVAL OF MINUTES**

Mr. Sooy moved approval, as presented, of minutes of meetings held August 10 and September 14. Mrs. Foster seconded and the motion was approved by six yes votes.

**OPEN SESSION**

Mayor Honecker opened the public session. Mr. Philip Pitney, Lloyd Road, spoke about Unity Day coming up Saturday and expressed disappointment that the Bernards Township Chamber of Commerce application to participate was turned down by the Bernardsville Chamber of Commerce Executive Committee.

Barbara Goralczyk, 14 Elmer Avenue, expressed thanks for preliminary patching, requested additional patching, and an update on plans for Elmer. Mr. Macdowall, Public Works Manager, responded that funds from prior budgets are available for engineering and Ferriero Engineering has prepared a base topographical plan. Preliminary engineering plans will be developed during the fall/winter and a cost estimate will be available for consideration for the 2010 capital program. Mr. Macdowall emphasized a road rating system for Bernardsville will be done, and Elmer will be considered along with other roads.

Cathy Polsen, 26 Crestview Drive, Jennifer Walsh, 56 Crestview Drive, and Ali Ghahary, 20 Crestview Drive submitted a petition signed by approximately 18 residents of Crestview, seeking permission for PSE&G to access the Borough's 20 foot wide utility and walkway easement through McCrossan property, between Laurelwood Drive and Crestview Drive, to install a natural gas line. Messrs. McCrossan and Rossi recused themselves. Mrs. Walsh discussed history, savings that could be realized, and pointed out other utilities currently run through this easement. Mrs. Walsh said many people use this easement as a walking trail everyday but just recently "No Trespassing" signs have been erected. The borough attorney was directed to investigate dedicated use of the easement and the possibility of use expansion.

Mayor Honecker closed the public session.

**ORDINANCES**

Mayor Honecker opened the public hearing on **#09-1519, AN ORDINANCE CONCERNING SPECIAL EVENTS AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING"**. Without comments or questions from the public, Mayor Honecker closed the public hearing. Mr. Sooy moved that the ordinance be passed on final reading and adopted as published. Mrs. Foster 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

Mayor Honecker opened the public hearing on **#09-1520, AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON QUIMBY LANE AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**. Without comments or questions from the public, Mayor Honecker closed the public hearing. Mr. Rossi moved to adopt the ordinance. Mr. Sooy 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

Mayor Honecker continued the public hearing on **#09-1521, AN ORDINANCE CONCERNING FERTILIZER AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**. There were no comments or questions on the ordinance, as published. Mr. McDowell moved to **amend** #09-1521 to include only those areas of the Borough shown on the Fertilizer Area Map prepared by the Borough Engineer, and to **continue the public hearing** on the ordinance, as amended, to October 13. Mr. Rossi seconded and the motion was approved with six yes votes. Mr. McDowell moved to publish the amendment. Mr. Rossi seconded and the motion was approved with six yes votes.

Mayor Honecker opened the public hearing on ordinance **#09-1522, AN ORDINANCE CONCERNING THE OFFICE OF EMERGENCY MANAGEMENT AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Without comments or questions from the public Mayor Honecker closed the public hearing. Mrs. Foster moved that the ordinance be passed on final reading and adopted as published. Mr. Sooy 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

Mr. McDowell moved that **#09-1523, ORDINANCE AMENDING AN EXCESS PROCEEDS REAPPROPRIATION ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, HERETOFORE ADOPTED ON MAY 27, 2008 (#08-1490)**, 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., October 26, 2009. Mrs. Foster seconded and the motion was approved with six yes votes.

**RESOLUTIONS**

- #09-153      AUTHORIZING REFUNDS OF POLICE OFF DUTY ESCROW FUND BALANCES**
- #09-154      PROVIDING FOR THE INSERTION OF SPECIAL ITEMS OF REVENUE IN THE 2009 BUDGET (Chapter 159, P.L. 1948)**
- #09-157      APPROVING CHANGE ORDER NO. 1 TO CONTRACT FOR 2009 RESURFACING PROGRAM WITH ENGLISH PAVING COMPANY, INC.**
- #09-158      ACCEPTING MONTHLY REPORTS**
- #09-159      APPROVING A FIREWORKS APPLICATION FROM GREGG SEIBERT**
- #09-160      AUTHORIZING PAYMENT OF BILLS**
- #09-162      AUTHORIZING REDEMPTION OF OUTSIDE LIEN #264**

Mr. Sooy moved to accept **RESOLUTIONS #09-153, #09-154, #09-157** through **#09-160**, and **09-162**. 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 FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION BOND ACT OF 2009**, was discussed. Mrs. Foster asked if the resolution is supported by the Environmental Commission? Mr. DeMarco said "They wholeheartedly endorse the act".

**RESOLUTION #09-155, SETTING RECREATION FEES**, was discussed. Mr. Rossi asked if pool membership fees should be adjusted, given the economy? He was advised that pool fees are not included in this amendment, and that question should be referred to the Recreation Advisory Committee.

**RESOLUTION #09-156, AWARDING A CONTRACT FOR CLARK ROAD DRAINAGE IMPROVEMENTS**, was discussed. Mr. Rossi voiced his objections to this project and asked the Council to delay one more month. Mr. DeMarco disagreed with Mr. Rossi and said the project should begin as soon as possible.

**RESOLUTION #09-161, ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE**, was discussed. Mrs. Foster explained that on June 23 a meeting was held for those with interest in this effort, and recommended two additions to the resolution, adding, Bob Baker, Chair, and Charlotte Foster, Regular Member/Council Liaison.

Mrs. Foster moved to accept **RESOLUTION #09-139**. Mr. Sooy seconded and the motion was approved by six yes votes. Mr. McCrossan moved to accept **RESOLUTION #09-155**. Mrs. Foster seconded and the motion was approved by a six yes votes. Mr. DeMarco moved to accept **RESOLUTION #09-156**. Mr. McCrossan seconded and the motion was approved by five yes votes. Mr. Rossi voted no. Mrs. Foster moved to accept **RESOLUTION #09-161**. Mr. McCrossan seconded and the motion was approved by six yes votes.

### **REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon's report dated September 23, 2009, was accepted.

### **COUNCIL STANDING COMMITTEE REPORTS**

**Public Safety.** Mr. Rossi asked Chief Valentine to speak about CERT training to begin next week. New this year will be the training of key employees that should a disaster strike the community, will be pressed into service . It provides them with basic information they would need. The six include the Administrator, Clerk, Deputy Clerk, Recreation Director, Recreation Assistant, and Police Records Clerk.

**Finance.** Mr. McCrossan said balances through August have been reviewed, and there are no serious issues to date. The committee will continue to review closely for the remainder of the year.

**Personnel.** Mr. Sooy said at the last meeting they discussed training issues for certain positions and made recommendations to the Administrator. The goal is increased efficiency and cross-training personnel so that they can multitask. "Basically, he said, we are looking at efficiency and getting more out of our employees".

**Engineering, Technology & Public Works.** Mr. McDowell reported that the new telephone system has been installed. Resolution 157 approved a change order to mill and pave various streets. Clark Road was covered earlier in the meeting. West Prospect and Oak Ridge remain. Approval was given for a road study. Library lights are to be manufactured in the next six to seven weeks. Elmer Avenue was discussed earlier. Mr. Rossi asked about Overleigh Road and was assured it is to be included. West Prospect was designed for curbs, drainage, and repaving with sidewalks. Mr. Rossi suggested diverting money to Overleigh from the West Prospect job and delaying that job until next year. Mr. McDowell said the committee will consider the suggestion.

**QUARTERLY REPORTS**

**Cable TV.** Mr. Rossi said many complaints have been received about COMCAST. Verizon has yet to give us a date when Channel 14 will be added to FIOS customers.

**Board of Health.** Mr. McDowell was unable to attend the last meeting but he was informed that a focus is education regarding Swine Flu.

**Environmental Commission.** Mr. DeMarco reported.

**Information Systems & Open Space Committee.** No report was given.

**Planning Board.** Mrs. Foster said they will review the real estate sign issue at the October 15<sup>th</sup> work meeting. The Highlands element of the master plan has been revised and edited and will be submitted for review. She asked everyone to keep in mind it is non-binding. A conceptual application before the board includes a pumping station which could provide much-needed service to residents on Tysley Street.

**Recreation Committee.** Mr. McCrossan said after-school programs are beginning. He mentioned that in addition to the regular programs, offerings included a TriCounty Triathlon, a Bike Rodeo, a Radio City trip on November 1. Fields have been fertilized and maintained. The backsteps of the pool have been replaced.

**Shade Tree Advisory Committee.** Mr. Sooy reported that the committee met on September 17 and discussed issues and strategies.

**HPAC.** Mrs. Foster said a nice relationship has been building between the Planning Board and HPAC. Architects have been helpful with site plans and applications and applicants seek input from the committee. The committee is waiting to hear on the Olcott building grant for roof repairs. The Olcott building now qualifies for historic money because it is in the historic district. "The Historic Preservation Committee held off seeking grants for the Dunster property on the advice of some people at County so that the town wasn't asking for too much money, so that the school would get as much money as possible." Lastly, we are in the process of seeking 501C3 designation so that we can start to raise money for the Dunster restoration.

**Insurance.** Mr. McDowell reported that membership renewal in JIF is forthcoming. He will work with the Administrator in anticipation of rates that will "skyrocket", exploring alternatives which may exist.

**Housing Committee.** Mr. Sooy said a meeting was held on September 17. "We finalized our citizen complaint form using the recommendation from Council. A press release will be given to the Bernardsville News. We are reviewing the registration process and as a committee will have a recommendation for Council. We will also be reviewing our ordinance." Mayor Honecker asked if they had adopted the recommended changes to the complaint form? Mr. Sooy answered yes. Mr. Rossi repeated his request that registrations expire on the anniversary date. Mr. Sooy said the committee will review this issue at the next meeting.

**Library Board of Trustees.** Mr. McCrossan reported that the replacement lights are being manufactured for the library and in approximately six or seven weeks should be ready for installation. The Public Works Manager will give a presentation at the next Trustee meeting on the lighting project. Mayor Honecker said that he will be interviewed by COMCAST on Thursday and will try to describe what a great job the library does and what awards they have won.

**Town and School Committee.** Mayor Honecker reported the Town and School Committee has disbanded. Peter Miller, School Superintendent, advised that the school will create instead, a Community Relations Committee with goals which include maintaining a dialogue with constituent communities regarding concerns and developing a strategic partnership with other public and nonprofit participants in the communities. Their committee is comprised of Linda Kragie, Bob Baker, Karen Mc Mann, Deborah Hawkins, and Alice Rose. The Mayor said he will serve, as municipal representative.

### ITEMS OF BUSINESS

**Street Fair.** Mayor Honecker said a decision is needed on whether or not to host a street fair on May 16, 2010, from approximately 11:00 a.m. to 5:00 p.m., at a cost to the Borough of about \$7,000. It was suggested that a uniform procedure to cover all the special affairs in town is needed; some are charged and some are not. Mrs. Foster moved to approve the contract with Street Fairs, Inc. Mr. DeMarco seconded and the motion was approved with four yes votes. Messrs. Rossi and Sooy voted no. Mayor Honecker directed Attorney Pidgeon to prepare the contract for signature.

**Jack Stinson/tree maintenance.** Mr. Stinson has complained about a tree in a paper street called Morris Avenue. Mr. Pidgeon reported that it does not appear the tree in question is the responsibility of the Borough, but research to clarify ownership is in progress, and the subject will be carried on future reports from Mr. Pidgeon.

**Old Fort Road.** Done earlier in the meeting.

**Census New Construction Program.** This optional program was discussed, and it was decided not to participate.

**RFQ's for professional services.** This topic was held for discussion in Executive Session.

**Correspondence.** (none)

### OPEN SESSION

David Gayle, Anderson Road, asked about contingency plans for Unity Day should it rain, as predicted? Mr. Gayle was informed that a rain date is scheduled for Sunday, October 4.

### CLOSED SESSION & ADJOURNMENT

Council member Foster moved to adjourn to executive session to consider **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. Mr. McCrossan seconded and the motion was approved by all members present. Following the session, it was moved and seconded to reopen the meeting to the public, and to **adjourn** the meeting at 10:35 p.m.

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Borough Clerk

keywords:old-fort-road-sidewalks-elmer-avenue-unity-day-crestview-petition-special-events-parking-quimby-fertilizer-emergency-management-bond-police-finance-paving-fireworks-tax-green-acres-recreation-clark-drainage-green-team-cert-oak-ridge-west-prospect-comcast-highlands-insurance-library-lighting-street-fair-stinson-tree-morris-census

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