

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting**  
**October 22, 2007**

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, October 22, 2007. Present were Denis J. Dooley II, Charlotte J. Foster, Michael Landau, John McCrossan, and Joseph Rossi. Also present were Borough Attorney John R. Pidgeon, Esquire and Sandra G. Jones, Borough Clerk and Assistant Administrator. Council Member Mikael Salovaara and Administrator/C.M.F.O. Ralph Maresca were 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 12, 2006.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS** (There were none)

**APPROVAL OF MINUTES**

Council Member Foster moved to approve the minutes of the meetings held on September 24 and October 9. Mr. Rossi seconded, and the motion was approved with five yes votes.

**OPEN SESSION** (No comments)

**ORDINANCES**

Mayor Honecker opened the public hearing on **#07-1472, AN ORDINANCE CONCERNING THE BOROUGH POLICE DEPARTMENT AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Without comments or questions from the public, the Mayor closed the hearing. Mr. McCrossan moved that the ordinance be passed on final reading and adopted as published. Mrs. Foster seconded, and the motion was approved upon the following call of the roll:

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

Mayor Honecker opened the public hearing on **#07-1473, AN ORDINANCE CONCERNING PARKING AT THE POLO GROUNDS AND TENNIS COURTS AND SUPPLEMENTING AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED "PARKING LOTS AND OFF-STREET PARKING"**. Without comments or questions from the public, the Mayor closed the hearing. Mr. Dooley moved that the ordinance be passed on final reading and adopted as published. Mrs. Foster seconded and the motion was approved upon the following call of the roll:

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

Mayor Honecker opened the public hearing on **#07-1474, AN ORDINANCE RAISING DOG LICENSE FEES AND AMENDING CHAPTER V OF THE BOROUGH CODE ENTITLED "ANIMAL CONTROL"**. Without comment

or questions from the public, the Mayor closed the hearing. Mrs. Foster moved that the ordinance be passed on final reading and adopted as published. Mr. Landau seconded and the motion was approved upon the following call of the roll:

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

Mayor Honecker opened the public hearing on **#07-1475, AN ORDINANCE INCREASING THE FEE FOR COPIES OF BIRTH, DEATH AND MARRIAGE CERTIFICATES AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. John Carroll, 55 Anderson Hill Road resident asked, "What are the increases?" Mayor Honecker responded, "From \$5.00 to \$10.00 per copy". The Mayor closed the hearing. Mr. Landau moved that the ordinance be passed on final reading and adopted as published. Mrs. Foster seconded and the motion was approved upon the following call of the roll:

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

A correction was made on page one of Ordinance #07-1476, as suggested by Mr. McCrossan. Mr. Landau moved that **#07-1476, AN ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$450,000 TO REFLECT THE PROCEEDS OF NJDOT GRANTS FOR ROAD IMPROVEMENTS PREVIOUSLY AUTHORIZED AND AMENDING ORDINANCES #05-1395, #06-1426 AND #07-1452 ACCORDINGLY**, 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. November 26, 2007. Mr. McCrossan seconded, and the motion was approved with five yes votes.

Mrs. Foster moved that **#07-1477, AN ORDINANCE REGULATING AND ESTABLISHING STANDARDS FOR PRIVATE COUNTRY LANES FOR LAND DEVELOPMENT REGULATIONS, ARTICLE 10, SUBDIVISIONS**, 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., November 26, 2007. Terry Thompson, Planning Board member, said the Planning Board believes in the concept of shared driveways. Residential Site Improvement Standards allow same, but standards in our ordinance would be helpful. Mr. Rossi recommended a review by the Public Works committee. Mr. Dooley seconded the motion to introduce this ordinance. The motion was approved by five yes votes.

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## **RESOLUTIONS**

**#07-166 AUTHORIZING PAYMENT OF BILLS**

**#07-167 ACCEPTING MONTHLY REPORTS**

**#07-168 AUTHORIZING REFUND OF POLICE OFF-DUTY ESCROW FUND BALANCE**

**#07-169 AMENDING RESOLUTION #07-149 ENTITLED "SUPPORTING THE CAPITAL BUDGET PLAN RECOMMENDED BY THE FINANCE COMMITTEE"**

**#07-170 AWARDING A CONTRACT FOR WASTEWATER TREATMENT PLANT FILTER MEDIA AND SUPPORT BLOCK RETAINING ANGLE REPLACEMENT**

**#07-171 AWARDING A CONTRACT FOR MUNICIPAL PARKING LOT SNOWPLOWING AND**

## SIDEWALK CLEARING

Mr. McCrossan asked if Chief Valentine approved the refund which would be authorized in Resolution #07-168? The Borough Clerk advised that the Finance Department coordinates these refunds to verify that they are due and that the amounts are accurate. Mr. Rossi moved that Resolutions #07-166 through #07-171 be approved. Mrs. Foster seconded and the motion was approved upon a call of the roll:

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

## REPORT OF THE MUNICIPAL ATTORNEY

The written report of the Municipal Attorney as of October 17, was received. Mr. Pidgeon said he will discuss Clark Road and the Railroad Station bids in closed session. Mr. Dooley asked the status of the Belcher property and Mr. Pidgeon responded that we are waiting for appraisal reports.

## COUNCIL COMMITTEE REPORTS

Public Safety Committee Chair, Mrs. Foster, commended all Bernardsville police, fire and emergency responders for well-coordinated efforts during the recent gas leak in town.

Finance Chair, Mr. Landau, said the committee is exploring a new phone system for the municipal building. Work on the 2008 budget will begin in about a month.

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Personnel Committee had no report.

Engineering, Technology and Public Works Chair, Mr. Dooley, said the committee met on this date. Road projects reported at the last meeting have not changed. When blacktop is available from the Morris County Co-op, grading and finish work will be concluded. The county plans to retain an engineer to work on walls on Mt. Airy Road and the Route 202 bridge construction project was offered as an aesthetic guide. Bids are being requested for pond dredging. State approval for a portion of the Downtown Project has not yet been received. Due to concerns about the delay, Mayor Honecker offered to send a letter to the State to ask when a conclusion can be expected.

## ITEMS OF BUSINESS

### Landscaping at the Train Station by Friends for a Greener Bernardsville

Marilyn Dee, 204 Round Top Road, representative for this group, gave assurance that the project has been coordinated with the Garden Club, and asked for the following:

- 1• Permission to proceed with the landscape plan (drawn by Greg Betei, Architect).
- 1• Permission to remove a pine tree in the subject area, and
- 1• Support for the joint effort (among NJ American Water Company, Borough Road Department, Garden Club and the Friends group) to provide an irrigation system for the subject area.

Mr. Rossi moved to authorize tree removal and further implementation of the plan for landscaping improvements at the Train Station on the Feed and Grain Store end of the lot. Mrs. Foster seconded and the motion was approved with five yes votes.

### **Somerset County Business Partnership Membership**

The question of whether or not to join the Partnership was discussed. Since it is so close to the end of the year, the Administrator was directed to ask for a free, two month trial period (November and December) to determine if this group offers anything useful to the borough. Some questions which need answers are what have we missed by not being a member? And, when new projects are "brokered" by the Partnership, how much work then falls on the shoulders of Borough staff to follow through?

### **Open Space Committee membership**

Mayor Honecker nominated Fran Fischer and Pat McFadden for citizen-at-large seats. Mrs. Foster moved to confirm the appointments of Fran Fischer and Pat McFadden to the Open Space Committee. Mr. Rossi seconded the motion which was approved with four yes votes. Mr. Landau voted no.

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### **Stormwater Management Ordinance Amendment**

Mrs. Foster moved that **#07-1478, AN ORDINANCE AMENDING THE BOROUGH STORMWATER MANAGEMENT ORDINANCE AND SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED "ZONING**, 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. on November 26, 2007. Mr. Rossi seconded and the motion was approved with five yes votes.

### **Somerset County Housing Rehabilitation Program**

Mr. Dooley moved to participate in the 2007-2008 Somerset County Community Development Housing Rehabilitation Program. Mr. Rossi seconded and the motion was approved with five yes votes.

### **OPEN SESSION**

Terry Thompson, Planning Board and Ten Towns Member, suggested appointing Paula Marasco to Ten Towns Membership, until December 31, 2007. Ms. Thompson said that Ms. Marasco is willing to serve. Mr. Landau moved to appoint Paula Marasco to fill an opening on the Ten Towns group to serve until the end of this year. Mrs. Foster seconded and the motion was approved with five yes votes.

David VanGrow of the firm Lowenstein and Sandler, representing the Bruckers, spoke regarding Clark Road. He referenced his letter to the Borough dated October 11, and said the Bruckers are anxious for a resolution to the drainage problems or at least a time frame to address the matter. Mr. Pidgeon advised Mr. Van Grow that the Borough Council would discuss this matter in closed session.

### **CLOSED SESSION**

Mr. Landau moved that the meeting be adjourned to an executive session to consider contracts and potential litigation, and that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved. Mr. Foster seconded and the motion was approved with five yes votes.

### **REOPEN AND ADJOURNMENT**

Mr. Dooley moved to reopen the meeting. Mrs. Foster seconded, and the motion was approved with five yes votes.

Mr. McCrossan moved to adjourn at 9:15 p.m. Mr. Landau seconded, and the motion was approved with five yes votes.

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BOROUGH CLERK

keywords:

police-polo-tennis-parking-licensing-fees-grants-private-country-lanes-budget-wastewater-snowplowing-sidewalk-telephone-downtown-project-landscaping-train-station-county-open-space-stormwater-housing-rehabilitation-clark-road-appointment