

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting**  
**November 10, 2008**

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, November 10, 2008. Present were Denis J. Dooley II, 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 and C.M.F.O.

**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 18, 2007.

**OPEN SESSION**

Mayor Honecker opened the public session. Mr. Donald Knudsen, Anderson Hill Road, asked the status of replacement lighting for the public library. Mr. Maresca explained that the Borough is waiting for cost estimates.

**ITEMS OF BUSINESS**

**Ordinances**

Mayor Honecker opened the public hearing on #08-1497. There were no comments or questions from the public and the Mayor closed the hearing. Mr. McCrossan moved that **#08-1497, AUTHORIZING AN APPROPRIATION OF \$8,500 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR PURCHASE AND INSTALLATION OF SWIM POOL DIVING STAND**, be passed on final reading and adopted as published. Mr. Rossi seconded and the motion was approved upon a call of the roll:

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

Mayor Honecker opened the public hearing on #08-1498. Without comments or questions from the public the hearing was closed. Mrs. Foster moved that **#08-1498, AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON CLAREMONT ROAD AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, be passed on final reading and adopted as published. Mr. Sooy seconded. The motion was approved upon a call of the roll:

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

Mayor Honecker opened the public hearing on #08-1499. Without comments or questions from the public, the hearing was closed. Mr. Rossi moved that **#08-1499, AN ORDINANCE INCREASING SALARIES/HOURLY RATES OF NON-CONTRACTUAL EMPLOYEES AND AMENDING ORDINANCE #08-1495**, be passed on final reading and adopted as published. Mr. McDowell seconded and the motion was approved upon a call of the roll:

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

Mayor Honecker opened the public hearing on **#08-1500, AN ORDINANCE AMENDING THE TREE PROTECTION ORDINANCE AND SUPPLEMENTING AND AMENDING CHAPTER XIII OF THE BOROUGH CODE ENTITLED "PROTECTION OF TREES" AND CHAPTER II ENTITLED "ADMINISTRATION"**. Mr. Pidgeon recommended holding this ordinance until the next meeting pending receipt of Appendices A & B. Mr. Sooy moved to continue the hearing until November 24<sup>th</sup> meeting. Mr. Dooley seconded and the motion was approved by six yes votes.

Mrs. Foster moved that **#08-1501, AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS OF \$150,000 TO REFLECT THE PROCEEDS OF AN NJDOT GRANT FOR ROAD IMPROVEMENTS AND \$99,200 TO REFLECT THE PROCEEDS OF A FEDERAL HUD GRANT FOR THE IMPROVEMENT OF THE DOWNTOWN AREA PREVIOUSLY AUTHORIZED AND AMENDING ORDINANCES #07-1452 AND #08-1481 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 24, 2008. Mr. McCrossan seconded and the motion was approved by six yes votes.

**Resolutions**

**#08-179      AUTHORIZING PAYMENT OF BILLS**

**#08-180      AUTHORIZING TRANSFER OF FUNDS**

Mr. Rossi moved adoption of #08-179 and #08-180, Mr. McDowell seconded, and a call of the roll followed:

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

Senior Van

Mrs. Foster suggested changes to the van rules dated June 2008 to clarify certain points. Following discussion, it was decided to extend the trial period for another 90 days during which time the mileage restriction will be lifted and the driver will continue at a maximum of 22 hours/week. Mayor Honecker opened the meeting to the public at this point to allow the current van driver to participate in the discussion; she requested additional destinations. Rather than approve specific destinations in the rules it was decided that the Administrator and/or the Borough Clerk shall have the ability to make reasonable exceptions to the existing rules. The possibility of extending the program to a handicapped resident was discussed. The group was supportive of the idea of the individual using the existing services, but directed the Borough Clerk to get more information about her transportation needs.

Housing ordinance amendment

A proposed amendment entitled "AN ORDINANCE AMENDING THE BOROUGH HOUSING CODE AS SET FORTH IN CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE CODE", was discussed. Mrs. Foster asked if cottages on the mountain would be subject to inspections and Mr. Pidgeon answered yes. It was decided that the amendment will be introduced on November 24.

COAH & THE HIGHLANDS PLAN

Craig Lawrence, Chair of the Planning Board, was present for this portion of the meeting. Mayor Honecker reported that the Planning Board supports adoption of a non-binding resolution to opt into the Highlands Plan, thereby qualifying for a \$15,000 grant to explore what joining would do for the borough. Mr. Pidgeon discussed the effect on our standing with COAH. Mrs. Foster acknowledged the "remarkable job" done by the Borough Planner, Dave Zimmerman, to gather the information needed for COAH. Mr. Rossi moved adoption of the following resolutions:

**#08-181, NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE, and**

**#08-182, RESOLUTION SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL AND THE COUNCIL ON AFFORDABLE HOUSING.**

Mrs. Foster seconded the motion to adopt #08-181 and #08-182, and the motion was approved with six yes votes.

Mrs. Foster moved to authorize expenditure of \$4500 Housing Trust Funds for Ferriero Engineering to prepare nitrate dilution modeling. Mr. Sooy seconded and the motion was approved upon a call of the roll:

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

Mayor Honecker reported receiving a letter from Kip Bateman dated October 28, 2008 discussing new legislation, Senate Bill 2292, to mitigate burdens of A-500 and the new COAH regulations. Mr. Rossi moved to authorize the Mayor to send a letter in support of Senate Bill 2292 on behalf of the Borough Council. Mrs. Foster seconded the motion, which was approved unanimously.

Smoke free outdoor areas

Mayor Honecker reporting receiving a letter from NJ GASP inquiring about the possibility of establishing smokefree areas near entrances to retail businesses, and he asked Mr. Rossi to explore this subject with Chamber of Commerce members, determine interest, and report back.

2009 Reorganization

The Borough Clerk distributed a list of terms expiring at the end of the calendar year and asked for direction relative to appointments/reappointments, Professional Services contracts and a proposed meeting schedule for the new year. Mayor Honecker recommended that members review the list and forward comments to him before the next meeting.

Bike Race

Mayor Honecker said a date is needed in order to proceed with planning for this event. A route has not yet been decided and Mr. Rossi expressed concerns about one which would include closing Route 202. It was decided that Mayor Honecker would get additional information for the next meeting.

Letter for Consultants

Mayor Honecker distributed a draft letter of introduction of Carol Panza and Edward Schneider which discusses the management study in progress. Mr. McCrossan suggested changes which the Mayor agreed to incorporate into the letter before signing same.

Letter to Governor Corzine regarding new COAH rules

Mayor Honecker distributed copies of his letter dated November 7, 2008, discussing concerns of the 19 communities that have filed legal action against rules adopted by COAH.

Olcott Square

Mr. Rossi discussed a proposal from the Lions Club to install a permanent tree stand in the center of the square to hold one holiday tree. The plans for same will be considered at a later meeting. Mrs. Foster and Mr. Rossi reported that the Garden Club is planning to plant bulbs on the square tomorrow. A Veterans Day flag raising ceremony is scheduled for 8:15 a.m. at the new flag pole.

Garibaldi Street

Mr. Pidgeon spoke about the parcel adjacent to the Bolash residence and said the borough could vacate what they own. A title search would be required. It was decided to table any further action until it is determined if the recently installed fence stops the littering and loitering at the site.

**OPEN SESSION**

Mayor Honecker opened the public session. Donald Knudsen, Planning Board Member, asked what Council is planning to do about Safe Routes to School issues? Members decided to revisit this subject at the next meeting in order to make a recommendation to the Planning Board. Mayor Honecker closed the public session.

**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 (they) are finally resolved:

Pending or Anticipated Litigation: Possible Administrative Code violation  
Contract Negotiations: Appraisers quote

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

**REOPEN AND ADJOURNMENT**

Moved by Mr. McDowell at 9:35 p.m., seconded by Mrs. Foster and approved unanimously.

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BOROUGH CLERK

BOROUGH COUNCIL MINUTES

NOVEMBER 10, 2008

keywords: library-lighting-swim-pool-recreation-traffic-claremont-police-parking-salaries-shade-tree-road-grant-njdot-hud-finance-senior-van-housing-coah-highlands-plan-substantive-certification-trust-funds-smoke-free-area-reorganization-bike-race-consultants-olcott-square-garibaldi-street-safe-routes-to-school

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