

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
November 23, 2009

The meeting of the Governing Body was called to order by Mayor Honecker at 7:00 p.m. on Monday, November 23, 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, and Anthony Suriano, Deputy Borough Clerk. Ralph Maresca was absent.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting 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 - None

APPROVAL OF MINUTES

Mrs. Foster moved to accept the minutes of the meetings held on October 26th (Council Member McDowell was absent) and November 9. Mr. Sooy seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Honecker opened the public session. Jack Stinson, 9 Somerset Avenue, appeared again in regard to his concern, raised some months ago, that a dying tree in a right of way (known as Morris Avenue, paper street, Lot 10 in Block 72), and adjacent to his property, presents a danger to the neighborhood, and seeking assistance with removal of said tree. Mr. Pidgeon said he had not heard back from the utility company and he stands by his earlier opinion that the borough never accepted the street and has no responsibility for it. Mr. Stinson asked if the property could be "put in green acres". Mayor Honecker said the borough cannot since it does not own the street.

ORDINANCES

Mayor Honecker opened the public hearing on **#09-1525, ORDINANCE CONCERNING OFF-ROAD VEHICLES AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS**. Mr. Pidgeon suggested that council go into Executive Session. Council Member Rossi moved to go into Closed Session. Mr. Sooy seconded and the motion was approved with six yes votes.

REOPEN

Mayor Honecker reopened the public hearing on Ordinance #09-1525. Lisa and James Boylan, Charlotte Hill Drive, spoke about this ordinance. Attorney Robert Re, Old Colony Road, was present representing the Boylans. The Boylans urged council not to adopt the ordinance, to take additional comments, analyze actual data, and evaluate whether it is truly necessary to adopt such an ordinance. Other residents spoke in opposition to Ordinance #09-1525, including Gordan Gutjhar, Ballantine Road; Chris Trebus, Chapin Road; Joachim Roehr, Crestview Drive; Sean Whelan, Childsworth Avenue; Steven Insler, Charlotte Hill Drive; Eric Steinfeldt, Brook Hollow Lane; Gary Tantleff, Mount Harmony Road. Steven and Diana Kramer, Charlotte Hill Drive, spoke about the effects of noise from their neighbor's off road vehicles.

After discussion, Mr. Rossi suggested Ordinance #09-1525 be tabled. Mr. Sooy seconded the motion. Discussion about moving this topic to the January work meeting ensued. Mayor Honecker suggested the motion to table be withdrawn and this matter be revisited at the January work meeting. Mr. Rossi withdrew his motion to table the ordinance. It was moved by Mr. McDowell to reject Ordinance #09-1525. Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

Mayor Honecker said he will add this item to the January work meeting.

Mayor Honecker opened the public hearing on **#09-1526, AN ORDINANCE CONCERNING INSPECTION OF RESIDENTIAL RENTAL PROPERTIES AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE CODE"**. Without comments or questions from the public, the mayor closed the public hearing. Mr. Sooy moved to pass on final reading and adopt as published. The motion was seconded by Mrs. Foster and approved upon a roll call vote:

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

Mayor Honecker asked Mr. Suriano that all known registered landlords be notified of the passing of this ordinance.

Mayor Honecker opened the public hearing on **#09-1527, AN ORDINANCE CONCERNING NOTARY FEES AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Without comments or questions from the public, the mayor closed the

public hearing. Mrs. Foster moved to pass on final reading and adopt as published. The motion was seconded by Mr. McCrossan and approved upon a 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 **#09-1528, AUTHORIZING AN APPROPRIATION OF \$4,093.00 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR COMPUTER HARDWARE.** Without comments or questions from the public, the mayor closed the public hearing. Mr. McCrossan moved to pass on final reading and adopt as published. The motion was seconded by Mr. Rossi and approved upon a roll call vote:

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

Mayor Honecker said that introduction of ordinance, **#09-1529, AN ORDINANCE AMENDING AND SUPPLEMENTING A CHAPTER 12 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS" BY ADDING PROVISIONS REGULATING DUMPSTERS AND PORTABLE STORAGE DEVICES,** will be tabled to the December 14, 2009 meeting.

RESOLUTIONS

- #09-184 SETTING RECREATION FEES**
- #09-185 AUTHORIZING REFUND OF FEE OVERCHARGES FOR BUILDING PERMITS**
- #09-186 AUTHORIZING TRANSFER OF FUNDS**
- #09-187 ACCEPTING MONTHLY REPORTS**
- #09-188 AUTHORIZING PAYMENT OF BILLS**
- #09-189 APPROVING CHANGE ORDER NO. 1 TO CONTRACT WITH REIVAX CONTRACTING CORP. FOR BALLANTINE ROAD DRAINAGE IMPROVEMENTS**
- #09-190 APPROVING CHANGE ORDER NO. 1 TO CONTRACT WITH SCHIFANO CONSTRUCTION CORPORATION FOR MILLING AND PAVING OF BALLANTINE ROAD**

- #09-191 AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2009 BUSINESS STIMULUS FUND APPLICATION**
- #09-192 AUTHORIZING RELEASE OF ESCROW FOR STREET OPENING PERMIT**
- #09-193 AUTHORIZING REDEMPTION OF OUTSIDE LIEN NO. 263**

Mr. Rossi moved that Resolutions #09-184 through #09-193 listed herein by title, be hereby adopted. 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

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s report was reviewed.

COUNCIL STANDING COMMITTEE REPORTS

Public Safety - Mr. Rossi spoke about infrastructure, cameras in the community and the Old Fort Road proposal.

Finance - Mr. McCrossan said financial opportunities will be brought to council in December.

Personnel - Mr. Sooy had nothing to report in open session.

Engineering, Technology & Public Works - Mr. McDowell reported that Hill Street, Garibaldi Street, and Thompson Street were milled and that Oak Ridge was on schedule. He said leaf collection is in progress. Mr. McCrossan suggested a schedule of streets for leaf pickup. Mr. Rossi suggested starting leaf pickup on October 1st in future years. The Public Safety Committee will discuss this and make a recommendation to the Public Works Committee.

ITEMS OF BUSINESS

Chilton/Laurel Lane/Essex Stop Signs - Mr. Pidgeon said the Borough Engineer is conducting a study. Mr. Rossi said he would like this to go to Public Safety and by the next work meeting we should have answers. This item will be tabled to December 14.

Fees (parking, administrative review, etc.) - Fees for 2010 parking were discussed. Mr. McCrossan suggested the Claremont Road lot have parking decals for businesses and also timed parking. The Public Works Committee will review Claremont lot and report back on December 14.

Library 2010 Budget Request - Mr. McCrossan said this item is being reviewed and he will report at the December 28th meeting.

Board of Adjustment Vacancies - Mayor Honecker asked for skills bank forms listing interest in Board of Adjustment be sent home to council and this item be tabled to December 14.

District 3 Polling Location - Mr. McCrossan said we should go back to using the firehouse as the polling location for District 3. Mayor Honecker will talk to the Fire Company and report back on December 14.

Holly Days and Holiday Displays by Lions Club and Chabad Center - Council consent was given as long as each group complies with the holiday display ordinance.

Liberty Tree - Mr. Matlack, Shade Tree Committee Co-Chair, was present to discuss a request from the Shade Tree Committee for permission to receive a Liberty Elm Tree from the Elm Research Institute in Maine and plant it near town hall. Council consent was given for this request and Mayor Honecker said that the Shade Tree Committee could pick the location at town hall for placement of the tree.

Little League Proposals (shed and lights at Kiwanis Field) - Bob Ball, Somerset Hills Little League was present to discuss a proposal for a shed and installation of lights at Kiwanis Field.

The shed would be a donation by Little League board members, no cost to the borough, and be located next to the snack shack. No utilities are needed, and no installation is required as it comes already assembled. The cost is approximately \$3,000. There will be a padlock for security. Mr. McCrossan moved to accept the donation of the shed at Kiwanis Field to be placed at location "A" (on the handout, this location was next to the snack shack). Mr. Rossi seconded and the motion was approved with six yes votes.

Installation of lights was tabled to December 14, in order to give notice to property owners within 200 feet of the Kiwanis Field grounds. Mr. Pidgeon said notice could be sent by regular mail. Plans for the lighting will be placed on the borough website.

OPEN SESSION

Mayor Honecker opened the public session. With no comments or questions from the public, Mayor Honecker closed the public session.

At this time Mayor Honecker mentioned an email he received before this meeting. The Chamber of Commerce requested Council's approval to install fifty four 48 inch round lighted wreaths on the brackets of the new light poles downtown. They have gotten calls from local individuals that would be interested in contributing to cover the cost of installation. Mr. McDowell said the concept is good, but would like to see a sample. Mayor Honecker said the Public Works Committee meets next week and referred approval to the Committee upon further review of the request.

CLOSED SESSION -- There was none

ADJOURNMENT

Moved and seconded at 10:40 p.m. Motion carried.

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keywords: morris-avenue-off-road-vehicle-rental-recreation-dumpster-building-finance-little-league-shed-lights-holiday-displays-liberty-tree-elm-election-firehouse-library-budget-stop-signs-fees-leaf-board-adjustment-milling