

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting**  
**November 27, 2006**

A regular meeting of the Governing Body was called to order by Mayor Jay Parsons at 7:00 p.m. on Monday, November 27, 2006. Present were Denis J. Dooley II, Charlotte J. Foster, Lee C. Honecker, Michael Landau, 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, Borough Clerk/Assistant Administrator.

**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 - None**

**APPROVAL OF MINUTES**

Mr. Salovaara moved to accept the minutes, as presented, of meetings held on October 30 and November 13, 2006. Mr. Landau seconded and the motion was approved with six yes votes, except that Mr. Dooley, who was absent on October 30, abstained from voting on October 30 minutes.

**OPEN SESSION**

**Maggie Bowie**, 6 Bernards Avenue, (regarding the Bernards Avenue road project) spoke about problems at her residence resulting from a broken a water line, including pooling from water runoff where it never happened before, carpet stains, "filth" in her basement, and damage to her lawn. Mayor Parsons discussed the procedure for insurance claims. Mrs. Bowie distributed photographs, complained about the quality of work on Bernards Avenue, and lack of Belgian block on her side of the street. Mr. Rossi said this contractor won with the lowest bid, the contract is set, and he asked Mrs. Bowie to put her concerns in writing. Mrs. Bowie urged the group to reconsider the project, and install Belgian Block, comparing "the fine quality of the work done on Pill Hill road with that which is being done on Bernards Avenue."

**Steve Tobin**, 36 Bernards Avenue, said there is a definite difference in appearance from Pill Hill Road, agreed curbing should be everywhere along Bernards Avenue, and asked, "Is it too late?" Mr. Rossi replied yes, under the current project. Mr. Dooley agreed, then explained that the plans were drawn by a professional engineer. Mr. Honecker added that curbing could be added at a later date under another contract.

**Juliana Ritchie**, Hill Street, asked if there is money left over in the project budget? Messrs. Landau and Maresca answered no. Ms. Ritchie stated that while the work is an improvement, the overall appearance is "piecemeal", not aesthetically pleasing, and puddles are all over. Mr. Dooley said the project is incomplete, and asked the residents to give the contractor a chance to finish. Mr. Rossi said the project was planned out, went before the residents, then scaled back based upon opinions from residents who were not in favor of sidewalks. The job was pulled apart when it should not have been, but now we must complete this contract, pave what is there, then correct whatever problems remain.

**Mrs. Bowie** presented more pictures for distribution.

**Frasier Bowie**, 6 Bernards Avenue, said, "Mr. Dooley made a comment that what was done on Bernards Avenue was

absolutely necessary for Bernards Avenue and my question is, is what was done on Pill Hill, what was absolutely necessary for Pill Hill?" Mr. Dooley said that all the engineering done was to make the road functional based on what was necessary. Mr. Landau said the Pill Hill project was also scaled down. Mr. Bowie said Pill Hill looks completely different from Bernards Avenue. Mr. Honecker said "necessary" work includes drainage and paving corrections. He said too many residents had input and that the professionals should have been left to create the project. Mr. Bowie said the photographs distributed show that the edges of the road have already begun to break apart.

**Jean Oliver**, 1 Somerset Avenue, reflected on a past meeting addressing the Bernards Avenue project when many residents had ample input and the council listened to the public on the issue. "That is why these problems exist," she concluded.

**Mrs. Bowie** said she obtained signatures on a petition relating to the Bernards Avenue project, and the main objections were with widening because residents believed it contributes to speeding. She stated the residents should not be blamed for deficiencies in the project. Mr. Landau said the council would be spending a million dollars a mile if every resident was asked what they wanted on each section of road in the borough; a balance must be sought. Mrs. Bowie said she hopes Council will revisit this project if necessary.

**Jean Oliver** spoke about concerns with the proposed location of senior and low-income housing. Mayor Parsons asked that her comments be held for the hearing on Ordinance #06-1444.

Mayor Parsons closed the public session.

## ORDINANCES

Mayor Parsons opened the public hearing on **#06-1444, AN ORDINANCE REZONING BOROUGH PROPERTY TO R-10A TO ACCOMMODATE HOUSING FOR LOW AND MODERATE INCOME HOUSEHOLDS**. The Mayor stated that this was the empty property located between the Habitat homes under construction and the small office building along Route 202. Ms. Oliver, 1 Somerset Avenue, expressed her concern about siting low cost housing in that location because people cannot walk safely along Route 202 without sidewalks or a proper road shoulder. Mayor Parsons closed the public hearing. Mr. Pidgeon said the Borough's "growth share" or third round housing obligation has not yet been determined by the NJ Council on Affordable Housing. Mr. Salovaara moved to amend the ordinance by removing the numbers 32 and 14 in paragraphs 1 and 3. Mr. Landau seconded and the motion was approved with six yes votes. Mr. Salovaara moved to pass ordinance **#06-1444** on final reading and adopt as published and amended tonight. Mr. Dooley seconded and the ordinance was approved as follows:

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

Mayor Parsons opened the public hearing on **#06-1449, AN ORDINANCE AUTHORIZING AN APPROPRIATION OF \$15,000 FROM THE RECREATION UTILITY CAPITAL IMPROVEMENT FUND FOR A PURCHASE OF A BACKSTOP**. A member of the public asked about the location of the backstop. Mr. Honecker said the location is to be decided by the Recreation Committee. Mr. Salovaara stated the cost of the backstop will be reimbursed by the Somerset County Youth Athletic grant. Mayor Parsons closed the public hearing. Mr. Dooley moved that this ordinance be passed on final reading and adopted as published. Mr. Honecker seconded the motion, which was approved as follows:

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

Mayor Parsons opened the public hearing on **#06-1450, BOND ORDINANCE PROVIDING FOR THE**

**ACQUISITION OF A NEW AND ADDITIONAL FIRE TRUCK BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$476,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.** Mr. Mellin, 45 Hull Road, spoke on behalf of the Fire Company to clarify certain points that appeared in a recent newspaper article. He said they did not use equipment money from the borough for the building fund. John McCrossan, Laurelwood Drive, questioned the ordinance title because the vehicle is not an “additional” vehicle. Mr. Pidgeon said the ordinance was prepared by bond counsel who probably has reasons for the wording, and recommended leaving the title as presented. Mr. Dooley asked about the pump certification test? Mr. Mellin said it has not been done this year but at no time has the truck been unsafe. More comments for and against this purchase were discussed. Mr. Salovaara said he will vote no on this ordinance because he feels the Borough Council must consider capital items together; not piecemeal.

Mayor Parsons closed the public hearing. Mr. Rossi moved to pass **Ordinance #06-1450** on final reading and adopt as published. Mr. Landau seconded and the motion was approved as follows:

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

Mayor Parsons moved to open the public hearing on **#06-1451, AN ORDINANCE TO INSERT SALARY RANGES INTO THE SALARY ORDINANCE (#06-1448) FOR NON-CONTRACTUAL, PART-TIME, SUBSTITUTE DISPATCHERS OF THE BOROUGH OF BERNARDSVILLE.** Without comments or questions, Mayor Parsons closed the public hearing. Mr. Salovaara moved to pass the ordinance on final reading and adopt as published. Mr. Dooley seconded and the motion was approved as follows:

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

## RESOLUTIONS

- #06-217      RESOLUTION TO OFFER THE STATE LONG-TERM CARE INSURANCE PLAN**
- #06-218      GRANTING TAX DEDUCTIONS TO QUALIFIED SENIOR AND/OR DISABLED CITIZENS, AND VETERANS**
- #06-219      APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #06-220      ACCEPTING MONTHLY REPORTS**
- #06-221      AWARDED A CONTRACT FOR LIQUID ALUM**
- #06-222      AUTHORIZING CHANGE ORDER NO. 3 TO THE CONTRACT FOR BERNARDS AVENUE DRAINAGE IMPROVEMENTS**
- #06-223      AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR BERNARDSVILLE COMMUNITY POOL FILTER REPLACEMENT**
- #06-224      AUTHORIZING SALE OF ABANDONED JUNK VEHICLE**
- #06-225      AUTHORIZING TRANSFER OF FUNDS**

**#06-226 AUTHORIZING PAYMENT OF BILLS (with \$395 amendment)**

**#06-227 APPOINTING CELESTE HARTMANN CLERICAL ASSISTANT TO THE TAX ASSESSOR**

**#06-228 AUTHORIZING A REFUND OF FEES**

Mr. Rossi moved that **RESOLUTIONS #06-217 through #06-228** be approved. Mrs. Foster seconded and the motion was approved with six yes votes.

**RESOLUTION #06-229, ESTABLISHING DECAL FEES AND OTHER REGULATIONS FOR MUNICIPAL PARKING LOTS DURING 2007**, was discussed. Mr. Honecker reported that the Public Safety Committee recommends the following:

- 1• Increasing the commuter fee for parking at the train station to \$375.00 per year.
- 2• Increasing metered spaces at the train station lot to \$5.00 daily (*Note: this charge was later corrected by Mr. Honecker to \$1. It may be increased at a later time, if meters are replaced.*)
- 3• Increasing Merchant decals at the Mount Airy lot to \$35.00 per year.
- 4• Second or replacement decals shall remain at \$2.00.
- 5• The new daily fee for parking at the Mt. Airy lot shall be \$5.00.

Mr. Rossi argued that the increase in the commuter fee is too high. Mr. Honecker said the group reviewed a survey of fees charged in other municipalities, is satisfied that the new fees are justified, and he moved to approve the increases. Mr. Salovaara seconded the motion. Mr. Rossi proposed amending the resolution with two changes, lowering the commuter decal price to \$250.00 annually and raising the merchant decal to \$50.00 annually. There was no second to Mr. Rossi's motion. Mayor Parsons asked for a vote on amended **RESOLUTION #06-229, ESTABLISHING DECAL FEES AND OTHER REGULATIONS FOR MUNICIPAL PARKING LOTS DURING 2007** as discussed. The resolution was approved with five yes votes. Mr. Rossi voted no.

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

Mr. Pidgeon's written report was reviewed and accepted.

#### **COUNCIL COMMITTEE REPORTS**

**Public Safety Committee Chair**, Mr. Honecker distributed copies of a written Committee Report dated November 13. Parking meter alternatives at the train station and cost comparisons will be addressed at the next meeting. Items discussed included parking decals, capital requests, and openings for part-time/substitute dispatchers. Mr. McCorry, Records Clerk and Special Officer, is attending certification classes so that he can provide assistance as a Special.

**Finance Committee Chair**, Mr. Landau, said the committee will meet on Wednesday to discuss bonds and bans. They will also review capital requests and he anticipates having the first cut at that time. Mr. Rossi asked if Mr. Salovaara had indicated any budget problems he has since Mr. Landau has been Chairman of the committee? Mr. Salovaara said his point was that the council should take up all its capital budget items simultaneously.

**Personnel Committee Chair**, Mr. Salovaara, said they are working on certain non-contractual salary requirements/requests, staffing in the sewer department, and the budget. One item will be discussed very briefly in executive session. Approval was granted to allow employees, at their expense, to be given flu shots on these premises by the Visiting Nurse Association.

**Engineering, Technology & Public Works Committee Chair**, Mr. Dooley, handed out a written summary of the last

committee meeting. Upcoming road repairs were the primary topic, he said. The Borough has been notified that it will receive a \$150,000 grant from the NJDOT for work on Ballantine Road in 2007. Electricity installation at the Polo Grounds is continuing. The swimming pool filter replacement and the sewer plant filter replacement projects are nearing completion. He asked if a letter has been received from the state regarding the downtown development project grant, and the borough clerk confirmed that the Mayor received a letter today granting an extension until June 2007.

## **ITEMS OF BUSINESS**

### **Civil Rights Lawsuits**

In a letter dated November 7, 2006, William G. Dressel Jr., Executive Director of the NJLOM, alerted municipalities to civil rights lawsuits which have been filed in federal court against the City of Hackensack, and asked members to “weigh in on this issue.” The Hackensack attorney believes these cases have no merit and that lawyers filed these actions in hopes of receiving substantial attorney’s fees under the fee shifting portion of the Civil Rights Act. Members briefly discussed this issue and decided no immediate action will be taken.

### **2007 Reorganization Planning**

Members discussed the 2007 calendar year and a potential meeting schedule. Mr. Rossi suggested changing the meetings to Tuesdays in order to avoid Monday holidays. It was agreed to table further consideration until the December 11 meeting. Mr. Landau asked Mr. Pidgeon to check if our administrative code could be changed to allow council members who must be out of town on meeting nights to teleconference and vote on issues. It was agreed to reorganize on January 3, 2007.

### **Mine Brook Road Site**

Mr. Salovaara, liaison to the Open Space Advisory Committee, advised that the Committee recommends adding parcels, 506 and 516 Mine Brook Road, to the Open Space and Recreation Plan (OSRP) list of potential acquisitions. Mr. Rossi said this is the old Vallachi property just beyond LTD Nursery. Members agreed to revisit this idea at the December 11 meeting.

### **Gerald Kelly Professional Service Contract - Train Station**

Mr. Rossi moved to resolve (#06-230) to authorize a professional services agreement with Gerald Kelly for Train Station Improvements. Mr. Honecker moved to second and the motion was approved four to three, with Members Foster, Honecker, Rossi in favor, and Mayor Parsons voting yes to break a tie.

### **Holly Days**

Mayor Parsons announced that the Chamber of Commerce has advised that they will hold Holly Days on December 9<sup>th</sup>. The tree lighting on Olcott Square is a highlight of the event. As described in their letter, no licenses are required, but an insurance certificate and hold harmless agreement is on file.

## **OPEN SESSION**

Terry Thompson, 79 Mine Mount Road, expressed two opinions. She was opposed to allowing telephonic participation at meetings. “Legislative bodies ought to meet face to face”, she said. Mrs. Thompson said the increases in decal parking fees at the train station are too high.

William Mellin said the Fire Department has not spent funds earmarked for vehicles on the building expansion. He said that future purchases will come from the equipment fund and include a new Chief’s Incident Command Vehicle and an ambulance.

John McCrossan, 2 Laurelwood Drive, objected to the increase in commuter parking decal fees. He suggested offering a semi-annual permit, thereby reducing the initial outlay, and providing for a reduction for hardship cases and Senior Citizens. The Mayor asked, on what basis would the decision be made? The Borough Clerk commented that her staff could keep records to see if hardship cases exist, and consideration of exceptions could be revisited at a future date.

Mr. Rossi spoke about senior housing needs and the possibility of future discussions on the topic. Members agreed to wait to hear from COAH regarding the Borough's requirements before pursuing additional senior and low/moderate income housing.

### **CLOSED SESSION**

Council Member Landau moved that the meeting be adjourned to an executive session to consider contractual matters and that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved. The motion was duly seconded and unanimously approved.

### **REOPEN AND ADJOURNMENT**

It was moved and seconded to reopen the meeting to the public. Mr. Salovaara moved to accept the interlocal agreement for shared services with Mendham Borough for officials in the construction office, pending amendments as requested by Mr. Maresca. The motion was seconded by Mrs. Foster and approved unanimously.

It was moved and seconded to adjourn the meeting at 9:30 p.m.

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keywords:

bernards-avenue-project-pill-hill-low-income-housing-rezoning-recreation-fire-truck-salary-health-tax-deductions-liquid-alum-pool-junk-vehicle-finance-transfer-fund  
s-assessor-hartmann-refund-decal-train-station-meter-budget-bonds-bans-road-electricity-civil-rights-lawsuit-reorganization-mine-brook-site-holly-days-display-senior