

**BOROUGH OF BERNARDSVILLE**

**Mayor & Borough Council Meeting**

**December 10, 2007**

A meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, December 10, 2007.

Present were Borough Council Members Denis J. Dooley II, Charlotte J. Foster, Michael Landau, John McCrossan, and Joseph Rossi. Also present were Borough Attorney John R. Pidgeon, Esquire, Sandra G. Jones, Clerk/Assistant Administrator and Ralph Maresca, Administrator/C.M.F.O. Borough Council Member Mikael Salovaara was 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**

Mrs. Foster moved to accept minutes of the meeting held November 26, 2007. Mr. Rossi seconded and the motion was approved with five yes votes.

**OPEN SESSION**

Joseph Rega, Sunset Drive, complained about commercial vehicles parking on residential streets, three painter’s vans which park in the Chapel parking lot, and stated his reasons for suspecting that 5 Sunset Drive has been illegally converted to a two family dwelling. Mayor Honecker said his comments would be passed along to appropriate parties, but encouraged Mr. Rega to report future parking concerns to the Police Department and zoning concerns to the Zoning Enforcement officer.

**ORDINANCES**

Mayor Honecker opened the public hearing on ordinance #07-1479, **AN ORDINANCE APPROPRIATING \$1,000,000 FROM THE BOROUGH OPEN SPACE TRUST FUND (OF WHICH \$500,000 IS TO BE REIMBURSED FROM A GREEN ACRES GRANT) FOR THE PURCHASE OF THE BELCHER PROPERTY.** Paula Marasco, Grants Committee Member, thanked Council for their attention in this matter and said that she has already been contacted by about 35 people anxious to help with fund raising for this project. The Mayor closed the public hearing. Mr. McCrossan suggested a change in wording. Mr. Pidgeon suggested wording to the effect that development costs will be covered by grants and other funds and will not constrain future Councils. Mr. Landau offered the following: “It is the Borough’s intention not to use borough funds for historic renovation of buildings but instead, understand that the community will be coming together to both raise funds from private individuals as well as through applied grants.” Mr.

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Landau moved that Ordinance #07-1479, be passed on final reading and adopted as published. Mrs. Foster seconded. Mr. Pidgeon advised that at this point a motion to amend is needed. Mr. Rossi moved to amend this ordinance in accordance with the language suggested by Mr. Landau. Mr. McCrossan seconded the motion to amend which was approved upon a roll call vote:

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

Mr. Landau                      Yes                      Mr. Salovaara                      Absent

Mr. Landau moved to adopt Ordinance #07-1479, as amended. Mrs. Foster seconded and a roll call vote followed:

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 Ordinance #07-1480, **AN ORDINANCE ACCEPTING CONSERVATION EASEMENT DEED FROM GEORGE AND ALICE ROCHAT**. Without public comment or question, the hearing was closed. Mrs. Foster moved to pass the ordinance on final reading and adopt as published. Mr. Dooley seconded. Mr. Pidgeon explained that he did not bring the map provided because it is large. He said the subject property is located at 101 Mountain Top Road, is known as block 2 lot 45 on the Borough of Bernardsville tax map and consists of approximately 32.014 acres. The Rochats have offered to donate the easement deed to prevent any future subdivision of the property. The motion to adopt Ordinance #07-1480 was approved by a roll call vote:

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

**CONSENT RESOLUTIONS**

**#07-191      AUTHORIZATION TO CANCEL TO SURPLUS PENNY OVER/UNDER PAYMENTS**

**#07-192      AUTHORIZING 2007 PROPERTY TAX REFUNDS (OVER-PAYMENTS)**

**#07-193      AUTHORIZING 2007 SEWER USER FEES REFUNDS (OVER-PAYMENTS)**

**#07-195      ACCEPTING MONTHLY REPORTS**

**#07-196      AUTHORIZING TRANSFER OF FUNDS**

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**#07-197      AUTHORIZING PAYMENT OF BILLS**

Mr. Landau moved to accept resolutions #07-191 through #193 and #195 through #197. Mr. Rossi seconded and the motion was approved upon a roll call vote:

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

The following resolutions were discussed:

**#07-179      AWARDING CONTRACT FOR TREE PRUNING AND REMOVAL**

**#07-190      AUTHORIZING RCA EXECUTION - SENDING MUNICIPALITY, BOROUGH OF BERNARDSVILLE, SOMERSET COUNTY**

**#07-194 AUTHORIZING SOLICITATION OF BIDS FOR THE DOWNTOWN PROJECT**

**#07-198 AUTHORIZING PURCHASE OF BELCHER PROPERTY**

Mrs. Foster moved approval of Resolutions #07-179, 190, 194 and 198. Mr. Landau seconded and the motion was approved upon a roll call vote:

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

**REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon’s report as of December 6, 2007 was received. Mr. Pidgeon said potential and pending litigation (Joseph Fell, Debra Kalra-Bischoff and Clark Road) will be discussed in closed session.

**COUNCIL COMMITTEE REPORTS**

**Public Safety** Chair, Mrs. Foster, said a letter has been sent to begin the process for ICE program training. The graffiti issue in town is being coordinated with the Somerset County Sheriff and Mayor Honecker encouraged a no tolerance position for the Borough. Options being explored by Chief Valentine for hearing and vision testing for Crossing Guards was discussed. A recent incident involving strangers speaking to children was discussed, and Mr. Landau suggested a reverse 911 system be considered for the future to provide instant notification to residents.

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**Finance Committee** Chair, Mr. Landau, said capital expenditure requirements have been collected from the various departments. Mr. Maresca recently attended a meeting for Chief Financial Officers to get a better understanding of the 4% tax. A meeting will be scheduled soon to go over the information and form a tentative budget. Mayor Honecker discussed the fire truck which will be sold and Mr. Landau insisted the income from that sale must be returned to the borough coffers since the borough is assuming the total cost of the new truck.

**The Personnel Committee** had no report.

**Engineering, Technology & Public Works** Chair, Mr. Dooley, submitted a written report dated December 7, 2008.

**Quarterly Reports**

**Cable TV.** Mr. Rossi reported that COMCAST appears to be doing well. There have been no complaints.

There was no report from **Town and School, Board of Health, Open Space, Shade Tree Committee or Insurance.**

**Environmental Commission.** Mr. Dooley reported that the Commission has committed to a “green initiative” and will focus on “green technology and its potential uses.” The Commission is a strong advocate for acquisition of the Dunster (Belcher Property) and will be pleased that the ordinance has passed. A streambank restoration project, funded by a DEP grant, will be completed in the Spring of 2008. The commission participates in land use hearings, as necessary.

**Information Systems.** Mr. Rossi reported on the INET system. Mr. Landau recommended a plan be adopted for future hardware and software purchases.

**Planning Board.** Mrs. Foster spoke about the Bernardsville Centre application as being the largest consideration the board has at this time.

**Recreation Committee.** Mr. McCrossan said the committee is looking for software for registration and they have a quote on Kiwanis Field fencing. Mr. Rossi recommended that the boundaries should be checked before the fence installation.

**HPAC.** Mrs. Foster reported that the Planning Board will consider a demolition ordinance so that a property with historical significance can be measured, photographed and recorded before it is lost.

**Housing Committee.** Mr. Rossi said a meeting will be held next month.

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### **ITEMS OF BUSINESS**

**Ten Towns Membership.** In response to a letter from the Ten Towns Great Swamp Management Committee, asking for the borough membership fee of \$4,150.00, council members expressed a need to reevaluate the effectiveness of this group and to ask in what direction the organization is moving, since finances will be limited next year and every dollar will count. It was decided to invite the Borough's representatives to the January work meeting to discuss the matter.

**Banner request from the Home School Association.** Tamara Kauffman spoke about this request to hang a banner downtown to promote a fundraiser (appearance by Harlem Wizards Basketball Team) on Sunday, January 27, 2008 for the benefit of Bernardsville Middle School and Bedwell Elementary School Home School Association. Mr. Rossi moved approval of the banner request. Mr. Landau seconded the motion and Ms. Kauffman was advised that, pursuant to ordinance requirements, the banner may be displayed for three weeks, January 6 to 27, 2008. The motion was approved by five yes votes.

**Hearing/vision testing for Crossing Guards.** Mrs. Foster advised that Police Chief Valentine recommends appointing all of the crossing guards (including recent hires) in January, contingent upon completing hearing and vision testing required. The Chief will be advised to contact Interstate Mobile Care to come to us in January for testing to the current JIF standards, then revisit the JIF standards and determine how to proceed in the future. Members agreed to take the advice of the Chief and Mrs. Foster will check into revised standards and local test sites.

**Signs at the library.** Mrs. Foster recommended adding additional signs in the corner of the walkway from the parking lot to direct patrons headed for the professional offices in the lower level of the building, and another indicating "Library Only". Mr. Rossi suggested asking Mr. Sattler to provide the directional signs at his expense.

**2008 Reorganization.** Draft #1 of the agenda was reviewed in preparation for the Reorganization meeting to be held January 7, 2008.

**OPEN SESSION** - No comments

**CLOSED SESSION**

Mr. Landau moved that the meeting be adjourned to an executive session to consider *Fell v. State of New Jersey*, *Kalra-Bischoff v. Borough of Bernardsville and Clark Road*, and that the time when and circumstances under which the above can be disclosed to the public is when the matters are finally resolved. Mrs. Foster seconded and the motion was approved by

five yes votes.

**REOPEN AND ADJOURNMENT**

Mr. Landau moved to reopen and adjourn the meeting at 10:40 p.m. Mr. McCrossan seconded and the motion was approved by five yes votes. **Mayor Honecker offered a very special “thank you” to Michael Landau who will conclude his term on the Borough Council on December 31, 2007.**

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Borough Clerk

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keywords:

zoning-housing-parking-commercial-open-space-grant-belcher-conservation-easement-taxes-finance-tree-pruning-downtown-hearing-vision-testing-budget-capital-able-streambank-environmental-inet-bernardsville-centre-software-fencing-demolition-ten-towns-membership-banner-signs-library-reorganization