

BOROUGH OF BERNARDSVILLE
BOROUGH COUNCIL MEETING MINUTES

April 26, 2004

A meeting of the Borough Council was called to order by Mayor Williams at 7:00 p.m. on Monday, April 26, 2004, in the Borough Hall. Present were Marie C. Flynn, Vivian McMillen, Joseph Rossi, Mikael Salovaara and Helen Walton. Also present were John R. Pidgeon, Esquire, Borough Attorney, Ralph A. Maresca, Jr., Borough Administrator, Sandra Jones, Borough Clerk/Assistant Administrator. Lee C. Honecker arrived at 7:15 p.m.

STATEMENT OF PRESIDING OFFICER

Mayor Williams 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 23, 2003.

OPENING MESSAGE AND PLEDGE OF ALLEGIANCE

Mayor Williams quoted Arnold Tornby, "*America is a large, friendly dog in a very small room. Every time it wags it's tail, it knocks over a chair*". The Pledge of Allegiance was recited by all.

PRESENTATIONS (none)

APPROVAL OF MINUTES

Mr. Salovaara moved to accept minutes of April 12, 2004. Mrs. McMillen seconded the motion which was approved with five yes votes.

OPEN SESSION

Mr. Honecker arrived at 7:15 p.m.

Mayor Williams opened the public session. Mrs. Tafaro, 59 Old Colony Road, complained about the response from those who answer phones at the Police Department when she has reported potential infractions of existing ordinances, claiming she has been "pushed back". Police Chief Valentine, who was present at this meeting, assured Mrs. Tafaro that telephone calls are all prioritized and addressed appropriately.

Mrs. Tafaro complained about disturbances from car alarms at the VW dealership and site lighting. Mr. Rossi asked the Chief if existing regulations allow delivery trucks at the VW dealership to park on Route 202 while unloading? Chief Valentine responded that parking on that stretch of 202 is not allowed, but that the Police Department could allow temporary parking if necessary for unloading. He said the department tries to work with businesses during unusual situations.

Thomas Santolini, 206 North Finley Avenue, complained about a lack of response he has experienced when filing various complaints. When asked for more information, he mentioned "Animal Control for example," and he claimed he has tried unsuccessfully to get the Zoning Enforcement Officers to remove an unlicensed vehicle from a nearby property. Mr. Santolini was informed that a police ordinance exists to regulate unlicensed vehicles, and he was assured by Mr. Rossi that the matter would be investigated by the end of this week.

William Foster, 20 Childs Road, asked if house numbering is a requirement, and claimed that some are missing on Old Army Road. House numbering is considered a safety requirement, so that police, fire and first aid vehicles can locate a property in emergency situations. On another subject, Mr. Foster asked where we are with the fencing or screening of the sewer pumping station on Childs Road. Mr. Rossi commented that the committee is "back to fencing", and since this project will only be done

once, wants to be sure it is done right. An estimate from The Walpole Company is due.

Mayor Williams closed the public session.

ORDINANCES

Mayor Williams opened the continued public hearing on **#1343, AN ORDINANCE CONCERNING AUTOMOBILE SALES USE IN THE BOROUGH OF BERNARDSVILLE.**

Mrs. Tafaro, 59 Old Colony Road, asked why this ordinance is needed, and spoke about problems with the existing site affecting quality of life, some mentioned earlier in this meeting, including noise and lighting. Mayor Williams said the Planning Board prepared this ordinance to define the use because one existing auto dealer is moving across Route 202.

Martha Voss, 9 Blazure Drive, spoke about her concerns regarding the possibility of an access road behind Shop-Rite, the proposed new car dealership, and Rite-Aid, to exit onto North Finley Avenue, citing noise, lighting, and safety. She asked if neighbors will have an opportunity to comment, and was assured that the Planning Board hearings will be open to the public. Mrs. Walton asked if a detailed rendering could be done for those hearings and made available for residents? The Mayor agreed to follow up with the Planning Board.

Parag Sheth, 7 Blazure Drive, said he agrees with all the concerns already raised by Mrs. Voss. He asked for careful consideration as he is convinced the access road will reduce his property value.

Thomas Santolini, 206 North Finley Avenue, stated that he believes an access road will reduce his property value and increase potential for accidents.

Fred Hashem, 24 Fox Hollow Trail, stated his opposition to a future access road, and asked if an impact study has been done?

Mayor Williams closed the public hearing:

Council members discussed the ordinance. Mr. Honecker said he will abstain from voting since he represented Mr. Santolini in the past.

Mr. Salovaara moved that **ORDINANCE #04-1343, AN ORDINANCE CONCERNING AUTOMOBILE SALES USE IN THE BOROUGH OF BERNARDSVILLE**, listed herein by title, be passed of final reading and adopted as published. Mrs. McMillen seconded and a call of the roll followed:

Mrs. Flynn	No	Mr. Rossi	No
Mr. Honecker	Abstained	Mr. Salovaara	No
Mrs. McMillen	No	Mrs. Walton	No

Ordinance #04-1343 failed with five no votes.

RESOLUTIONS

#04-89 AUTHORIZING THE MAYOR AND ADMINISTRATOR TO SIGN A CLICK IT OR TICKET ENFORCEMENT GRANT APPLICATION

#04-95 AUTHORIZING A CONTRACT WITH THE COUNTY OF SOMERSET TO PROVIDE PARTICIPATION IN A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAM

ACTIVITIES

- #04-97 APPROVING A FIREWORKS DISPLAY AT SOMERSET HILLS COUNTRY CLUB
- #04-98 AUTHORIZING TRACI WASHER, SUBSTITUTE DISPATCHER, TO ALSO SERVE AS POLICE MATRON
- #04-99 AUTHORIZING REFUNDS OF SEWER USER FEES
- #04-100 AUTHORIZING PROPERTY TAX REFUNDS
- #04-101 AUTHORIZING PAYMENT OF BILLS
- #04-102 AMENDING RESOLUTION #03-168 ACCEPTING DONATION OF DELL LAPTOP COMPUTER
- #04-104 ACCEPTING MONTHLY REPORTS

Consent Resolutions

Mrs. Walton moved that Resolutions #04-89, #04-90, #04-97 through #04-102, and #04-104, listed herein by title, be hereby adopted. Mr. Rossi seconded and the resolutions were approved upon a call of the roll:

Mrs. Flynn	Yes	Mr. Rossi	Yes
Mr. Honecker	Abstained	Mr. Salovaara	Yes
Mrs. McMillen	Yes	Mrs. Walton	Yes

Other Resolutions:

Mr. Salovaara asked for, and was given, additional information about this activity. Mr. Salovaara then moved that **RESOLUTION #04-96, APPROVING USE OF THE TRAIN STATION PARKING LOT FOR THE LIVINGSTON HIGH SCHOOL ROAD RALLY**, listed herein by title, be hereby adopted. It was seconded and approved with six yes votes.

Mrs. Flynn moved that **RESOLUTION #04-103, AUTHORIZING PROFESSIONAL SERVICES WITH EXPERT IN CONNECTION WITH DREESEN TORT CLAIM**, listed herein by title, be hereby adopted. Motion was duly seconded and approved with five yes votes. Mr. Honecker abstained.

Mrs. Walton moved introduction of **RESOLUTION #04-105, AUTHORIZING THE MAYOR TO SIGN A LAND USE REGULATION AND APPLICATION FORM FOR HARDSCRABBLE ROAD**. Mr. Rossi seconded. Mr. Macdowall, Public Works Manager, described the work to widen the roadway in certain areas in order to replace six catch basins. Two permits are required, and this application authorizes filing of those permit applications. In order to allow the Hardscrabble Road residents to review the latest plans, it was decided to postpone action on this Resolution for at least two weeks. Mrs. Walton moved to table the matter for two weeks. Mr. Rossi seconded and all six Council Members voted in favor of the motion.

REPORT OF THE MUNICIPAL ATTORNEY

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

COUNCIL COMMITTEE REPORTS

Public Safety Chair, Mrs. Flynn, said the committee met this evening. Hal Simoff, a professional planner and resident, attended to discuss the possibility of a traffic study. Chief Valentine reported to the committee that data is being collected on speed, direction, time, and so on. The plan is to end by June, analyze during July and August and begin to develop a plan with supplemental data collected in the Fall.

Finance Chair, Mr. Salovaara, said the budget will be discussed later during this meeting.

Personnel Chair, Mrs. McMillen, reported that labor negotiations with I.B.E.W. representatives were held on this date. She commented that negotiations are going well, and that she will report further in closed session.

Engineering, Technology & Public Works Chair, Mr. Honecker, spoke about the application the Committee wants to submit to the DEP for Hardscrabble Road improvements.

ITEMS OF BUSINESS

2004 Municipal Budget

Mayor Williams opened the public hearing on the 2004 Municipal Budget, as introduced on March 22.

Kathleen Palmer opposed the budget and expressed alarm regarding the depletion of reserves. She said the change in financial philosophy is irresponsible, and claimed to represent many citizens requesting Council to reconsider the 11% municipal increase.

Mr. Parsons, Chapin Road, spoke about the surplus, and said he feels the surplus is right about where it should be.

Michael Landau said the Council has an obligation to do what is needed in a fiscally responsible way, and spoke about surplus and reserves for uncollected taxes. He briefly discussed a state audit which recommended that 1.5 million or 15% is where the reserves should be.

John Palomaki, Stirling Road, said he was here when the budget was introduced and thought it was well thought out. He said the 11% figure is "hard to swallow" but it is important to look at the increases in previous years. He would encourage a long-term view on roads and a look at reassessment, in order not to have to "patch" later.

Alice Steinbacher spoke about services. Chief Valentine said the proposed budget does not meet the needs of the Police Department. Mr. Landau asked about savings if the Borough switched to County dispatching.

The Mayor and Council Members responded to the comments and questions raised above. Mayor Williams closed the public hearing. Mrs. Walton read the budget resolution shown on Sheet 41 of the budget document, and each Council Member voting no explained his or her reason for doing so. The vote on adoption of the budget followed:

Mrs. Flynn	No	Mr. Rossi	Yes
Mr. Honecker	Yes	Mr. Salovaara	No
Mrs. McMillen	No	Mrs. Walton	Yes

Mayor Williams, called upon to break the tie, cast a yes vote and the budget was adopted with four yes votes.

Smoking ordinances

A sample ordinance and information from NJGASP, submitted by Mr. Pidgeon, was discussed. Mr. Pidgeon commented on the Mercer County decision, and recommended that the Borough Council reserve decision on a local ordinance until we see what happens with law. In the meantime, Council Members McMillen and Rossi volunteered to research where borough restaurants stand on smoking issues, and report back to the full Council.

Library/lower level application

Mr. Mondok asked the advice of council with regard to the application to renovate 1600 square feet in the lower level of the new library for a physical therapy & personal training facility. Mr. Pidgeon agreed that Mr. Mondok's memo dated April 15th was for information only, that no Council action is necessary, and all agreed that access to the electrical, teledata and dry-sprinkler rooms must be maintained. Mr. Rossi stated that he wishes to discuss this application with the contractor, Mr. Sattler.

Hepatitis B Vaccination

The Borough Clerk provided written, background information for review. That information included a list of those considered high risk employees (Fire Departments, First Aid Squads, DPW, especially those who are also responders, Sewer Department employees and Lifeguards). Mr. Jay Parsons asked if the Animal Control Officer should be on the list of high risk employees? It was agreed that all high risk, paid employees should be offered the vaccination at the Borough's expense. The question of who will administer the program was left to future determination, after review by the Borough Administration.

High School Tennis Courts

In a letter dated April 15, Ray Krov, on behalf of the Somerset Hills School District, asked for approval of the plan to locate tennis courts at the Polo Grounds. The Borough Clerk was directed to respond, as follows: Conceptual approval is granted. Final approval is reserved until a plan showing the exact location can be reviewed and made available for public hearing at a meeting of the Borough Council. As agreed earlier between the Board of Education and the Bernardsville Recreation Commission, the tennis courts operation and maintenance will be the responsibility of the Board of Education, and finally, a tree line will remain in order to provide shade at pool side.

Unity Day/Chamber of Commerce

The Chamber of Commerce has applied for a Special Events License to hold "the First Annual Bernardsville Unity Day" on Monday, May 31, 2004 (rain date June 5). In a letter dated April 19, the President of the Chamber of Commerce described the event. The Borough Clerk advised that she was informed that the request for a banner is withdrawn. Mr. Rossi moved to allow the Borough Clerk to issue permits for this event to be held around the pond. Mrs. Walton seconded the motion and it was approved with six yes votes.

Cross Acceptance & Highland Initiative

Drafts of three resolutions were discussed. Mayor Williams said approval of the resolutions will allow the borough to fully participate in the development of the State Development and Redevelopment Plan, authorize an inter-local agreement with Somerset County and qualify for a \$2,000 grant to offset a portion of the costs associated with belonging to this County/Municipal Cross-acceptance effort. The Borough Clerk was asked to prepare the resolutions for consideration at the May 10th meeting, and to remove from the sample Highlands Resolution, the last sentence (beginning with the word creation and ending with Highlands' communities).

ITEMS OF BUSINESS

Mayor Williams directed the Borough Clerk to add two topics to the next agenda, saying the D.O.T. needs decisions on the Route 202 bridge, and drainage at Quarry Road and Route 202, in order to provide funding (for construction in 2007).

OPEN SESSION

Mayor Williams opened the public session. Mr. Parsons commented on the Borough website and suggested using it for even more public announcements and information. He asked if there would be carnival games at the Unity Day celebration? Mr. Parsons was advised that details are not yet available, but as far as is known today, no carnival games are proposed.

CLOSED SESSION

Mr. Salovaara moved that the meeting be adjourned to an executive session to consider litigation and contract negotiations, 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. Rossi seconded and the motion was approved with six yes votes.

It was moved, seconded, and unanimously agreed to open the meeting to the public.

ADJOURNMENT

Moved at 11:15 p.m., duly seconded, and unanimously approved.

Sandra G. Jones, Borough Clerk

Keywords:

car-alarms-lighting-police-parking-pumping-station-house-numbering-automobile-sales-zoning-access-road-shoprite-riteaid-finley-grant-enforcement-community-development-block-home-investment-fireworks-tax-refunds-bills-donation-computer-train-tort-dressen-professional-services-hardscrabble-land-use-traffic-budget-labor-negotiations-dispatching-smoking-library-lower-level-hepatitis B-vaccination-tennis-unity-day-cross-acceptance-highland-quarry-route 202-bridge-drainage-website