

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Minutes  
July 8, 2013

Mayor Lee C. Honecker called this meeting to order at 7:00 p.m. Present were Council Members Jeffrey J. DeLeo, Michael dePoortere, Joseph Rossi and Kevin Sooy. Craig Lawrence arrived at 7:03 p.m. and John F. Farrell was absent. Also present were John Pidgeon, Esq., Borough Attorney, Ralph A. Maresca, Jr., Administrator & CMFO, and Sandra G. Jones, Borough Clerk & Assistant Administrator.

**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 November 28, 2012.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Current and long term debt/turf field

Ralph Maresca, Administrator/CMFO, Bob Beinfield, Bond Counsel, and John Cassells, consultant on financial matters, discussed the borough's current debt of approximately 8 million, and long term debt service projections if another 11 million is added for proposed capital projects. Written reports on the subject prepared by Mr. Cassells, using estimates and projections, were reviewed. It was noted that debt is limited to 3.5% of equalized valuation of real property with improvements, and the borough debt will be less than 1% including the new projects. Mr. Beinfield discussed the borough's AAA rating, factors behind obtaining said rating, and reasons for using B.A.N.'s vs. bonds to finance projects. Funding for the proposed turf field at the Polo Grounds was discussed. Mayor Honecker suggested holding the referendum to authorize 1.2 million from Open Space funds, then if the referendum does not pass, bond for the project. Mr. Rossi suggested introducing a bond ordinance now to authorize the appropriation of \$1,200,000 for the installation of a turf field at the Upper Polo Grounds. He suggested further that engineering be done using the 20% Open Space Fund. A poll of the Council followed. Messrs. DeLeo, Sooy, dePoortere and Lawrence agreed to move forward with an ordinance. Mr. Rossi moved that **ORDINANCE #13-1637, BOND ORDINANCE APPROPRIATING \$1,200,000, AND AUTHORIZING THE ISSUANCE OF \$1,142,000 BONDS OR NOTES OF THE BOROUGH, FOR THE CONSTRUCTION AND INSTALLATION OF A TURF FIELD AT THE UPPER POLO GROUNDS AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**, 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., August 12, 2013. Mr. Lawrence seconded the motion, which was approved upon a call of the roll. Messrs. DeLeo, dePoortere, Lawrence, Rossi and Sooy voted yes. Mr. Farrell was absent.

### APPROVAL OF MINUTES

Mr. Lawrence moved approval of June 24, 2013 Minutes. Mr. dePoortere seconded the motion, which was approved with five yes votes.

### OPEN SESSION

**At this point in the meeting, the Mayor & Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes.**

Mayor Honecker read the above statement and opened the meeting to the public. Chris Trebus, Chapin Road, asked if the turf field is a go? Mayor Honecker responded that the ordinance public hearing is August 12. Sherry Frawley, Carriage House Road resident and Chair of the Environmental Commission, said the Commission is not opposed to fields, but believes open space funds should be used for acquisition only. She asked if the public will be given an opportunity to comment when the public question is discussed? Council agreed to open the floor to the public at that point in the meeting. Diana Kramer, Charlotte Hill Drive, called for a debt reduction plan for the borough. Anthony Dello Russo, Mine Mount Road, commended the Council for making the right decision and moving ahead on the Upper Polo field. John McCrossan, Laurelwood Drive, asked why Council did not discuss alternative ways to fund a field without a referendum, for example, a partnership with Somerset County? He encouraged filing a grant application and asked about using the 20% Open Space Funds to offset the cost. Messrs. Rossi and DeLeo responded that those funds are earmarked for other projects. Gary Tantleff, Mount Harmony Road, commended council for moving forward on the turf field. Alice Steinbacher, Hardscrabble Road, asked if the 1.2 million includes maintenance and repairs, and she requested figures. Sean Gagnon, Columbia Drive, offered congratulations on the field decision. Terry Byrne, Chestnut Avenue, repeated safety concerns for Chestnut expressed at several Council meetings and said that Council is developing in the wrong area. Georgia Rossi, Crest Drive, noted that the fields existed when Mr. Byrne moved to Chestnut. Patty DeLeo, Mine Mount Road, said the turf field is needed and will not be a detriment for the neighborhood. Hearing no further comments, Mayor Honecker closed the public session.

### ORDINANCES

Mayor Honecker opened the public hearing on #13-1635, **AN ORDINANCE AMENDING SALARY ORDINANCE #13-1622**. Hearing no comments or questions, the Mayor closed the hearing. Mr. Rossi moved to pass the ordinance on final reading and adopt as published. Mr. Sooy seconded the motion and a call of the roll followed. Messrs. DeLeo, dePoortere, Lawrence, Rossi and Sooy voted yes. Mr. Farrell was absent.

Mr. dePoortere moved that #13-1636, **MAKING THE ENTIRE LENGTH OF BOYLAN TERRACE AND A PORTION OF WEST STREET ONE-WAY STREETS AND SUPPLEMENTING AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, 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., August 12, 2013. Mr. DeLeo seconded the motion, which was approved with five yes votes.

**RESOLUTIONS**

- #13-111      AWARDING A CONTRACT FOR THE EMERGENCY STABILIZATION OF THE DUNSTER-SQUIBB HOUSE**
- #13-120      AUTHORIZING CANCELLATION OF PROPERTY TAXES FOR 100% DISABLED VETERAN AT 83 STONE FENCE ROAD**
- #13-121      AUTHORIZING REFUND OF OVERPAYMENT OF 2013 TAXES FOR 199 ANDERSON HILL ROAD**
- #13-122      ACCEPTING A DONATION**
- #13-123      AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH ART BERNARD AND ASSOCIATES, LLC**
- #13-124      ACCEPTING MONTHLY REPORTS**
- #13-125      APPROVING PAYMENT OF BILLS**

Mr. DeLeo asked that Resolution #13-111 be held for discussion. Mr. Rossi moved approval of Resolutions #13-120 through #13-125. Mr. Sooy seconded the motion and a call of the roll followed. Messrs. DeLeo, dePoortere, Lawrence, Rossi and Sooy voted yes. Mr. Farrell was absent.

Mr. Pidgeon pointed out that resolution #13-111 awards a contract based upon the low quotation from Hahr Construction. Mr. Sooy moved approval of Resolution #13-111. Mr. dePoortere seconded the motion and a call of the roll followed. Messrs. dePoortere, Lawrence, Rossi and Sooy voted yes. Mr. DeLeo voted no. Mr. Farrell was absent.

**REPORT OF THE MUNICIPAL ATTORNEY**

Mr. Pidgeon's report as of July 2 was received.

### COUNCIL COMMITTEE REPORTS

Mr. dePoortere stated that written Public Safety reports were distributed. Mr. Sooy said the Finance Committee reviewed borough debt, prior to the presentation this evening. Mr. DeLeo said personnel matters will be discussed in closed session. Mr. Rossi, for Engineering, Technology and Public Works, said, among other topics, the committee discussed seal coating for certain roads. Past and current opinions on seal coating were discussed.

### ITEMS OF BUSINESS

#### Public Question – Turf field at Upper Polo Grounds

Mayor Honecker opened to the public for comments on this topic. Sherry Frawley, Chair of the Environmental Commission, stated it would appear the field project is going ahead no matter what, that some have issues with artificial turf and would like a voice about what kind of field is built. She referenced the resolution adopted by the Environmental Commission on July 2 which stated that the commission "believes that Open Space Trust Fund monies earmarked for acquisition be used for that purpose only as stipulated in the referendum passed by voters creating the tax, that ... 20% of Open Space Trust Funds subsequently allocated for improvements or development on borough-owned open space parcels is intended to address any other needs/use, and that a new Open Space Plan completed June 4, 2013 is in the process of being reviewed by the Planning Board ... that current Open Space Trust Fund acquisition funds need to be available for any properties designated for purchase." Regarding paragraph six on page two of the proposed question, Mrs. Frawley commented that whether or not a field encroaches on a wetlands would have to be determined by the DEP, and she asked if the wording should be changed? Mr. Pidgeon said state law allows open space funds to be used for acquisition, development and maintenance. The original public question limited spending to acquisition, but in 2008 that was changed to allow 20% for development. The current, third question under consideration allows, on a one time basis, 1.5 million to be used for the field development.

Rosalie Ballantine, Pheasant Hill Drive, said the Open Space Plan recommends acquisition and parcels exist that are gems in terms of what they offer. Regarding the field, Mrs. Ballantine asked why sending districts don't contribute? Mr. Pidgeon responded that in a joint school district it is state law that controls the issues. Mr. DeLeo recommended the question be referred to the school board. Since taxes could go up if open space funds are not used, Mrs. Ballantine asked about using the 20% that is not earmarked to offset the total cost. The response was that Council is not in favor of raiding the fund. Mayor Honecker closed the public portion, and it was decided to hold discussion on the public question until the August 12 meeting.

Mayor's Appointments

Mayor Honecker appointed Sheila C. Miller, 6 Spring House Road, as Alternate #1 on the Historic Preservation Advisory Committee, to replace Sally Sutherland who recently resigned, for the unexpired term until December 31, 2013.

Mayor Honecker appointed Seth Garrod, 6 Franklin Court, to a vacant, unexpired term on the Board of Health until December 31, 2014. Mr. Lawrence moved confirmation of the Mayor's appointment. Mr. Sooy seconded the motion, which was approved with four yes votes (dePoortere, Lawrence, Rossi, Sooy). Mr. DeLeo voted no.

Passaic River Coalition membership invoice

Mr. Lawrence moved to join the Passaic River Coalition. There was no second. Motion failed.

Correspondence

One item listed on the agenda, a Resolution from the Environmental Commission regarding the proposed referendum to use Open Space Trust Funds to build a turf field, was discussed earlier in the meeting.

**OPEN SESSION**

Mayor Honecker opened the meeting to the public. Hearing no comments or questions, the open session was closed.

**CLOSED SESSION**

Mr. Lawrence moved to adjourn to executive session to consider Collective Bargaining, Contract Negotiations and Personnel Matters, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mr. dePoortere seconded the motion, and it was approved by five yes votes.

**REOPEN & ADJOURNMENT**

Mr. Lawrence moved to reopen the meeting to the public and adjourn at 9:50 p.m. Mr. dePoortere seconded and motion passed with five yes votes.