

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting**  
**January 18, 2007**

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Thursday, January 18, 2007. Present were Denis J. Dooley II, Charlotte J. Foster, Michael Landau, John McCrossan, Joseph Rossi, and Mikael Salovaara (who arrived at 7:10 p.m.). Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca and Sandra G. Jones, Clerk and 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 December 12, 2006.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Mayor Honecker presented the following Proclamation:

***WHEREAS**, the Bernards High School Boys Varsity Soccer Team of Bernardsville, New Jersey, has completed a very successful season with a final record of 20-2-0, the 20 wins being a school record; and*

***WHEREAS**, this team and it's coaches, Joe Laspada, Head Coach, Allen Thurlow, Assistant Varsity Coach, Jason Potzer, Junior Varsity Coach, and Jose Daben, Freshman Coach, were ranked among the top twenty teams in the state (SCANJ, NJSIAA), finishing at Number 4, and were the Skyland-Raritan Conference Champions; the North Jersey II/Group II Sectional Champions and the State Group II Champions; and*

***WHEREAS**, individual players earned the following honors:*

**First, Second & Third Team Selections, All Conference/Skyland-Raritan**

*David Arce, Kevin Gentile, Jesse Gonzalez, Ozzie Martinez, Chris Polster*

*Jorge Cardenas, Alvaro Gonzalez, Rich Russoniello*

*Roque Ruiz Diaz, Richard Sanchez, Luis Zorrilla*

**First & Second Team & Honorable Mention, All County/Somerset County Coaches**

*David Arce, Ozzie Martinez, Kevin Gentile*

*Jorge Cardenas, Alvaro Gonzalez*

*Jesse Gonzalez, Chris Polster, Roque Ruiz Diaz, Rich Russoniello, Luis Zorrilla*

**First, Second & Third Team Selections, All State Group II**

*David Arce, Ozzie Martinez, Kevin Gentile*

*Jorge Cardenas*

*Alvaro Gonzalez*

***NOW, THEREFORE**, I, Lee C. Honecker, Mayor of the Borough of Bernardsville, by the authority vested in me, and representing the Borough Council of the Borough of Bernardsville, do hereby congratulate the Bernards High School Varsity Soccer Team and proudly enter this proclamation into the public record of the Borough of Bernardsville on January 18, 2007.*

## APPROVAL OF MINUTES

Regarding the December 29 minutes (first paragraph under Resolution #06-252, page two), Mr. Landau requested that the minutes reflect that “he produced a spreadsheet, provided by John Macdowall, that indicated the estimated additional cost in addition to the roughly \$800,000 in the grant is another \$1.2 million for a total of \$2 million.” With that addition, Mr. Landau moved approval of minutes of December 11, 29 and January 3. Mr. Dooley seconded and the motion was approved with five yes votes. (Mr. Salovaara was absent at this point in the meeting.)

## OPEN SESSION

The Mayor opened the meeting to the public. With no comments forthcoming, the Mayor closed the public session.

## ORDINANCES

Mayor Honecker opened the public hearing on #07-1452, **BOND ORDINANCE APPROPRIATING \$1,700,000, AND AUTHORIZING THE ISSUANCE OF \$1,618,500 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY.** Hearing no comments or questions, Mayor Honecker closed the public hearing. Mr. Salovaara arrived. Mr. Landau moved to pass the ordinance on final reading and adopt as published. Mrs. Foster seconded, and the motion was approved upon the following call of the roll:

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

Mayor Honecker opened the public hearing on #07-1453, **AN ORDINANCE CONCERNING COUNCIL COMMITTEES AND AMENDING THE BOROUGH ADMINISTRATIVE CODE (2002) AS SET FORTH IN CHAPTER II OF THE BOROUGH CODE.** Kathy Pierce Desjourdy, Holly Ridge Court resident, expressed concerns with the ordinance, as written, and the fact that it contains “no checks and balances”. Discussion followed. Mr. Rossi said he will vote no, and discussed his concerns. Mayor Honecker closed the public hearing. Mrs. Foster moved to pass the ordinance on final reading and adopt as published. Mr. Dooley seconded the motion, and a call of the roll followed:

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

Mayor Honecker opened the public hearing on #07-1454, **SALARY ORDINANCE FOR BOROUGH EMPLOYEES WHO ARE MEMBERS OF THE I.B.E.W., LOCAL 118.** Hearing no comments or questions from the public, Mayor Honecker closed the public hearing. Mr. Salovaara suggested an amendment to the first two paragraphs of the ordinance, to read as follows:

*WHEREAS, the Borough of Bernardsville entered into an agreement with the IBEW Local 118 and are required to adjust salaries in accordance with said agreement;*

*BE IT ORDAINED, as follows, pursuant to the collective bargaining agreement.....*

Mr. Landau seconded Mr. Salovaara’s motion and the amendment was approved with six yes votes. Mr. Salovaara moved to pass the ordinance on final reading, as amended, and adopt as published. Mr. Pidgeon confirmed that no further public notice

was required because the amendment does not change the substance of the ordinance. Mr. Landau seconded the motion to adopt and a call of the roll followed:

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

Mayor Honecker opened the public hearing on #07-1455, **SALARY ORDINANCE FOR BOROUGH DISPATCHERS WHO ARE MEMBERS OF THE I.B.E.W., LOCAL 118**. Hearing no comments or questions from the public, Mayor Honecker closed the public hearing. Mr. Salovaara moved to amend #1455 as discussed above (see #1454). Mr. Landau seconded the motion which was approved with six yes votes. Mr. Dooley moved to pass this ordinance on final reading, as amended, and adopt as published. Mrs. Foster seconded and a call of the roll followed:

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

Mayor Honecker opened the public hearing on #07-1456, **SALARY ORDINANCE FOR EMPLOYEES OF THE BOROUGH OF BERNARDSVILLE WHO ARE MEMBERS OF THE PUBLIC WORKS EMPLOYEE ASSOCIATION**. Hearing no comments or questions from the public, Mayor Honecker closed the public hearing. Mr. Salovaara moved to amend #1456 as discussed above (see #1454). Mrs. Foster seconded the motion which was adopted with six yes votes. Mrs. Jones responded to questions and advised that before salaries are paid out, when the corresponding payroll worksheets are complete, Mr. Maresca will double check figures. Mr. Pidgeon confirmed that any error in the ordinance that might be discovered as payroll calculates retroactive increases, could be corrected without changing the ordinance. Mr. Salovaara moved to

pass the ordinance on final reading, as amended, and adopt as published. Mr. Rossi seconded and a call of the roll followed:

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

Ordinance #07-1457 was discussed and amended to add “with the consent” in the second paragraph of Section 15-2. With that amendment, Mr. Landau moved that #07-1457, **AN ORDINANCE CONFIRMING TERMS OF MEMBERS OF FIRE PREVENTION BUREAU AND SUPPLEMENTING AND AMENDING CHAPTER XV OF THE BOROUGH CODE ENTITLED “FIRE PREVENTION”**, 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., Monday, February 26, 2007. Mr. Rossi seconded and the motion to approve upon introduction was adopted with six yes votes.

Mrs. Foster reported that the personnel committee recommends introduction of a salary ordinance for non-contractual employees, by title, and moved that Ordinance #07-1458, **AN ORDINANCE INCREASING THE SALARIES OF ALL NON-CONTRACTUAL EMPLOYEES BY .8% FOR 2006 AND 4% FOR 2007**, 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., Monday, February 26, 2007. Mr. Rossi seconded and the motion to approve upon introduction was adopted with six yes votes.

## RESOLUTIONS

Mr. Rossi asked about procedures with change orders on contracts? It was decided, therefore, to remove Resolutions #24, 25, 26 and 27 from the consent list. Mr. Salovaara moved approval of the following resolutions, as presented:

- #07-23      **ACCEPTING DONATIONS**
- #07-28      **AWARDING A CONTRACT FOR MT. HARMONY DRAINAGE IMPROVEMENTS**
- #07-29      **ACCEPTING MONTHLY REPORTS**
- #07-30      **CANCELING CINGULAR CELLULAR TOWER LEASE**
- #07-31      **AUTHORIZING PAYMENTS OF BILLS**
- #07-32      **AUTHORIZING A REFUND OF POLICE OFF-DUTY ESCROW FUND BALANCES**
- #07-33      **AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH PAUL  
FERRIERO, MUNICIPAL ENGINEER**
- #07-34      **AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2007 RECYCLING AGREEMENT  
WITH SOMERSET COUNTY**

Mrs. Foster seconded the motion to approve and a call of the roll followed:

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

Resolution #07-24, **AUTHORIZING CHANGE ORDER NO 4 TO THE CONTRACT WITH T. GROSSO AND SON FOR BERNARDS AVENUE IMPROVEMENTS**, was discussed. Mr. Rossi recommended that the Public Works Committee review change order requests before they are given the full Council for consideration. Following discussion regarding the merits of that suggestion, Mrs. Foster moved approval of #07-24. Mr. Salovaara seconded the motion and it was adopted unanimously, via voice vote.

Mr. Rossi moved approval of Resolution #07-25, **AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH SCHIFANO CONSTRUCTION CORPORATION FOR BERNARDS AVENUE IMPROVEMENTS**, and Resolution #07-26, **AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH ROCKBORN TRUCKING AND EXCAVATION, INC., FOR PILL HILL ROAD IMPROVEMENTS - SECTION 1 (FINAL)**. Mr. Landau seconded the motion which was adopted unanimously, via voice vote.

Mr. Dooley said he will vote in opposition to Resolution #07-27, **AWARDING A CONTRACT FOR TRIPLE COMBINATION PUMPER**. Discussion continued regarding the truck to be replaced, its resale value, how to use the resale funds, and the details in a memo from the Public Works Manager dated January 15, including an offer of credit (\$8,915) from Pierce if the Borough will submit partial payment (\$230,255) when construction of the chassis is complete in approximately four months from execution of the contract.

Mr. Salovaara moved to amend Resolution #07-27, item (1), to read, "A contract is awarded for a Triple Combination Pumper to Pierce Manufacturing, Inc., in the amount of up to \$491,300." The motion was seconded by Mrs. Foster and approved unanimously. Mr. Salovaara moved to approve Resolution #07-27, as amended. Mr. Landau seconded the motion and a call of the roll followed:

Mr. Dooley	No	Mr. McCrossan	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes

In order to clarify how the proceeds from the sale of the old truck will be used, Mr. Pidgeon suggested a motion that the borough will purchase the fire truck offset by the proceeds received by the fire company from the sale of the old vehicle. Discussion continued.

Mr. Landau moved that Resolution #07-27 be amended to include three points, that we accept the Pierce offer of a credit to the borough in the amount of \$8,915 by making a partial payment of \$230,255 when construction of the fire truck chassis is completed four months after execution of the contract and four months prior to delivery to the fire station. Mr. Salovaara seconded and the motion was approved with five yes votes. Mr. Dooley abstained.

Mr. Landau moved to apply the credit and to provide funding for the fire truck based on the price adopted in Resolution #07-27, less the credit for the sale of the current truck. Mr. Salovaara seconded and a call of the roll followed:

Mr. Dooley	Abstained	Mr. McCrossan	No
Mrs. Foster	Yes	Mr. Rossi	No
Mr. Landau	Yes	Mr. Salovaara	Yes

## REPORT OF THE MUNICIPAL ATTORNEY

### Executive Session

Mr. Pidgeon announced that Ray Stein, Esq. representing the Suburban Municipal Joint Insurance Fund was present. Mr. Salovaara moved to adjourn to executive session to consider the Dreesen pond litigation and that the time when and circumstances under which the above can be disclosed to the public is when the matter is finally resolved. Mrs. Foster seconded and the motion to close was approved unanimously.

## COUNCIL COMMITTEE REPORTS

Mrs. Foster reported that the **Public Safety** Committee will meet soon. Mr. Landau reported that the **Finance** Committee is working on bonding and the 2007 municipal budget. Mrs. Foster reported for the **Personnel** Committee and moved that the Borough advertise for a replacement maintenance/laborer in the Sewer Department, to replace an employee who is out on disability, and will officially retire in July. Mr. Salovaara seconded the motion, which was approved unanimously. Mr. Landau moved that the **Personnel** Committee handle contract negotiations during 2007. It is anticipated that discussion with the PBA will begin later in the year. Mr. Salovaara seconded Mr. Landau's motion, which was approved unanimously. Mr. Dooley, Chairman of the **Public Works** Committee, distributed copies of written minutes of a Public Works Committee meeting held January 12, 2007, and said minutes were discussed.

## ITEMS OF BUSINESS

### Library parking lot

This item was discussed in closed session.

### 2007 holiday trade

Contractual and Non-contractual employees in the municipal offices requested permission to trade two holidays during 2007. General Election Day, a holiday provided by policy and contract, would be a normal workday, and the holiday (day off) would be taken the day after Thanksgiving. This particular trade has become tradition in Bernardsville, the Borough Clerk advised.

The second proposal is to trade the 2007 floating holiday (Martin Luther King Day) for a day off on Monday, December 24, when the municipal offices would be closed. Borough Council was unanimously in favor of trading the two 2007 holidays discussed herein.

### **Resolution for Garden State Preservation Trust**

A Resolution **Supporting Renewal of the Garden State Preservation Trust** was discussed, given #07-35, and Mr. Salovaara moved adoption. Mr. Dooley seconded the motion which was approved unanimously.

### **Off-duty escrow**

The Borough's ordinance regarding off-duty escrow, and the possibility of an exception to same, was discussed. Mayor Honecker said that a recent, preliminary meeting with the DOT was held to discuss the bridge repair project at Route 202 and Meeker. The Borough preference would be to use our own officers for traffic control instead of State Police, but the State cannot put up the escrow. Mr. Landau favored handling concerns like this one on a case by case basis rather than changing the ordinance. It was decided to ask Chief Valentine to "hammer out the details" and report back.

### **Recreation pool fee membership increases**

In a memo dated December 22, 2006, the Recreation Director and Recreation Committee recommended 2007 increases in pool fee memberships that average 4% (plus 7% tax) applicable to memberships for resident and non-resident families, single residents and non-residents, and non-resident seniors. Mr. Salovaara moved adoption of the 2007 fees. Mr. Rossi seconded the motion which was approved unanimously.

Mr. Salovaara moved adoption of Resolution #07-36, **SETTING FEES FOR RECREATION/POOL PROGRAMS**. Mr. Rossi seconded the motion, which was approved unanimously.

### **Vision plan for employees**

Recently, the Borough Council authorized participation in a voluntary vision plan through the nation's largest vision carrier, VSP, for the PBA. Now, the same plan, offered on a pre tax basis (at no cost to Borough) is available to all Borough employees. There was unanimous consent to proceed to offer this vision plan to all employees at their own expense.

### **Vacancies**

A list of vacancies as of 1/17/07 was discussed. Mayor Honecker asked for a volunteer from among the Borough Council to serve as liaison to the Somerset County Freeholders, and Mr. Rossi volunteered. Mayor Honecker said he will shortly appoint ad hoc committees, including IT, Town & School, grants and a community relations committee. Mayor Honecker reappointed Peter Todd Cooper and Donald Spencer to serve on the Board of Health until 12/31/09. It was moved and seconded to concur on the Board of Health reappointments, and the motion passed unanimously. The Mayor encouraged the Borough Council to fill the remaining vacancies as soon as possible.

### **Public awareness of Emergency Management Plan**

Various ways to communicate the existing Emergency Management Plan for the Borough were discussed.

### **2007 Sewer User and Sewer connection Fees**

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In a memo dated January 17, 2007, the Public Works Manager discussed sewer user and connection fees and stated that it is

proposed to maintain the fees at the existing rate (see Ordinance #04-1373) of \$259 for Debt Service or Facility and \$380 Water Component per equivalent residential unit. The average fee remained at \$529, and the connection fee would remain at \$6,000. It was moved and seconded to proceed as recommended by the Public Works Manager. There were five yes votes. Mr. Salovaara abstained.

### Community Block Development Grant Application

Mrs. Foster stated that the Chapter II senior van fund effort has raised \$25,300 and asked approval of the council to pursue a Community Block Development Grant for \$20,000 to purchase a new van by filing a pre-application which is due January 24, 2007. Mr. Salovaara authorized Mrs. Foster to proceed as discussed. Mr. Rossi seconded the motion, which was approved unanimously.

### Resolutions on bonding

Mr. Maresca presented two resolutions and requested adoption on this date.

Mr. Rossi introduced and moved adoption of **#07-37, RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL BONDS AGGREGATING \$4,579,000 IN PRINCIPAL AMOUNT.** Mr. Salovaara seconded the motion and a call of the roll followed:

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

Mr. Rossi introduced and moved adoption of **#07-38, RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$4,579,000 GENERAL BONDS OF 2007 AND \$525,000 SEWER BONDS OF 2007 THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND PROVIDING FOR THEIR SALE.** Mr. Landau seconded the motion and a call of the roll followed:

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

### Habitat housing

Mr. Rossi asked for a decision on the proposal to use COAH funds to pay sewer connections for the Habitat housing under construction. Following discussion, it was decided to table the matter until the meeting on January 22, 2007.

### **OPEN SESSION**

Mayor Honecker opened the meeting to the public. Hearing no comments, the Mayor closed the public session, and called for a motion to adjourn the meeting.

### **ADJOURNMENT**

Moved by Mr. Landau at 10:45 p.m., seconded by Mrs. Foster and approved unanimously.

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keywords:

soccer-team-bond-administrative-code-salary-fire-prevention-donations-mount-harmony-drainage-cellular-tower-lease-escrow-engineer-recycling-contract-holiday-garden-state-preservation-trust-pool-vision-plan-vacancies-emergency-management-sewer-connection-community-block-grant-habitat-coah