

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting
February 11, 2008

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, February 11, 2008. Present were Denis J. Dooley II, Charlotte J. Foster, John McCrossan, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Sandra G. Jones, Clerk and Assistant Administrator and Ralph Maresca, Administrator and CMFO.

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 18, 2007.

OPEN SESSION

Mayor Honecker opened the public session. Without comments or questions from the public, the Mayor closed the public session.

ITEMS OF BUSINESS

Resolutions

- #08-39 AMENDING THE TEMPORARY BUDGET**
- #08-40 AUTHORIZING PAYMENT OF BILLS**
- #08-41 AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND THE BOROUGH OF BERNARDSVILLE**
- #08-42 AWARDING A CONTRACT FOR SPRING ROADSIDE CLEANUP**

Mr. Rossi moved to approve resolutions #08-39 through #08-42. Mrs. Foster seconded and the motion was approved upon the following roll call vote:

Mr. Dooley	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	yes	Mr. Sooy	yes

Housing Committee Report

Neil and Sharon Schetelick, representing the committee, presented a written proposal, and discussed their recommendation for the addition of part-time clerical and inspection staff and the acquisition

of computer software. The increased resources, they said, are necessary to combat what the committee believes is an increasing problem of stacking in the Borough of Bernardsville. They commented that in 2006 the borough implemented an ordinance requiring annual registration and inspection of rental properties, but as of this date less than 175 of Bernardsville's estimated 500 rental units have been registered. A representative from the recommended software provider, Mitchell Humphries, discussed the software cost and capabilities. Mr. McCrossan, Finance Committee Chair, said two of the three committee members have reviewed the proposal and recommend the funds be provided. Mrs. Foster announced that Chapter II will donate funds leftover from the drive to raise money for a new van, about \$4,000, for the project.

Donation of time/equipment for work in Peter's Park on Pine Street

Mr. Rossi recommended accepting a donation of time and equipment from Mickey Clarey, of Clear Cut Excavating LLC, including removal of stumps, bushes, excavating and grading, as offered in a letter dated January 28. The Public Works Manager, in a letter dated February 8, raised concerns, and it was decided to refer the matter to the Public Works Committee for review.

Tilcon offer of donation to accept millings

Mr. Rossi discussed a written offer, dated January 24, from Tilcon New York, Inc. to accept at no charge, clean fill and broken concrete from our Public Works Department at the Millington facility in Basking Ridge, and millings at the Bernardsville Asphalt plant. They also offered to supply free of charge, ground millings for Borough pathways, roadways and other projects. Mr. Rossi moved to accept the donation. Mr. McCrossan seconded the motion, which was approved with six yes votes.

Draft Ordinances

A draft entitled **AN ORDINANCE CONCERNING GRAFFITI AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**, prepared by Borough Attorney, John R. Pidgeon, was reviewed, and it was decided to introduce said ordinance on February 25.

A draft entitled **ESTABLISHING A HOUSING ADVISORY COMMITTEE AND CREATING A NEW SECTION 2-44 OF THE BOROUGH CODE ENTITLED "HOUSING ADVISORY COMMITTEE"**, was reviewed, and it was decided to introduce said ordinance on February 25.

A draft entitled **AN ORDINANCE CONCERNING SPECIAL EVENT BANNERS AND TEMPORARY SIGNS IN THE ROW AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING"**, delegating to the Borough Clerk the authority to issue special event banner and temporary sign permits pursuant to ordinance regulations, was reviewed, and it was decided to introduce said ordinance on February 25.

Recommendations from Zoning Enforcement

The Zoning Enforcement Officer submitted a written request to update the Borough Code relative to house numbering, and to adopt the BOCA National Property Maintenance Code. It was decided that Mr. Pidgeon will prepare an amendment to the house numbering ordinance for review at the March work meeting, and that review of the BOCA National Property Maintenance Code be referred to committee.

Fire Prevention Committee

Pursuant to ordinance the Fire Chief, Mr. Negri serves on the Fire Prevention Committee. Mr. Rossi moved to consent to the appointment of members Frank Ferrante and Gerald Negri, Jr. Mr. McDowell seconded the motion was approved with six yes votes.

Downtown improvement project

Mr. McCrossan discussed the project and the low bid for said project which is \$347,439 higher than the engineering estimate. He said the primary reasons are site clearing costs, the higher than expected cost of synthetic asphalt in the crosswalks and street lights, which were omitted from the specifications in error. He recommended the following ordinance to provide additional capital funds for the project to pay for the capital shortfall. Furthermore, he recommended adding capital to fund the addition of alternates 1, 2, Alternate A (Quimby to Claremont), Alternate A1, 5 % contingency, material testing, engineering, and traffic direction be added at the recommendation of the public works committee.

Mr. McCrossan moved that **ORDINANCE #08-1481, BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$550,000 FOR THE IMPROVEMENT OF THE DOWNTOWN AREA IN AND BY THE BOROUGH HERETOFORE AUTHORIZED TO BE TAKEN BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$523,800 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH SUPPLEMENTAL APPROPRIATION**, 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., February 25, 2008. Mr. Rossi seconded and the motion was approved upon a call of the roll:

Mr. Dooley	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	yes	Mr. Sooy	yes

Mrs. Foster moved that **RESOLUTION #08-43, TEMPORARY CAPITAL BUDGET RESOLUTION** be approved. Mr. Sooy seconded and the motion was approved upon the following roll call vote:

Mr. Dooley	yes	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	yes	Mr. Sooy	yes

OPEN SESSION

Mayor Honecker opened a second public session with the consent of the Borough Council. John Croot, representing the Bernardsville Lions Club (donors to the van fund raising project), complained about the delay with getting the vehicle into circulation. Mrs. Foster responded that the vehicle is now in use. Helen Walton, Washington Corner Road resident and former member of the Borough Council, said she is excited that the Downtown Development Project will soon become reality after many years of delay, and she offered to help in any capacity needed. Mayor Honecker closed the public session.

Public Works presentation

Mr. Rossi said that the public works manager, John Macdowall was present to discuss options for the downtown project in case the borough council chooses not to spend all the funds provided in Ordinance # 08-1481. John presented three options with 2 of the 3 representing potential savings, however both would delay the start and end of the project, and materials and workmanship contained in the low bid proposal would be replaced with lesser quality. The first option proposed coming up with the additional capital funding (\$523,800) as provided in Ordinance # 08-1481 and awarding the contract to the low bidder. The second option proposed doing a re-bid process in order to cap the cost of site clearing, removal of milling & paving from the scope and awarding this to Somerset County, eliminating under drain and limit structural soil to areas around tree planters, and removal of synthetic asphalt crosswalks from the project. The third option was to reject the results of a second bid if costs were still too high and negotiate directly with a contractor of the Borough's choosing. The potential savings were outlined in options 2 & 3 and were provided in writing (material dated 2/11/08) and discussed in detail. Mr. Pidgeon, Borough attorney upon listening to the presentation, stated that by approving the additional funds earlier in the meeting, options 2 & 3 are off the table for consideration, but that change orders can still be negotiated for the project.

CLOSED SESSION

It was moved to adjourn to an executive session to consider personnel and other qualified matters, and that the time when and circumstances under which the matters can be disclosed to the public is when the matters are finally resolved. It is further anticipated that no further action will be taken and that the meeting will adjourn following the executive session. Motion was duly seconded and approved with six yes votes.

REOPEN AND ADJOURNMENT

Mrs. Foster moved to reopen the meeting to the public. Motion was seconded and approved with six yes votes. Mr. McCrossan moved to adjourn the meeting at 10:20 p.m. Mrs. Foster seconded the motion, which was approved with six yes votes.

Sandra G. Jones, Borough Clerk

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keywords: budget-finance-transportation-spring-roadside-cleanup-housing-committee-peters-park-millings-graffiti-banners-zoning-fire-prevention-downtown-improvement-bond-capital-public-works