

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting
February 13, 2007

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Tuesday, February 13, 2007. Present were Denis J. Dooley II, Charlotte J. Foster, Michael Landau, John McCrossan, and Joseph Rossi. Also present were Borough Attorney John R. Pidgeon, Esquire, Ralph Maresca, Administrator and C.M.F.O. and Sandra G. Jones, Clerk and Assistant Administrator. Mikael Salovaara was absent.

STATEMENT OF PRESIDING OFFICER

Mayor Honecker 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 12, 2006.

OPEN SESSION

Mayor Honecker opened the public session. There were no comments or questions from the public and Mayor Honecker closed the public session.

ITEMS OF BUSINESS

Elected Officials' Training Seminar – David Grubb, Suburban Municipal JIF

Mayor Honecker announced that this training session will be rescheduled due to the weather.

Resolutions

Mr. Landau had a question regarding the refund of a parking decal in **Resolution #07-39, AUTHORIZING A REFUND OF PARKING DECAL FEES**. The Borough Clerk clarified that the decal was issued in error and will be voided.

Mrs. Foster had a question on **Resolution #07-40, AUTHORIZING SUBMISSION OF THE YEAR 2007 MUNICIPAL ALLIANCE GRANT UPDATE** regarding the "cash match" payment. Council discussed this grant and wanted more information about it. Mrs. Foster said she would call someone from the Municipal Alliance to get a synopsis. It was decided to table this matter until the next meeting on February 26th.

Mr. Pidgeon explained that **Resolution #07-41, AUTHORIZING EXECUTION OF AMENDMENT TO RAILROAD STATION LEASE**, does two things. The first changes the commencement date of the lease from December 6, 2006 to January 1, 2007. The second is that it incorporates our requirement to collect sales tax on parking lot revenues. Mr. McCrossan asked how we perform the collection. Mr. Pidgeon explained that we charge a gross amount for parking fees and deduct the 7% sales tax from the gross amount.

Mr. Dooley asked for clarification on **Resolution #07-42, REDUCING PERFORMANCE GUARANTEE, GRAND TOURING MOTORCARS, INC., D/B/A BERNARDSVILLE VOLKSWAGEN**. Mr. Pidgeon explained that a performance guarantee is posted upon board approval, and when the improvements are substantially complete, the Borough Engineer certifies that fact, and the Borough returns the money, or in this case, part of the money paid to guarantee improvements.

There was no discussion on **Resolution #07-43, AUTHORIZING PAYMENT OF BILLS**

Resolution #07-44, SUBMISSION OF AN ECONOMIC DEVELOPMENT INITIATIVE SPECIAL PURPOSE GRANT APPLICATION, was added to the agenda as requested by Mr. Maresca, who stated that the resolution authorizes

the Public Works Manager to complete this grant application.

Mr. Dooley moved to approve Resolutions #07-39, #07-41 to #07-44. Mr. Rossi 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	Absent

Council duties and responsibilities

This item was tabled to the next meeting on February 26th.

Olcott Square alternate traffic plan

There was some discussion about the alternate plan offered by Mr. Graham on the Planning Board, and the status of said plan at the NJDOT. Mrs. Foster reported that Chief Valentine is not in favor of this plan, and has suggested professional review before proceeding further. Mr. Rossi suggested raising this idea with NJDOT now would interfere with the streetscape project, and he recommended tabling the matter. No action or further discussion was scheduled. Mayor Honecker summarized; the issue is dead until further notice, unless the Borough gets feedback from NJDOT which would require further discussion.

Critical Water Resources study

Council discussed the study which was presented by Tom Voss of the Environmental Commission on January 22. Mr. Dooley volunteered to discuss the study with the NJDEP and report back.

Referendum on open space tax

This matter was tabled to the next meeting on February 26th.

Change order procedure

Mr. Dooley said a new outline and history of all changes for a given project will be used in the future. The new form should answer questions that arise when changes become necessary.

Howlett property maintenance complaint

There have been complaints about the condition of this property. It was decided to have Ms. Broyles, Zoning Enforcement Officer, follow up. Mr. Rossi said Ridge Oak would like to talk to Council about the possibility of building six or seven units on that site which would be connected with Ridge Oak. Mr. Pidgeon advised that a use variance would be necessary and Ridge Oak must appear before the Board of Adjustment

Mayor's appointment of Janet Waite to the Recreation Committee

Mayor Honecker announced the appointment of Janet Waite to the Recreation Committee. Mr. Landau moved consent to Mayor Honecker's appointment. The motion was seconded and approved with five yes votes.

Vacancies

Mayor Honecker discussed a letter from Mr. Foster, Board of Adjustment Chairman, regarding vacancies on the Board of Adjustment. Mrs. Foster moved that Marilyn Dee be appointed to Peter Hagen's term, and Kathleen Pierce Desjourdy be appointed as an alternate to the Board of Adjustment. Mr. Rossi seconded and the motion was approved with five yes votes.

Bernardsville community teamworks

Mayor Honecker said this will be tabled to the next meeting on February 26th.

Railroad station subleases

Mr. Pidgeon said revised plans are due and a minimum bid must be set. Mr. Pidgeon said the new subleases will escalate and will include common area charges and local property taxes for the two tenants. Mr. McCrossan asked when this will be finalized. Mr. Pidgeon said it will take about 60 days to go out to bid. Mr. Rossi suggested that if the current tenants are not the successful bidders,

they be given a grace period to relocate. Mr. Pidgeon agreed. More discussion will take place in executive session.

Highlands Regional Plan

Mayor Honecker said this topic was discussed at the quarterly Mayor's meeting and the other Somerset Hills towns think the Somerset Hills towns should name a point person.

Chamber of Commerce

Mr. Dooley discussed a meeting of the Public Works Committee and the Chamber of Commerce on the downtown project. If the full plan of the downtown project is done, we are \$240,000 short of what we have in the bank. The concept proposed some time ago was to split that with the downtown property owners via ten year assessments. Property owners should be contacted to determine if they are in favor or opposed to the plan. Mr. Dooley said the Public Works Committee would like to do the whole project and are hoping the owners will go along with it.

OPEN SESSION

Mayor Honecker opened the meeting to the public. Marilyn Dee, Round Top Road resident, reported that two lights are out at the train station. Mr. Rossi responded that public works is aware and is working to get them repaired. Nancy Soulen, Old Colony Road, asked about the downtown project, and was told the plans are available for public review.

EXECUTIVE SESSION

Mr. Landau moved to adjourn to executive session to consider **potential litigation related to property maintenance code violations, Baum pending litigation, personnel matters and contract negotiations with the library tenant**, 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 to close was approved with five yes votes.

ADJOURNMENT

Moved by Mr. Landau at 9:00 p.m., seconded by Mrs. Foster and approved unanimously.

Sandra G. Jones, Borough Clerk

