

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting
June 9, 2008

A meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, June 9, 2008. Present were Denis J. Dooley II, Charlotte J. Foster, John McCrossan, Edward McDowell, and Joseph Rossi. Also present were Borough Attorney John R. Pidgeon, Esquire, Sandra G. Jones, Borough Clerk/Assistant Administrator and Ralph Maresca, Administrator/CMFO. Council Member Kevin Sooy was absent.

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. Jean Oliver, Somerset Avenue, spoke about the senior van and her belief that seniors who do not drive after dark would like to utilize the service at night.

Messrs. Negri (Fire Chief), Ferrante and D'Alessandro, Fire Prevention Bureau, requested removal of the gate blocking Garibaldi Street, rocks along roadway/property edges, and assistance with clearing trees and brush blocking access to certain cisterns. Mr. Pidgeon recommended notifying homeowners to remove obstacles and other encroachments in the Borough right-of-way before taking action. Mr. Rossi moved that the Garibaldi Street gate be completely removed. Mr. McCrossan seconded and the motion was approved with five yes votes. Mr. Rossi asked the Public Works Committee to prepare an itemized action list to address these concerns. Without further comments or questions Mayor Honecker closed the public session.

ITEMS OF BUSINESS

Dave Grubb from the Suburban Municipal Joint Insurance Fund was present to discuss liability issues and the latest trends in court decisions. He said courts are becoming less sympathetic to government entities. Tort claims comprise about 66% of cases, civil rights suits about 28% and environmental complaints about 6%. Provisions of Title 59 were discussed, including the requirement that in order to be held responsible, a government entity must "know or should have known of a hazard" and that the action/inaction of the public employee was probably unreasonable. Various cases in New Jersey already decided were discussed.

RESOLUTIONS

- #08-107 AUTHORIZING REFUNDS OF ESCROW FEES**
- #08-108 AUTHORIZING PAYMENT OF BILLS**

#08-109 AWARDING A CONTRACT FOR OLCOTT AVENUE ROAD DRAINAGE IMPROVEMENTS

Mr. Rossi moved that Resolutions #08-107 through #08-109 be adopted. Mr. McDowell seconded the motion. Mr. Dooley said he will abstain from #109 because he resides on Olcott Avenue. Mr. McCrossan discussed the Olcott project. A roll call vote followed:

Mr. Dooley	yes(abstained #109)	Mr. McDowell	yes
Mrs. Foster	yes	Mr. Rossi	yes
Mr. McCrossan	yes	Mr. Sooy	absent

COAH Third Round Rules

Mr. Pidgeon reported that 15 municipalities have expressed intent to join in the suit to appeal COAH regulations, and that an interlocal agreement is being prepared for future review. Mr. McDowell said the Borough’s cost is estimated at \$8000. He displayed the GIS map the state used to determine areas on which to build low income housing and said the land is all privately owned and therefore the state’s figure is believed to be totally inaccurate. The new requirement to build 115 units, the enormous cost of doing so, future impact on schools and services, and alternatives available to building new units, for example, credits for remodels and rental units were discussed.

A.B.C. renewals

The Borough Clerk reported that all licensees have paid fees for renewal and have provided all documents requested. It was agreed to consider the renewal resolution on June 23.

Rules and regulations for the senior van

The rules and regulations dated June 2008 were approved, with the provision that they would be revisited in three months. Said rules provide availability of 22 hours and/or 400 miles per month. The meeting was opened to the public on this subject and Jean Oliver, Somerset Avenue resident, said many do not know about the van transportation options. The public portion was closed. Mrs. Foster commented that the written rules and regulations are designed to address a number of concerns, and that the information will be distributed as soon as possible.

Draft ordinance regulating lighting

Mr. Pidgeon requested discussion in Executive Session under the Attorney/Client privilege.

Use of open space funds

Draft #2.1 was discussed. The meeting was opened to the public on this subject. Janice Virtue, Childsworth Avenue, asked for a definition of open space and was told open space is " recreational, open space, farmland and historic trust designated parcels". Mayor Honecker explained that the public question and interpretive statement will both appear on the November ballot, following adoption of a resolution. Maintenance costs are not included. Rosalie Ballantine, Environmental Commission, expressed concerns. Further changes to the draft were discussed and Mr. Pidgeon was directed to remove specific properties and instead show that open space funds could be used for any parcel on the open space inventory. The next version will be discussed on June 23.

COAH revisited

The meeting was opened to the public and Dan Lincoln, Olcott Avenue, recommended the Borough explore group homes because each bedroom constitutes a credit and money is available for this kind of development.

Board of Health Interlocal Services Agreement

Mayor Honecker reported that a neighboring community, with concerns about the rising cost of the Health Services agreement with Bernards Township, is exploring alternatives, including having well and septic inspections done by their engineering firm and transferring other health services to Somerset County. The Mayor asked if the Borough Council would agree to exploring Bernardsville's contract, suggested this matter be carried to the June 23 agenda, and that Board of Health members be invited to participate in the discussion.

Eye/Hearing Exams for Crossing Guards

Mrs. Foster reported that the Public Safety Committee requests clarification on two points, as follows. Questions were considered. Shall the Borough pay for exams? Five members present voted "yes". Shall the Borough designate a physician or specialist? Five members present voted "yes".

Housing inspections

Mr. Maresca advised that interviews for the two newly created positions in housing/zoning will be held on Wednesday and Thursday. Once hired, the problem will be where to locate these people. One idea was to relocate heavy map storage files to the attic in order to provide desk space. To that suggestion, our construction official recommended getting an opinion from a structural engineer. One quote was \$7500. Weight in the attic has been an on-going concern. The Borough Clerk is

working with all departments to purge records, using PARIS grant funds, thereby removing paper and weight. Other alternatives to moving more weight into the attic were suggested, including keeping the housing people on the third floor but hiring a space planner to reconfigure and furnish more efficiently, moving the Recreation Department back to the field house or to the Olcott Building, and using the present Recreation Office for housing/zoning. Mr. Maresca was directed to explore alternatives, and the question of whether or not to hire a structural engineer was left open.

Televised Board Meetings

The meeting was again opened to the public. Janice Virtue, Childsworth Avenue, recommended that Council meetings be broadcast. Mayor Honecker said high school students can tape for delayed broadcast of public meetings but they are not available late into the evening. Ms. Virtue asked if volunteers from the community could help, using the school equipment? Another possibility, Mr. Rossi said, is a cable broadcast, and that possibility has also been explored. Mayor Honecker closed the public portion.

CLOSED SESSION

Council Member Rossi moved to adjourn to executive session to consider the matters set forth below, and that the time when and circumstances under which the matters can be disclosed to the public is when they are finally resolved. Mr. McCrossan seconded and the motion was approved with five yes votes.

Attorney/Client Privilege: A draft ordinance regulating lighting
Personnel: Nepotism exception for seasonal employees

REOPEN AND ADJOURNMENT

Mrs. Foster moved to reopen the meeting. Mr. McCrossan seconded and the motion was approved with five yes votes. Mr. McCrossan moved to adjourn the meeting at 10:15 p.m. Mr. McDowell seconded and the motion was approved with five yes votes.

BOROUGH CLERK

keywords: senior-van-fire-prevention-liability-insurance-escrow-finance-olcott-drainage-improvements-coah-rules-license-liquor-a.b.c.-renewal-lighting-open-space-funds-board-health-agreement-crossing-guard-hearing-vision-exam-housing-televisemeeting-nepotism

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