

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting
June 23, 2008

A regular meeting of the Governing Body was called to order by Mayor Lee Honecker at 7:00 p.m. on Monday, June 23, 2008. Present were Denis J. Dooley II, Charlotte J. Foster, John McCrossan (arrived at 7:05), Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon, Esquire, Sandra G. Jones, Borough Clerk/Assistant Administrator, Ralph Maresca, Administrator /C.M.F.O, and John Cassells, Auditor.

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.

PLEDGE OF ALLEGIANCE

PRESENTATIONS (None)

APPROVAL OF MINUTES

Mr. Rossi moved to accept minutes of meetings held on May 27 and June 9, 2008. Mr. McDowell seconded and the motion was approved with five yes votes.

OPEN SESSION

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

ORDINANCES

Mayor Honecker opened the floor to discussion on the following ordinance. The cost of the software proposed for purchase was discussed. Mr. Maresca said one quote has been received and others are expected. **Mr. McCrossan arrived.** Mr. McDowell moved that **#08-1491, AUTHORIZING AN APPROPRIATION OF \$20,000 FROM THE RECREATION CAPITAL IMPROVEMENT FUND FOR COMPUTER SOFTWARE**, 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, July 14, 2008. Mrs. Foster seconded and the motion was approved with six yes votes.

RESOLUTIONS

Mr. McCrossan discussed a resolution, #08-115, added to the agenda this evening, entitled **AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH B.W. BOSENBERG AND CO., INC.**, which is related to the Olcott Avenue project and covers the expense of an arborist.

Since 29 trees must be cut and replaced, Mr. McCrossan said, it is recommended that an arborist be consulted at an estimated cost of \$7,900.00. Mr. Rossi said that he believes some of the subject work has already been done by Ferriero Engineering, and he asked if the scope of work proposed by Bosenberg could be reduced? He recommended the resolution read, "not to exceed" \$7,900.00, while that possibility is explored. Mr. McCrossan moved adoption of **RESOLUTION #08-115**, as amended, to read "not to exceed \$7,900 for the purposes of assisting the borough with removal of trees and the replacement of such, in connection with the Olcott Avenue project". Mr. Rossi seconded and the motion was approved as follows:

Mr. Dooley	Abstained	Mr. McDowell	Yes
Mrs. Foster	Yes	Mr. Rossi	Yes
Mr. McCrossan	Yes	Mr. Sooy	Yes

Mr. Rossi moved that Resolutions #08-110 through #08-114, listed herein by title, be approved.

#08-110 ELIGIBLE ORGANIZATION FOR THE BERNARDSVILLE FIRE COMPANY NO. 1

#08-111 APPROVING MEMBERSHIP IN THE FIRE COMPANY

#08-112 AUTHORIZING RENEWAL OF A.B.C. LICENSES

#08-113 ACCEPTING MONTHLY REPORTS

#08-114 AUTHORIZING PAYMENT OF BILLS

Mrs. Foster seconded and the motion was approved by the following roll call vote:

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

Relative to #08-111, Mr. Dooley asked why a resident of another community would seek membership in the Bernardsville Fire Company? One reason given is that the individuals work in Bernardsville during the day.

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon's confidential report dated June 18, 2008 was accepted. Mayor Honecker asked the status of the Belcher property. Mr. Pidgeon said lead remediation, using funds in escrow, will be done a.s.a.p.

COUNCIL COMMITTEE REPORTS**Public Safety**

Mrs. Foster said at the next meeting, off-street parking will be discussed. Crosswalks are moving forward at Olcott, Highview and Old Army intersections with Anderson Road. The ICE program has been put on hold by the government so another program has been introduced known as "ACCESS". Further information on that program will be provided as it becomes available. Crossing guard hearing/vision evaluations are continuing. Signs for the new crosswalks will be erected in the near future.

Finance

Mr. McCrossan said it is his desire to meet in August to start work on a zero-based budget for 2009. An amendment to the 2008 budget will be considered this evening to add \$10,000 additional revenue. Mr. Rossi asked how the additional funds would be used? Mr. Cassells responded that we are mandated to return the funds to the taxpayer by reducing the amount to be raised by taxation.

Personnel

Mrs. Foster advised that the consultants will return very shortly to conclude their management study. Preliminary comments have already been shared with the Personnel Committee.

Engineering, Technology & Public Works

Mayor Honecker said Mr. Macdowall's report of the meeting with residents of Olcott Avenue has been provided. Three main points discussed at that meeting included: the reduced width of four foot sidewalks (as preferred by residents) at a savings of \$25,000 to the borough, the safety decision as to whether or not to have the sidewalks on both sides of Olcott Avenue from Highview up to Old Army. This will be reviewed by Mrs. Foster with Public Safety. Finally, the concern of tree replacement. The Mayor then reported on Mr. Macdowall's memo on the Downtown Development project which is two to three weeks behind schedule due to a "spaghetti of utilities". The suggestion has been made to double working sites. Safety is the priority issue. Mr. Rossi complained about the contractors performance and methodology, concluding that "more serious problems are to be anticipated", and that penalties should result if the work is not completed by the August deadline. Mayor Honecker responded that the Public Works Manager, who is on-site daily, does not appear to agree, and has reported that the work is satisfactory. Mr. McCrossan suggested scheduling a Public Works meeting and invite the contractor to attend to respond to concerns expressed by Mr. Rossi. Chief Valentine will be consulted about additional traffic control and safety. All agreed. Paving of Orchard Street, Morrison Avenue, and Conklin Avenue was completed last week and "looks great" said Mayor Honecker. NJDEP has issued a permit for work on Ballantine Road and bids will be advertised on July 19. Construction should begin in the Fall. Post Lane and Post Kunhardt have also received an NJDEP permit, advertisement for bids will begin soon, with fall construction anticipated.

Quarterly Reports

Mr. Rossi had no report on **Cable TV** issues, and he said that the **Town and School** group will meet when new representatives from the school are named.

Board of Health representatives will join us later this evening following their meeting, when the Interlocal Health Services Agreement with Bernards Township will be discussed.

Mr. Dooley reported for the **Environmental Commission**. The Mine Brook Streambank Restoration Project, using DEP matching grant funds, under the direction of Rosalie Ballantine, has been completed. The purpose was to restore a small section of Mine Brook flowing through the municipal property behind #75 Claremont Road adjacent to Claremont field, and it was a demonstration of stream restoration techniques. The work addressed several negative problems that can be remediated on the larger scale. The restoration is currently stable with plantings cared for by Mrs. Ballantine. The entire waterway is in dire need of rescue. David Pfeiffer, currently project director of ANJAC, and former Executive Director of the Upper Raritan Watershed Association, spoke to the Commission on the issue of water quantity and quality in the borough. The group will continue with their Green Initiative by expanding the scope of the GIS information. Mayor Honecker asked that the Baseline Study for Tributary to Penn's Brook be placed on the agenda for the next meeting. The Board of Education has offered funds toward a study by Ferriero Engineering of the Penn's Brook project. Mrs. Foster said many must be part of the solution, including Ten Towns, Great Swamp Watershed, Somerset Hills Regional High School, DOT, Weichert, Kings Supermarket and the Borough, since many are contributing contamination.

Mayor Honecker acknowledged arrival of **Board of Health** members. Mayor Honecker said that although Chairman Miller Mowder reports that the Board of Health is satisfied with the shared services agreement with Basking Ridge, he has requested review of the cost of said agreement and the question of whether or not the Borough can save money with another provider. Lucy Forgione, Health Officer, said the interlocal agreement is approximately thirty years old and that fees are calculated based upon 50% workload and 50% population. Man hours and field work for inspection of food establishments, nursery schools, public pools, and sewer systems are the types of things covered. Mrs. Forgione said that public health matters have been discreetly and quickly handled by herself and her staff with years of experience. Free clinics are available to those residents who wish to participate. The Board of Health has recently introduced two new ordinances to raise fees, where appropriate. Fiscal reports are given once a year and activity reports are provided monthly. Mayor Honecker thanked Mrs. Forgione, and requested Finance Committee review of current costs and alternatives to same.

Mr. McDowell said that at their May 30 meeting, the **IT Committee** discussed a potential new telephone system for the Borough. At the conclusion of the next IT meeting a recommendation should be ready for Council.

The **Open Space Committee** had no report.

Mrs. Foster reported that the **Planning Board** is exploring revisions to the FAR ordinance, and discussed applications before the board for review.

For the **Recreation Committee**, Mr. McCrossan reported that a check for \$16,000 for playground equipment at Peter's Park was received. A new computer program will be installed in the department to enable customers to make credit card payments. The program should be in use by the Fall and transactions will be handled through the Peapack Gladstone Bank. He said there is a lot going on with camps and commended the Recreation Director for all the programs already in progress. Fences have been installed around the T-ball field.

Shade Tree Advisory Committee representative, Kevin Sooy, spoke about grants and software monies needed to keep track of what is happening in the borough. The Shade Tree Federation meeting will be held on October 24 and 25. Recommendations for an amended shade tree ordinance are being studied. A hazardous tree list is being developed.

H.P.A.C. representative, Mrs. Foster, said a presentation by Barry Thompson, which is part of an ongoing lecture series, will be given at the library tomorrow night on the Mountain Colony. Advance registration is required. H.P.A.C. is anxious to begin work on the Belcher project.

Mr. McDowell, **Insurance** representative, said that at the last meeting the JIF attorney reported that at present, the number of claims before the JIF are lower than ever before. Dave Grubb believes it is due to the training and seminars in which everyone participates. He commended Mr. Maresca for his services as JIF Treasurer, which he said are clearly appreciated by the other members.

For the **Housing Committee**, Mr. Sooy said a meeting will be held soon.

At this point in the meeting, Mayor Honecker addressed space issues in the Borough Hall with current and prospective new employees and he suggested a "master plan" for space both short term and long term. Mrs. Foster suggested that volunteers from Finance, Public Works, and Personnel work on this along with the consultants.

For the **Library Board of Trustees**, Mr. McCrossan said Karen Brodsky's five year anniversary was celebrated recently as she was recognized as a "fine Library Director". The Board is discussing the problem of unattended children under the age of ten at the library and a policy which must be enhanced to address this concern.

ITEMS OF BUSINESS

2008 Municipal Budget

Mayor Honecker opened the public hearing on the budget. There were no comments or questions, and the Mayor closed the public session. Mr. McDowell moved to adopt **RESOLUTION #08-116, AN AMENDMENT TO THE BUDGET FOR 2008**, which is to include additional state aid after introduction. Mr. Rossi seconded the motion, which was approved as follows:

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

Draft ordinance regulating lighting

Mr. Pidgeon will prepare a memo for future discussion on this topic.

Draft resolution regarding use of Open Space funds

Members discussed the latest draft, #3. Rosalie Ballantine requested that a list of properties be attached to the final resolution. Mrs. Frawley, Chair of the Environmental Commission, asked how funds will be dispensed and asked that the process be clarified. It was decided to add language to require that funds will be authorized by ordinance. A final draft will be considered on July 14.

Olcott Avenue parking

Mayor Honecker suggested this matter be put off until the projects involving curbing and sidewalks along Olcott are completed.

OPEN SESSION

Mayor Honecker opened the public session. Mr. McCrossan mentioned a letter written by Kimberly Grant, a resident moving out of the country, who commended Borough employees (Cheryl Barbara, Len Perre and Joy Vavrek) for their help when she was in the Borough to apply for fire prevention inspections in order to close on the sale of a home.

CLOSED SESSION

It was moved and duly seconded to adjourn to an Executive Session to consider the matters set forth below, and that the time when and circumstance under which the matters can be disclosed to the public is when they are finally resolved.

PBA Collective Bargaining negotiations
Personnel matters (housing clerical applicants)
Pending or Anticipated Litigation (Route 202 construction)

REOPEN AND ADJOURNMENT

Moved, duly seconded, and approved unanimously at 10:30 p.m.

BOROUGH CLERK

keywords: recreation-computer-olcott-fire-license-budget-highview-old-army-anderson-sidewalks-mine-brook-streambank-health-agreement-telephone-floor-area-ratio-playground-jif-housing-library-lighting-open-space-parking

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