

BOROUGH OF BERNARDSVILLE
Mayor and Borough Council Meeting
August 11, 2008

The meeting was called to order by Mayor Lee Honecker at 7:00 p.m. Present were Denis J. Dooley II, Charlotte J. Foster, Edward McDowell, Joseph Rossi and Kevin Sooy. Also present were Borough Attorney John R. Pidgeon and Sandra G. Jones, Borough Clerk/Assistant Administrator. John McCrossan arrived at 7:06 p.m. Ralph Maresca, Administrator, was absent.

STATEMENT OF PRESIDING OFFICER

Notice 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

Helen Walton, Washington Corner Road resident and member of the Housing Advisory Committee, discussed the Committee's recommendations for the Zoning/Housing Department, some of which included employee cross-training on current and future software, periodic evaluation of performance, monthly status reports to the committee and Borough Council, and a visible police presence where necessary. (Mr. McCrossan arrived.) Chief Valentine was present at this meeting. He said complaints should be reported to the Police Department when necessary. Patrols have been increased, he said, but much of the alleged illegal activity reported has not been observed by the Police Department. He said it is not illegal to congregate on a corner or outside at a residence and that annoying behavior, while very frustrating if you live next door to it, is often not against the law. Perceived management and enforcement failures were cited by Mrs. Walton, and Mrs. Sciarretta, another Housing Committee member. Messrs. Rossi and McCrossan expressed frustration with "the lack of progress" to staff the department and provide software and other tools necessary to address stacking.

APPROVAL OF MINUTES

Mrs. Foster moved to accept minutes of the meeting held July 14, 2008. Mr. Sooy seconded and the motion was approved as follows:

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

OPEN SESSION

The Mayor opened the public session. Dave Neill, Prospect Street, suggested replacing the heating system in town hall with a more energy efficient one, and he offered to donate and install new

programmable thermostats. While there was general agreement with the suggestion relative to thermostats, no action was taken. Relative to the housing issues discussed, Mr. Neill said the Bernards Township Construction Office is using a new one page permit application, which asks if the property is rented, and he suggested following suit since it would provide one more tool to help locate rental properties.

Francois Rousseau, co owner of Due Terre Restaurant, complained about the condition and appearance of the site next to his business (peeling paint, messy windows and weeds), formerly occupied by the Shop Rite Annex, and he asked what relief is available? The Borough Clerk was asked to refer the complaint to Mr. Mondok and the Building Inspector, and to ask that two other vacant properties, former Door Decor location across from the movie theater and the former Thirsty Turtle, be inspected for violations and to ask what their long term plans are for these properties.

Edith Cavaluzzo, Garabaldi Street, asked Council to support the legal challenge to the COAH amendments, especially relative to the needs of senior citizens. She said every time a senior citizen leaves the borough they are replaced by families with children which costs the borough more money. She said senior houses should be counted in COAH quotas. Mr. Pidgeon advised that the Borough is a party to a suit challenging the new COAH regulations.

Peter Miller, Hardscrabble Road resident and member of the Environmental Commission, asked the status of the Penn's Brook study and asked how is it related to the work on the turf field at the high school? The Mayor responded that he was under the impression that the work was not contingent upon the study being done first, and he was referred to Sally Rubin, Great Swamp Watershed Association.

The Mayor closed the public session.

ORDINANCES

Mayor Honecker opened the public hearing on Ordinance #08-1492. There were no comments or questions from the public; Mayor Honecker closed the hearing. Mrs. Foster moved that **#08-1492, AN ORDINANCE AUTHORIZING MUTUAL POLICE AID AND INTERLOCAL SERVICES AGREEMENT BETWEEN AND AMONG THE BOROUGH POLICE DEPARTMENT AND OTHER POLICE DEPARTMENTS IN SOMERSET COUNTY AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**, be passed on final reading and adopted as published. Mr. McDowell seconded and the motion was approved as follows:

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

Mr. McDowell moved that **#08-1493, AN ORDINANCE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**, 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, September 22, 2008. Mr. McCrossan asked if there is an inconsistency in the document and Mr. Pidgeon said this would apply to new hires and in fact will not apply to anyone currently employed by the Borough. Mr. Dooley seconded and the motion was approved with six yes votes.

RESOLUTIONS

Mrs. Foster moved approval of **#08-134 through #08-138 and #08-141, #08-142 and #08-144**, listed herein by title:

- #08-134 CERTIFICATION RELATIVE TO THE 2007 AUDIT**
- #08-135 CANCELING TAXES ON BOROUGH OWNED PROPERTY**
- #08-136 PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE 2008 BUDGET (Chapter 159, P.L. 1948)**
- #08-137 AUTHORIZING A REFUND OF POLICE OFF-DUTY ESCROW FUND BALANCE**
- #08-138 ACCEPTING THE RESIGNATION OF BILL DONNERSTAG, HOUSING INSPECTOR**
- #08-141 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #08-142 ACCEPTING MONTHLY REPORTS**
- #08-144 CONCURRING WITH U-TURN PROHIBITION ON A PORTION OF ROUTE US 202**

Mr. Sooy 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

Resolution #08-139, REQUESTING THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) TO REVIEW BOROUGH DEVELOPMENT FEE ORDINANCE, was

discussed. Mr. Pidgeon explained that the only substantive change is to increase the residential development fee from 1% to 1.5%, and that following adoption of the resolution, the ordinance will be forwarded to COAH for review and approval prior to introduction.

Resolution #08-140, ACCEPTING \$15,000 DONATION BY BOARD OF EDUCATION FOR PENN’S BROOK STUDY, was discussed. Mr. McCrossan asked what the study hopes to accomplish and if this funding is sufficient to cover the study? It was explained that the \$15,000 is to cover the scope of work prepared by Borough Engineer Ferriero.

Resolution #08-143, AUTHORIZING PAYMENT OF BILLS, was discussed. Mr. Rossi asked about payments to the downtown contractor. Mr. Macdowall, Public Works Manager, was present and he said that \$319,000, or about 24% of the 1.3 million project cost, has been paid to date, including the payment on this resolution, and about 45% of the work is complete. Mr. McCrossan asked about future recourse if problems arise? Mr. Pidgeon responded that the maintenance guaranty will be effective for two years, but outside of items covered by that guaranty, there is little recourse after the project is accepted by the Borough Engineer.

Mr. Rossi moved to accept Resolutions #08-139, 140, and 143. Mrs. Foster seconded and the motion was approved as follows:

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

REPORT OF THE MUNICIPAL ATTORNEY

Mr. Pidgeon’s written report dated August 5, 2008, was received.

COUNCIL STANDING COMMITTEE REPORTS

There was no report from the Public Safety or Finance Committees. Mrs. Foster reported that a personnel matter will be discussed in Executive Session.

Engineering, Technology & Public Works

Mr. Macdowall, Public Works Manager, reported on the downtown improvement project, which he said is approximately 45% complete. The sidewalk and curbing at Olcott Square should be done this week. Drainage work near the Bernards Inn will be done this weekend. Work in front of Mastro Shoes will conflict with the Sidewalk Sale, which will move down to the railroad lot beside their building. The bulk of the work should be completed by September 2, leaving some electrical work, streetlight installation, milling and paving (nighttime work) and final punch list items to be addressed.

Regarding the Olcott Avenue project, trees have been removed, test pits have been dug, and that work should begin by August 18. Pete Miller stated that school bus traffic must not be impeded, and the contractor will be sensitive to same. Mr. Macdowall discussed increases in asphalt prices and warned members that the contractor may be entitled to pass those increases along to the Borough due to the delays with the project.

Mr. Macdowall said work on Post Kennel and Post Lane may be delayed until mid September.

ITEMS OF BUSINESS

Land use ordinance amendment (FAR, etc)

Don Knudsen, representing the Planning Board, said this amendment is meant to help control the character of a neighborhood. Examples of knock-downs, the environmental impact and parking issues which result when large structures are built on small lots, were discussed. The matter was carried to the September 8th meeting and in the meantime, Mayor Honecker asked Borough Council members to discuss their concerns with appropriate parties.

Tour of Bernardsville Bike Race

Mayor Honecker introduced Caesar Mistretta, Bernardsville Chamber of Commerce and Craig Cordasco, Liberty Cycle owner, to discuss the possibility of holding this event in Bernardsville. Mr. Cordasco said two similar races are held annually in Basking Ridge. He proposed a course in the borough which would involve road closings for about three hours (e.g. Claremont Road, left onto Mill Street, left onto Anderson Road, left onto Seney Drive and back to Claremont Road, 1.1 mile in length). The event would occur on a Wednesday evening following Memorial Day when many professional riders would be in the area for Tour Somerville, and he estimated 125 bikers would participate. Mr. McCrossan asked what costs the borough could anticipate? Extra police officers was one example given. Mayor Honecker suggested the details be worked out by the Public Safety Committee and brought back to Council at a later date.

Four day work week

The possibility of a four day work week for the Borough non-essential services was reviewed by the Finance Department. Based upon their report of limited savings (\$114 per day) it was decided not to consider a change.

Refund request from Jessica Walker

Ms. Walker requested a refund of the amount paid to Recreation for pool membership. That request was rejected by Recreation, then same was appealed to the Borough Council. With a difference of opinion among members, it was decided to request additional information from the Recreation Director and table consideration until the next Borough Council meeting on September 8.

Website access request (Green E-Zine info)

Kathye Quick, a Somerset County employee and 2008 Leadership Somerset participant, requested in a memo dated July 15, that the Borough add this information to the Borough website. The info is a class project which will provide information about the benefits of going green with suggestions, tips and projects that are easy and cost effective. It was decided to inform Ms. Quick that as long as the information will be on the Somerset County website, Borough residents can access it through the link to the County, which appears on the Bernardsville website.

League of Municipalities Conference (November 18-20)

The Borough Clerk advised that registration information for the League Conference has been received, and asked if the Council wished to provide guidelines for attendance? It was decided to research who attended last year and how much was spent, then refer the matter to the Finance Committee for review.

Housing Advisory Committee appointment

Mayor Honecker appointed Jeff Hanson to fill one of the two vacancies, effective immediately. Council consented to the appointment.

Bridge to Nowhere

Mayor Honecker recused himself from this discussion. Mr. Rossi informed council members that the builder who, via donation of supplies and labor, restored the stone bridge next to the firehouse would like permission to finish the project by planting flowers and putting stone dust underneath. Unanimous consent was give.

OPEN SESSION

Mayor Honecker opened the meeting to the public for discussion of items not on the printed agenda. There was none. Mayor Honecker closed the meeting to the public.

CLOSED SESSION

It was moved and seconded to adjourn to executive session to consider personnel 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. Motion carried. (Note: also discussed was the PBA contract negotiations, salary increases for non-contractual employees, the interlocal agreement with the Bernards Township Board of Health, future procedures for approval of closed session minutes, and Borough Council obligations relative to board or committee members who do not file Financial Disclosure forms.)

REOPEN

Mrs. Foster moved to reopen the meeting to the public. Mr. McDowell seconded and the motion was adopted with six yes votes.

Mayor Honecker displayed a sign donated by the Bernards Township Chamber to notify the public that businesses in the downtown area are open during construction. The Mayor said when the Bernards Chamber offered to provide professionally prepared signs they did not say that they would place "donated by....." at the bottom. It was decided that the Mayor would ask Mr. Mistretta if the Bernardsville Chamber objects to the use of these signs. This course of action was approved by motion and six yes votes.

Mr. McDowell moved to adjourn the meeting. Mrs. Foster seconded, and the motion was approved unanimously.

Sandra G. Jones, Borough Clerk

keywords: housing-building-thermostat-coah-senior-citizens-penn's-brook-turf-police-retirement-audit-taxes-finance-fire-route-202-u-turn-development-fee-donation-board-of-education-olcott-square-project-downtown-improvement-floor-area-ratio-bike-race-recreation-refund-website-bridge