

## **BOROUGH OF BERNARDSVILLE**

### **Mayor & Borough Council Meeting Minutes**

March 26, 2018

Council President Jeffrey J. DeLeo called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Thomas O'Dea, Jr., Michael Sullivan and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO and Anthony Suriano, Borough Clerk. Council Member Chris Schmidt 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 12, 2017.

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATIONS**

Council President DeLeo read a proclamation into the record regarding the Distracted Driving Crackdown program.

### **APPROVAL OF MINUTES**

Mr. Sullivan moved approval of minutes of the meeting held February 26, 2018 (Mr. Sullivan was absent) and March 12, 2018 (Mr. DeLeo was absent). Mr. Donahue seconded the motion. The February 26, 2018 minutes were approved with four yes votes, Mr. Sullivan abstained and Mr. Schmidt was absent. The March 12, 2018 minutes were approved with four yes votes, Mr. DeLeo abstained and Mr. Schmidt was absent.

### **OPEN SESSION**

At this point in the meeting, the Mayor & Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes.

Ed English said he will present information at the April 23<sup>rd</sup> meeting on the Farmer's Market. There will be more pop-up vendors this year.

Annie Ferrante, Mullens Lane, talked about her request to name a field after Lou Ferrante. Ms. Zamarra will chair a committee that will set guidelines on naming fields.

### **ORDINANCES**

Mayor Sooy opened the public hearing on Ordinance #18-1762, **AN ORDINANCE ADOPTING RULES AND REGULATIONS AND FEES FOR THE TURF FIELD LOCATED AT THE POLO GROUNDS.** A.Q. Orza asked how the fees listed in the ordinance compare to other towns. Mr. DeLeo said the Recreation Committee reviewed other towns and they are comparable to Bernards Township. Peter Birnbaum congratulated the Recreation Committee for the field. Mr. O'Dea said the language regarding snow removal was struck at the request of the Public Works Manager from last meeting. Hearing no additional comments or questions from the public, Mayor Sooy closed the public hearing. Ms. Zamarra moved to pass this ordinance on final reading and adopt as published. Mr. Sullivan seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes. Mr. Schmidt was absent.

Mayor Sooy opened the public hearing on Ordinance #18-1764, **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).** Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. O'Dea moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes. Mr. Schmidt was absent.

Mayor Sooy opened the public hearing on Ordinance #18-1765, **AN ORDINANCE CONCERNING PERFORMANCE AND MAINTENANCE GUARANTEES AMENDING SECTION 11-1 IN VOLUME II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERNARDSVILLE (1997) ENTITLED "IMPROVEMENT GUARANTEES".** Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. Pidgeon said the Planning Board has reviewed this ordinance and find it not inconsistent with the Borough master plan. Mr. Sullivan moved to pass this ordinance on final reading and adopt as published. Mr. Donahue seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes. Mr. Schmidt was absent.

Mayor Sooy opened the public hearing on Ordinance #18-1766, **AN ORDINANCE APPROPRIATING \$1,200,000 FROM THE BOROUGH OPEN SPACE TRUST FUND (OF WHICH \$500,000 IS TO BE REIMBURSED FROM A GREEN ACRES GRANT) FOR THE PURCHASE OF 20 DRYDEN ROAD.** Chris Kersey, Post Kunhardt Road, had questions about restrictions for use and if variances are required. Peter Birnbaum of the Open Space Advisory Committee said nothing is concrete at this time, but possibly a dog park, walking

trail, or a peaceful area to sit. Mr. Pidgeon said the property would be acquired with Green Acres funds, so we would need Green Acres approval for a ballfield at that location, which would require a public hearing. Mayor Sooy arrived at 7:40p.m. Lloyd Sems, Mendham Road, asked who sought this property. Peter Birnbaum said the Open Space Advisory Committee. Pat McFadden, Open Space Chair, said with funding from Green Acres and the county, we could be getting this property for \$400,000. John Kean, Mountain Top Road, said we should not take this property out of ratables. Patricia Wry, Anderson Hill Road, thanked council for their consideration of purchasing this property and mentioned all the efforts the Open Space Advisory Committee put in. Chris Kersey suggested giving more time for residents to learn about this purchase. Ben Foster, Mine Mount Road, spoke in favor of the ordinance to preserve Bernardsville. A.Q. Orza, Old Fort Road, spoke about property value and did not think this property was worth much since it has been on the market for a year. Sal Giordano, Post Lane, suggested promoting a property like Jockey Hollow instead of spending money on this property. Peter Birnbaum suggested amending the ordinance to indicate passive use and conservation. Mary Jane Canose, Autumn Hill Drive, said money has already been set aside and no additional money is needed. Mr. Pidgeon said if council chooses to amend, it would need to be published and carried to April 9<sup>th</sup>. He gave four options. Adopt the ordinance, continue the ordinance as is to April 9<sup>th</sup> in order to give more residents the opportunity to be heard, amend by motion and continue the hearing to April 9<sup>th</sup>, vote no on the ordinance. Hearing no additional comments or questions from the public, Mayor Sooy closed the public hearing. Mr. O'Dea moved to amend this ordinance and change the end of section one to read "...to be used only for open space and passive recreation purposes." Notice of this amended will be published and the public hearing on this ordinance as amended will be on April 9, 2018 at 7:00pm. Mr. DeLeo seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes. Mr. Schmidt was absent.

### RESOLUTIONS

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|---------------|--|
| <b>#18-80</b> | <b>ACCEPTING MONTHLY REPORTS</b>   |
| <b>#18-81</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>  |
| <b>#18-82</b> | <b>AUTHORIZING REFUND OF OVERPAYMENT OF 2017 TAXES<br/>FOR TAX COURT OF NJ APPEAL, 7 BRUSHWOOD DRIVE</b>   |
| <b>#18-83</b> | <b>AUTHORIZING REFUND OF OVERPAYMENT OF 2017 TAXES<br/>FOR TAX COURT OF NJ APPEAL, 271 MINE BROOK ROAD</b> |
| <b>#18-84</b> | <b>AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE<br/>#17-00001, 68 CHARLES ROAD</b>                       |

- #18-85        AUTHORIZATION OF TAX REFUND**
- #18-86        AUTHORIZING REFUND OF ESCROW FEES**
- #18-87        AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
EXECUTE A GRANT AGREEMENT AND SIGN AN  
APPLICATION FOR AN NJFS URBAN AND COMMUNITY  
FORESTRY PROGRAM GREEN COMMUNITIES GRANT**
- #18-88        AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
SOMERSET COUNTY FOR A CERTIFIED RECYCLING  
PROFESSIONAL (CRP) TO SIGN THE ANNUAL RECYCLING  
TONNAGE REPORT**
- #18-89        AUTHORIZING A CONTRACT VIA NATIONAL CO-OP  
CONTRACT TO SPORTSFIELD SPECIALISTS**
- #18-90        AUTHORIZING THE RECREATION DIRECTOR TO SUBMIT AN  
APPLICATION TO NJDOT FOR A ROAD CLOSURE PERMIT  
FOR THE ANNUAL MEMORIAL DAY PARADE**
- #18-91        AUTHORIZING TRANSFER OF APPROPRIATION RESERVES**
- #18-92        APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #18-93        AMENDING FEES FOR RECREATION/POOL PROGRAMS**

Mr. DeLeo moved to adopt Resolutions #18-49 to #18-64. Ms. Zamarra seconded and a call of the roll followed. Council Members DeLeo, O'Dea, Schmidt, Sullivan, and Zamarra voted yes. Mr. Schmidt was absent.

## **REPORTS**

### **Municipal Attorney**

Mr. Pidgeon's confidential report as of March 23, 2018 was received. Council had no comments or questions.

Council Committees

**Public Safety Committee**, there was nothing new to report from the committee.

**Finance & Personnel Committee**, Mr. O'Dea said approval of the budget is scheduled for the April 9<sup>th</sup> meeting.

**Engineering, Technology, and Public Works**, Mr. Macdowall said curbing on Liberty Road took place this morning. Bids on Chapin Road drainage are out. We will wait for improvements of the new development before paving Stevens Street, Somerset Avenue, and Mine Mount Road. We will be removing debris in the right-of-way, but not debris that has been dragged to the curb from private property. FEMA money is not anticipated. We are responsible for removing borough tree stumps. The police department took video of roads so we are aware of the debris that has fallen and what has been dragged out. The Shade Tree Committee has a trust fund for replanting trees.

Other committee/commission reports

Ms Zamarra said the **Green Team** item will be later in the meeting.

Signage

Kathleen Palmer, Prospect Street, displayed a drawing of borough hall and discussed welcome signs.

Roots for Rivers Restoration Grant

Wanda Knapik spoke about the Roots for Rivers Restoration Grant in which they are asking for \$3,500 for planting trees at the NJ Audubon property. Michael Anderson from the NJ Audubon was present and thanked council for their support.

Food Truck Inquiry

Antonio Cabral was present to discuss his request to start a food truck business and possibly use the train station as the location. Various options for dates and times of operation were discussed but not finalized. Mr. Pidgeon will prepare an ordinance for the April 9<sup>th</sup> meeting.

Renaming Fields/Sponsorships

Mayor Sooy suggested a committee to review policies before we move forward. Ms. Zamarra, Mr. Donahue, and Mary Jane Canose will be on the committee. Patty DeLeo suggested input from Recreation and Open Space. Mr. Pidgeon will draft a policy for the April 9<sup>th</sup> meeting.

Community Newsletter

Mayor Sooy discussed a newsletter to be sent twice a year as a tool of communicating with residents. We would solicit local/regional advertising and would just pay for mailing. Mr. O'Dea and Mr. Donahue inquired about an electronic newsletter and Mayor Sooy will look into this option.

Clarification of Departments Listed in Ordinance #18-1761

Council consent was given to change department DPW, Library, and Recreation in Ordinance #18-1761 to Facilities.

Policy for Outside Groups Using Borough Facilities

Mr. Pidgeon will draft an ordinance for the April 9<sup>th</sup> meeting that defines use of facilities for non-profit and for profit groups.

Council Committee Appointment

Mr. DeLeo moved to appoint Mr. Donahue to the Public Safety Committee to fill the seat of Mr. dePoortere on that council committee. Mr. Sullivan seconded and the motion was approved with four yes votes. Mr. Donahue abstained and Mr. Schmidt was absent.

Expansion of Sewer Service Area into Quarry

Council consented to getting a quote for Bob Brightly to do an engineering study on this topic of extending the sewer service area into the Quarry.

Draft Abandon Property Ordinance

Mr. Pidgeon will draft an ordinance regarding abandon properties for the April 9<sup>th</sup> meeting and leave the fee portion blank for discussion.

Sample Website Linking Policies

Mr. Pidgeon provided samples of policies from other towns regarding placing links on the town's website and will have a draft policy for consideration at the April 9<sup>th</sup> meeting.

Correspondence

There was no correspondence to discuss.

**OPEN SESSION**

Mayor Sooy opened the meeting to the public. Hearing no comments or questions, the Mayor closed the open session.

**CLOSED SESSION**

There was none.

**ADJOURNMENT**

Mayor Sooy adjourned the meeting at 9:45 p.m.

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