

## **BOROUGH OF BERNARDSVILLE**

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

April 9, 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., Chris Schmidt, Michael Sullivan and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO and Anthony Suriano, Borough Clerk. Mayor 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 12, 2017.

### **PLEDGE OF ALLEGIANCE**

### **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.

Mr. DeLeo opened the public session. Hearing no comments or questions, Mr. DeLeo closed the open session.

### **PRESENTATIONS - None**

### **ORDINANCES**

Mr. DeLeo continued 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.**

The following residents spoke against adopting this ordinance. Chris Kersey, Post Kunhardt Road; Paula Green, Hull Road; Lloyd Sems, Mendham Road; Ben Ross, Peachcroft Drive; Bob Graham, Dryden Road; John Kean, Mountain Top Road; Vincent DiDomenico, Overleigh Road; John Dziadzio, Roebling Road; Christine Hitchen, Dryden Road; Jeff Hammond, Flintlock Court; Andrew Scott, Dryden Road; Robert Melani, Post Road; Cynthia Meanwell, Mountain Top Road; Bryan Schnabolk, Dryden Road; Alison Ecko, Claremont Road; A.Q. Orza, Old Fort Road. Some of the topics from those not in favor were safety issues, maintenance of the

property, the value of the property not being beneficial, other properties (including an adjacent one) should be looked at instead of this one, minimal resources on the property, cost of the property, acquiring the property not fitting the master plan's criteria, a microburst on the property in the past, cyclists on the road, blind turns creating liability issues, and loitering.

Melissa Provost, Charles Road, said this property will benefit the neighborhood if maintained and park/recreation increases home values in the vicinity.

Procedural discussion that took place. Mr. Pidgeon said no formal notice to surrounding owners is required and property acquisition can be discussed in closed session. A traffic study was not done and is not required.

Aaron Cela of the NJ Land Conservancy talked about the benefits of passing the ordinance and acquiring the property. He distributed photos and indicated it is an aesthetically pleasing largely open property. There are large brick walls that will remain. It would be a unique property with only passive recreation and no wetlands.

Hearing no further comments or questions from the public, Mr. DeLeo closed the public hearing. Mr. Donahue 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, Schmidt, and Sullivan voted no. Council Members O'Dea and Zamarra voted yes.

Since Ordinance #18-1766 failed, Resolution #18-93B, **RESOLUTION #18-93B, AUTHORIZING EXECUTION OF CONTRACT FOR PURCHASE OF 20 DRYDEN ROAD** was not considered.

A short recess was taken.

Mr. O'Dea moved that Ordinance #18-1767, **CONCERNING THE USE OF BOROUGH FACILITIES BY OUTSIDE ORGANIZATIONS AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**, 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., April 23, 2018. Mr. Sullivan seconded the motion, which was approved with five yes votes. (Ms. Zamarra was not present for this vote).

Mr. O'Dea moved that Ordinance #18-1768, **AN ORDINANCE REQUIRING THE REGISTRATION OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES INCLUDING PROPERTIES IN FORECLOSURE AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY**

**MAINTENANCE"**, 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., April 23, 2018. Mr. O'Dea asked about the fee schedule section and Mr. Pidgeon clarified that the ordinance lists \$500 for the initial registration, \$750 for the first annual renewal, and \$1000 for all subsequent annual renewals. Mr. Schmidt seconded the motion, which was approved with six yes votes.

### **RESOLUTIONS**

- #18-94        AUTHORIZING CHANGE ORDER #3 TO THE CONTRACT FOR MUNICIPAL BUILDING SITE IMPROVEMENTS**
- #18-95        AUTHORIZATION OF TAX REFUND**
- #18-96        SELF EXAMINATION OF BUDGET RESOLUTION**
- #18-97        AUTHORIZING THE MAYOR TO SIGN NJDEP APPLICATION FOR FRESHWATER WETLANDS GP 20 BANK STABILIZATION AND FLOOD HAZARD AREA PERMITS FOR THE WHITENACK ROAD BANK STABILIZATION PROJECT**
- #18-98        AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATION #13-00007, 33 SOMERSET AVENUE**
- #18-99        AUTHORIZING PAYMENT OF BILLS**
- #18-101       AWARDING A CONTRACT TO QUEST DIAGNOSTICS FOR THE LEASE OF SUITE 101 IN THE LOWER LEVEL OF THE BOROUGH LIBRARY**

Ms. Zamarra moved to adopt Resolutions #18-94 to #18-99 and #18-101. Mr. Schmidt seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

**Resolution #18-100, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,200,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY.** Mr. Donahue said he does not feel we can afford to adopt this resolution. Mr. Maresca explained the twenty day period of the estoppel period of the bond ordinance is over. Mr. O'Dea said we are now voting to spend. Mr. O'Dea moved to adopt Resolution #18-100. Ms. Zamarra seconded and a call of the roll followed. Council members DeLeo, O'Dea, Sullivan, and Zamarra voted yes. Council member Donahue voted no. Council member Schmidt abstained.

Mr. DeLeo opened the hearing on the budget to the public.

A.Q. Orza, Old Fort Road, said the tax rate is climbing and used to be the lowest. Lloyd Sems, Mendham Road, spoke about debt.

Hearing no additional comments or questions, Mr. DeLeo closed the hearing.

Mr. O'Dea moved to adopt **Resolution #18-102, ADOPTION OF 2018 MUNICIPAL BUDGET**. Ms. Zamarra seconded and a call of the roll followed. Council Members DeLeo, O'Dea, Schmidt, and Zamarra voted yes. Council Members Donahue and Sullivan voted no.

#### Tour de Summer Camps NJ

The tour will pass through Bernardsville on April 29<sup>th</sup> and cover Route 202, Childs Road, Mullens Lane, Old Army Road, Anderson Hill Road, and Mendham Road. It was determined that no permit is necessary to hold the tour and this item was just to inform the borough the tour will be taking place.

#### Facilities Management Report, March 2018

Mr. DeLeo read a report prepared by Doug Walker, Facilities Manager dated March 26, 2018. The report covered items at the Library, Borough Hall, Recreation Fields/Playgrounds, Recreation Building, and Train Station. Regarding the turf field, Mr. DeLeo said we are going to follow the manufacturer's recommendation for maintenance.

#### Meeting Recording for Non-Statutory Boards

Mr. DeLeo moved that all advisory committees record their meetings. Mr. Donahue seconded and the motion was approved unanimously.

#### University of Pennsylvania graduate students

This item will be carried to the next meeting on April 23<sup>rd</sup>.

#### Special Events/Economic Development

This item will be carried to the next meeting on April 23<sup>rd</sup>.

Draft Ordinance Adopting Website Policy

Mr. O'Dea suggested added a provision stating that links may be revoked at any time for any reason at the discretion of the Borough Clerk. Council agreed and Mr. Pidgeon will provide an ordinance for introduction on April 23<sup>rd</sup>.

Draft Ordinance Adopting Borough Park Naming Policies

Mr. Donahue suggested reviewing a memo on this topic from 2014 along with the draft ordinance side by side. The number of members on the committee to review applications requesting park naming was discussed. Council will send any other suggestions to the ordinance to Ms. Zamarra who will share them with the committee to review the park naming policy (Mr. Donahue and Mary Jane Canose of the Open Space Advisory Committee). Mr. Pidgeon will work with Ms. Zamarra and provide an ordinance for introduction on April 23<sup>rd</sup>.

Draft Ordinance Adopting Borough Amenity Donation Program

This topic will be considered for introduction or combined with the above draft ordinance on April 23<sup>rd</sup>.

Sample Ordinance Regulating Food Trucks

Council discussed the request for a food truck to be located in the train station parking lot. It was decided that a food truck could be used at borough events but not to be used regularly in the train station lot. No action was taken on this ordinance.

Welcome Signs

This item will be carried to the next meeting on April 23<sup>rd</sup>.

Naming of Old Army Trail

Mike Anderson, NJ Audubon, was present. He said they want to collaborate with the borough to make a trail from the Polo Grounds to the rest of the Bernardsville community. He requested naming it Old Army Trail. Council decided to get the input of the Open Space Advisory Committee and then revisit this topic.

Correspondence

There was none.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Personnel Matters and Contract Negotiations and that the time when and circumstances under which the matter can be disclosed to the public is when it is finally resolved. The motion was seconded and approved with six yes votes.

**ADJOURNMENT**

Mr. DeLeo adjourned the meeting at 11:20 p.m.

---

Anthony Suriano, Borough Clerk