

## **BOROUGH OF BERNARDSVILLE**

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

April 23, 2018

Mayor Sooy called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Jeffrey J. DeLeo, 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**

Mayor Sooy read a proclamation into the record honoring Jeff Melitski for receiving the Enlisted Person of the Year Ribbon.

### **APPROVAL OF MINUTES**

Mr. DeLeo moved approval of minutes of the meeting held March 26, 2018 (Mr. Schmidt was absent) and April 9, 2018. Mr. Sullivan seconded the motion. The motion was approved with five yes votes.

### **OPEN SESSION**

<p>At this point in the meeting, the Mayor &amp; 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.</p>
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David Neill, Prospect Street, read a proclamation honoring Jeff Melitski on behalf of Senator Bucco, and Assemblymen Bucco and Carroll.

Kristi MacDonald, Anderson Hill Road and Environmental Commission member, asked council for a letter of support for a grant for a rain garden. Council consent was given. She also talked about native shrubs and tree planting that will take place at Nerville Pond, mostly along the train tracks. Bernards High School students will assist. The stream cleanup took place and 59 people

participated. Eighteen bags of trash and twelve bags of recycling were picked up. Well testing kits will be available on e-waste day, April 28<sup>th</sup>, at Bernards High School, and a tree giveaway will also be available. Well testing kits can also be picked up at the Clerk's Office on April 30, May 1, and May 2. Mayor Sooy thanked Kristi MacDonald for all her work.

Melanie dePoortere, Mine Brook Road, spoke on behalf of Alexandra Daras of The Pretty Pink Rooster. The store will be opening this Saturday at 11:00am.

Lloyd Sems, Mendham Road, said bathrooms are still an issue at the Middle School fields. There are two port-o-potties at the fields but they are located in the middle of the parking lot, so kids have to cross the parking lot to get to the bathroom. He suggested giving coaches keys to the facilities and signs to help people get to the facilities. He said it would be good to come up with a long term plan to have permanent facilities. Mayor Sooy said Doug Walker is looking into a sewer line that would help this issue. Mr. Sems said Mr. Maresca offered to look into a flat budget, which would take four weeks, and suggested that is something that should be done.

Mary Snyder, Locust Drive, said there is a path from Locust that goes to the fields. A dump truck has been brought in and put dirt down. Mr. Macdowall said dirt was brought in to fill what the water had washed out and we will follow with stone or wood chips.

A.Q. Orza, Old Fort Road, mentioned Resolution #18-108 which accepts funds for a subgrant award and asked how much it was for. Chief Valentine said it was for \$10,000, and the monies will go to salaries and equipment. Mr. Orza mentioned #18-117 which authorized a grant submission to Somerset County for the Dunster Squibb property. He asked what the total amount is that has been spent on the purchase of the property and on the renovation. He said he thought it was about \$5m. Mr. O'Dea said it would be helpful if Mr. Orza provided data to go along with his statements.

Hearing no additional questions or comments, Mayor Sooy closed the open session.

## **ORDINANCES**

Mayor Sooy opened the public hearing on Ordinance #18-1767, **CONCERNING THE USE OF BOROUGH FACILITIES BY OUTSIDE ORGANIZATIONS AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Mr. Sullivan asked about limits being \$300,000 for an unaffiliated individual and \$1m for all others. Mr. Pidgeon responded those limits are taken directly from the JIF manual. Hearing no additional comments or questions from the public, Mayor Sooy closed the public hearing. Mr. DeLeo 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.

Mayor Sooy opened the public hearing on 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"**. Mr. O'Dea mentioned the figures for registration and subsequent registration of properties were modified between drafts of this ordinance and asked if we could defend if challenged by saying there is a correlation to the actual service we are providing. Mr. Pidgeon answered yes. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. DeLeo 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. DeLeo moved that Ordinance #18-1769, **AN ORDINANCE VACATING A PAPER STREET KNOWN AS MOORE AVENUE AND A PORTION OF A PAPER STREET KNOWN AS MAPLE AVENUE**, 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., May 14, 2018. Ms. Zamarra seconded the motion, which was approved with five yes votes.

#### **RESOLUTIONS**

- #18-103      AUTHORIZING PAYMENT OF BILLS**
- #18-104      ACCEPTING MONTHLY REPORTS**
- #18-105      AUTHORIZING A 2018 OPEN SPACE GRANT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC)**
- #18-106      BOROUGH OF BERNARDSVILLE RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 NJ DIVISION OF CRIMINAL JUSTICE 2015 COMMUNITY WILDFIRE PROTECTION PLAN**
- #18-107      APPOINTING ZAKARIAH WOJTECH AS DRIVER/LABORER, PUBLIC WORKS DEPARTMENT**
- #18-108      AUTHORIZING THE BOROUGH OF BERNARDSVILLE OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT FUNDS FROM A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2017 EMERGENCY MANAGEMENT AGENCY ASSISTANCE PROGRAM FUNDING AND FOR THE CHIEF FINANCIAL**

**OFFICER TO AMEND THE BUDGET AND CERTIFY THE  
AVAILABILITY OF FUNDS**

- #18-109      AUTHORIZATION OF TAX REFUND**
- #18-110      AUTHORIZING REFUND OF STORMWATER ESCROW  
ACCOUNT 04-280-7000-0022, FOR PATRICK BOSWORTH, 61  
ROEBLING ROAD**
- #18-111      AWARDING A CONTRACT FOR CHAPIN ROAD  
DRAINAGE IMPROVEMENTS PROJECT**
- #18-112      AUTHORIZING DISPOSAL OF EQUIPMENT NO LONGER  
NEEDED FOR PUBLIC USE**
- #18-113      ADOPTING NEW REGULATIONS REGARDING CLAIMANT  
CERTIFICATIONS**
- #18-114      AUTHORIZING REFUND OF STORMWATER ESCROW  
ACCOUNT 04-280-7000-0040, FOR PALADIN HOMES INC.,  
FOR 70 POST KUNHARDT RD. BLOCK 30 LOT 6**
- #18-115      AUTHORIZING CHANGE ORDER #2 TO CONTRACT FOR  
LIBERTY ROAD IMPROVEMENTS**
- #18-116      AUTHORIZING REFUND OF POLICE OFF-DUTY ESCROW  
FUND BALANCES**
- #18-117      AUTHORIZING GRANT SUBMISSION TO THE SOMERSET  
COUNTY 2018 HISTORIC PRESERVATION GRANT PROGRAM**
- #18-118      ACCEPTING A DONATION (FOR ROSE BOWL FIELD  
IMPROVEMENTS)**
- #18-119      ACCEPTING A DONATION (FOR FLAG, FLAGPOLE &  
MOUNTING FIXTURE AT THE TRAIN STATION)**

Mr. Macdowall explained the change order in Resolution #18-115 was for less money. Resolution #18-103 was removed from the consent list at the request of Mr. Donahue with a question about a recycling charge. Mr. Maresca will look through his notes and respond later in the meeting. Mr. DeLeo moved to adopt Resolutions #18-104 to #18-119. Ms. Zamarra

seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes.

## **REPORTS**

### Municipal Attorney

Mr. Pidgeon's confidential report as of April 19, 2018 was received. Council had no comments or questions.

### Council Committees

**Public Safety Committee**, Mr. Schmidt was not present. Ms. Zamarra said the committee has not met since the last council meeting.

**Finance & Personnel Committee**, Mr. DeLeo said the committee has not met since the last council meeting.

**Engineering, Technology, and Public Works**, Mr. Macdowall said work on Mine Mount Road is getting started. Somerset Avenue, Morris Avenue, Woodland Road, Passaic Street, Stevens Street will go out to bid this summer.

### Other committee/commission reports

There were none.

### 2018 Farmer's Market & 2017 Farmer's Market Recognition

Ed English, Olde Town Court, discussed the proposed 2018 Farmer's Market which would run on Saturdays from June 9<sup>th</sup> to November 10<sup>th</sup>, from 9:00am to 1:00pm. He provided a list of vendors and pop-up vendors. Each vendor will provide a certificate of insurance naming the borough as additional insured and sign a hold harmless agreement. The Farmer's Market will take place in the Bernardsville Train Station lot. Council consent was given to hold the 2018 Farmer's Market.

Mr. English also displayed an award the borough received from Healthier Somerset for its 2017 Farmer's Market.

### NJ Audubon Trail

Mike Anderson of NJ Audubon discussed the grand opening of their new trail which will take

place on May 5<sup>th</sup>. The ribbon cutting will be at 10:00am at the bridge. The Open Space Advisory Committee will recommend naming it Old Army Trail.

#### Welcome Signs

Lloyd Sems, Mendham Road, discussed four signs at the corners of Bernardsville as proposed in 2015 and gave suggestions on the current welcome signs being discussed. Ed English, Olde Town Court, suggested reflective lettering. Mayor Sooy asked about the size of the signs. Mr. O'Dea moved to go forward and use 35 x 60 signs. Ms. Zamarra seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes.

#### University of Pennsylvania Graduate Students

Graduate students from the University of Pennsylvania have volunteered to look at the downtown area and give recommendations to council at no cost. The council would then give those recommendations to the Planning Board. Council consent was given for the students to give recommendations.

#### Summer Hours

A.Q. Orza, Old Fort Road, questioned how many people come to Borough Hall between 7:30am and 8:30am. Mr. O'Dea said Borough Hall is open more hours Monday through Thursday. Mr. Maresca said not many complaints have been received over the years over the summer hours schedule. Patty DeLeo, Mine Mount Road, said lots of workplaces have flex hours regularly. Mr. DeLeo moved to authorize summer hours for 2018. Ms. Zamarra seconded and the motion was approved with five yes votes. Summer hours will run from May 21<sup>st</sup> to September 7<sup>th</sup>.

#### School Bus Insurance

The borough's risk manager asked for an insurance certificate and signed hold harmless agreement from the Board of Education since they are parking school buses at the Bernardsville pool parking lot. Council consent was given to ask for insurance/hold harmless as per the borough's risk manager.

#### Guide To Council Meetings

Ms. Zamarra suggested a guide to help residents better understand the meeting process. A.Q. Orza, Old Fort Road, said the guide should mirror the administrative code. Mr. Pidgeon said the guide could not supersede the administrative code. Ms. Zamarra suggested posting on the website when complete. Council consent was given to create the guide.

Special Events/Economic Development

Mr. DeLeo suggested the need for a committee. Mayor Sooy said we are looking for council to agree to accept money for an upcoming race on June 17<sup>th</sup>. Mr. Pidgeon said a motion is needed for the borough to sponsor the race. Mr. O'Dea asked if this motion would be just for this event and we ask the special events committee to come back with a formal process for future events. Mr. Pidgeon said yes. Mr. Donahue made a motion for a 3.5 mile run on Father's Day (Dads Day Dash) that the borough would be allowed to co-sponsor and collect money. Mr. O'Dea seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Sullivan, and Ms. Zamarra voted yes. Mr. DeLeo voted no. Mr. O'Dea abstained.

Draft Ordinance Adopting Borough Website Policies

Mr. O'Dea said this would allow for a community calendar and third parties to link to the borough website. An ordinance will be considered for introduction on May 14<sup>th</sup>.

Draft Ordinance Adopting Borough Park Naming Policies

A.Q. Orza, Old Fort Road, read from a memo when this topic came before council a few years ago and suggested naming a bench after people. Melanie dePoortere, Mine Brook Road, said many people have done great things in Bernardsville, and may be offended if others have fields named after them. Anne Ferrante, said naming a field after a person encourages younger residents that they can be recognized for their efforts. Mr. Donahue said there needs to be a retention period after someone passes before naming something after them and he prefers the contents of the 2014 memo of Mr. Pidgeon when considering adopting a policy. Mr. Sullivan discussed naming a bench, tree, or plaque after a person at council's discretion or if a third party pays for it. Jeffrey Hammond, said there's a difference between council honoring a person and buying a bench. Mayor Sooy asked for direction. Mr. Donahue suggested turning Mr. Pidgeon's 2014 memo into an ordinance. Mr. Pidgeon will draft an ordinance for introduction on May 14<sup>th</sup> that includes contents of the draft ordinance from this meeting, Mr. Pidgeon's 2014 memo, and addresses amenities. Ms. Zamarra asked if we could name a baseball diamond after someone instead of a whole park. Mr. Pidgeon said that could be included in the ordinance on May 14<sup>th</sup>.

Draft Ordinance Adopting Borough Amenity Donation Program

This item was combined with the above item.

Discussion During Committee and Board Meetings

Mr. O'Dea said he created bullet points for committee chairs with consistent guidelines to handle

discussion at their meetings. The Borough Clerk was directed to send an email with said bullet points to all committee chairs.

#### Correspondence

There was none.

#### **OPEN SESSION**

A.Q. Orza, Old Fort Road, mentioned an email he received from Mr. Maresca about the borough considering authorizing a third party independent investigator to investigate alleged inappropriate conduct at a recent Housing Committee meeting, and asked if there would be a vote to authorize the investigator in public session after closed session. Mr. Pidgeon said yes.

Dan Lincoln, said Friends of Historic Bernardsville did a fundraiser last year to clean up the front of the Dunster Squibb property along Route 202. They would like to use Landscape Goats which brings in their own goats to put on the property and clean it up. He will meet with someone tomorrow to get more information, find out the cost, and see if it's possible for us to do. Hearing no comments or questions, the Mayor closed the open session.

Mr. Maresca explained the recycling charge was for ten trash receptacles and ten recycling receptacles with the money being spent from our clean communities grant. Mr. DeLeo moved adoption of **Resolution #18-103, AUTHORIZING PAYMENT OF BILLS**. Mr. Donahue seconded and call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Sullivan, and Zamarra voted yes.

#### **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 five yes votes.

#### **REOPEN**

It was moved and seconded to reopen the meeting to the public. Mr. Sullivan had left the meeting.

Ms. Zamarra moved adoption of **Resolution #18-120, AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH VERITA TO CONDUCT AN INVESTIGATION**. Mr. O'Dea seconded and call of the roll followed. Council Members DeLeo, Donahue, O'Dea, and Zamarra voted yes.



Mr. DeLeo moved adoption of **Resoluton #18-121, AUTHORIZING A SHARED SERVICES AGREEMENT WITH PEAPACK/GLADSTONE BOROUGH FOR UNIFORM CONSTRUCTION CODE ENFORCEMENT.** Mr. Donahue seconded and call of the roll followed. Council Members DeLeo, Donahue, O'Dea, and Zamarra voted yes.

**ADJOURNMENT**

Mayor Sooy adjourned the meeting at 10:30 p.m.

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