

## **BOROUGH OF BERNARDSVILLE**

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

May 14, 2018

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

### **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.

Mayor Sooy opened the public session.

Michelle Conover, Burrows Avenue, suggested placing benches at the pond. She said other towns have them and it may draw people to the pond. Mayor Sooy said he agrees and we are working on drainage and infrastructure at the pond.

Olivia Manning, Orchard Street, said there is a reopening of Wavelength Audio on May 31<sup>st</sup> at 4:30pm. There will be a ribbon cutting and she invited council members to attend. Hearing no additional comments, Mayor Sooy closed the open session.

### **PRESENTATIONS - None**

### **ORDINANCES**

Mayor Sooy opened the public hearing on Ordinance #18-1769, **AN ORDINANCE VACATING A PAPER STREET KNOWN AS MOORE AVENUE AND A PORTION OF A PAPER STREET KNOWN AS MAPLE AVENUE.** 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. Donahue seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. DeLeo moved that Ordinance #18-1770, **AUTHORIZING THE PURCHASE OF FILTERS FOR THE WASTEWATER TREATMENT PLANT AND APPROPRIATING \$710,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND**, 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 29, 2018. Mr. Sullivan seconded the motion, which was approved with six yes votes.

Mr. Schmidt moved that Ordinance #18-1771, **AN ORDINANCE DESIGNATING THE BOROUGH ENGINEER AS FLOODPLAIN ADMINISTRATOR AND AMENDING ARTICLE 14 OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ENVIRONMENTAL REQUIREMENTS”**, 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 29, 2018. Mr. DeLeo seconded the motion, which was approved with six yes votes.

Mr. Pidgeon said Ordinance #18-1782 implements the borough’s Mount Laurel settlement and suggested moving the public hearing to June 11, 2018 instead of May 29, 2018. Mr. Schmidt moved that Ordinance #18-1772, **AN ORDINANCE ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE BOROUGH’S MOUNT LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE BOROUGH LAND DEVELOPMENT CODE**, 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., June 11, 2018. Mr. Sullivan seconded the motion, which was approved with six yes votes.

## RESOLUTIONS

- |                |  |
|----------------|--|
| <b>#18-122</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>  |
| <b>#18-123</b> | <b>REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 NJ DIVISION OF CRIMINAL JUSTICE 2018 SUSTAINABLE JERSEY ROOTS FOR RIVERS GRANT</b> |
| <b>#18-124</b> | <b>AUTHORIZING CANCELLATION AND REFUND OF PROPERTY TAXES FOR SURVIVING SPOUSE OF A 100% DISABLED VETERAN, 50 PICKLE BROOK ROAD</b>                                 |
| <b>#18-125</b> | <b>AUTHORIZATION OF TAX REFUND</b>   |

- #18-126      APPROVING A FIREWORKS PERMIT FOR  
SOMERSET HILLS COUNTRY CLUB**
- #18-127      APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #18-128      AUTHORIZING REDEMPTION OF TAX LIEN  
CERTIFICATE #17-00019, 17 BURROWS AVENUE**
- #18-129      AMENDING RECREATION FIELD POLICY AND  
PROCEDURES TO INCLUDE BASKETBALL COURTS**
- #18-130      SUPPORTING THE CLICK IT OR TICKET  
MOBILIZATION OF MAY 21 - JUNE 3, 2018**

Ms. Zamarra moved to adopt Resolutions #18-122 to #18-130. Mr. O'Dea seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

#### Use of Lindabury Park

Pastor John Greig of the Somerset Hills Lutheran Church asked for use of Lindabury Park on August 7<sup>th</sup> through August 9<sup>th</sup> for their vacation bible school. The hours will be 5:30pm to 8:00pm and include a time for meals for the families attending. Mr. Schmidt moved approval of the use of Lindabury Park as described by Pastor Greig. Mr. Sullivan seconded and the motion was approved with six yes votes.

#### NJ Land Conservancy

Aaron Cela of the NJ Land Conservancy was present. The borough would need to open a non-interest bearing bank account if Green Acres funds will be wired directly to the borough for the purchase of open space land. Another option is to purchase open space land with funds available in our open space trust account and submit for reimbursement of up to \$500,000. Mr. O'Dea moved approval of opening a non-interest bearing bank account. Mr. DeLeo seconded and the motion was approved with six yes votes.

#### Mayor's Appointments

Mayor Sooy memorialized his appointment of Ben Foster to the Environmental Commission and also appointed Tom Wood to HPAC, Alternate #2.

Posting of Meeting/Agenda Items

Council authorized posting of ordinances, bills, and resolutions on the borough website prior to each council meeting. Documents will be reviewed by the Borough Clerk and Municipal Attorney to determine if there is any information that cannot be posted online.

Morraine Crest Park Water Testing

This topic came up at a recent Open Space Committee meeting. A.Q. Orza said it was mentioned by Ben Foster at that meeting that an environmental study had been done that indicated the water was bad, but after he did an OPRA request he found it had not been done. Pat McFadden, Chair of the Open Space committee, said Ben Foster said he thought a study was done by Raritan Headwaters but was not sure. Peter Birnbaum spoke about water testing and explained that Morraine Crest goes into the Great Swamp. Mr. O'Dea said at the Open Space meeting someone said they thought testing already happened, so the question was did testing occur and if so, what are the results. It was later found out from Kristi MacDonald that testing did not happen but would at the end of June. No test was proposed by the Open Space committee. Mayor Sooy asked if we wanted Raritan Headwaters to do the testing using a donation they received so there would be no cost to the borough. Michelle Conover, Burrows Avenue, said kids use the park and suggested testing the water. Mr. DeLeo and Mr. Donahue said no. Mr. Sullivan, Mr. O'Dea, and Ms. Zamarra said yes. Mr. Schmidt abstained.

Draft Resolution Naming Baseball Field at Polo Grounds

Mr. Donahue said the Ferrante family should be given a fair hearing on their request to name a field after Lou Ferrante. Mr. Schmidt said it would set a precedent to name a park or field, and we need a policy. A.Q. Orza, Old Fort Road, read a letter from 2014 that was sent to the Nardone family regarding their request to name a facility after Ron Nardone. Mr. O'Dea asked if there was an ordinance or resolution in 2014 about that topic. Mr. Pidgeon said no. Anthony Dello Russo, Mine Mount Road, said Lou Ferrante volunteered his time, served the town and no one would be more deserving to have a field named after them. Steve Ferrante said Lou's accomplishments should set the precedent of naming fields. Mary Ferrante, Ann Street, said Lou brought Little League Baseball back to Bernardsville and he should be recognized for that. Anne Ferrante asked if there was an application for naming fields? Mayor Sooy said no. Brian Ferrante asked how many families have come before council with a request to name a facility? It was answered the Nardone and Ferrante families. Tom Stavron, Tysely Street, asked if council did not feel they should name the field? Ms. Zamarra moved **RESOLUTION #18-131, NAMING BASEBALL FIELD AT THE POLO GROUNDS IN HONOR OF LOU FERRANTE**. Mr. Donahue seconded and the motion was approved with the following roll call vote. Council Members Donahue, O'Dea, Sullivan, and Zamarra voted yes. Council Member Schmidt voted no. Council Member DeLeo abstained.

Draft Resolution Establishing Policy for Naming Borough Facilities

Mr. O'Dea suggested having an objective version with one ordinance combining this item and the next two items of an ordinance adopting a park naming policy and an ordinance naming amenities. Mr. Donahue suggested voting on this item tonight to have a policy in place. Mr. Donahue moved **RESOLUTION #18-132 ESTABLISHING POLICY FOR NAMING BOROUGH FACILITIES**. Mr. Sullivan seconded and the motion was approved with the following roll call vote. Council Members Donahue, Schmidt, Sullivan, and Zamarra voted yes. Council Member O'Dea voted no. Council Member DeLeo abstained.

Draft Ordinance Adopting Borough Park Naming Policy &  
Draft Amenities Naming Ordinance

These items were combined and will be carried to the next meeting

Guide To Opening A Business In Bernardsville

Ms. Zamarra referenced a guide to opening a business from Montgomery Township and suggested having one for Bernardsville as a point of contact and posting it on the website. Mr. DeLeo said a guide such as this should be created by the Planning Board. Council consent was given to have the Planning Board create a guide and then have council review.

Correspondence

Mr. O'Dea moved to allow communityincrisis.com to have a link on the borough's website. It was noted this is a 501c(3) organization. Mr. DeLeo seconded and the motion was approved with six yes votes.

There was no motion to allow allconnect.com to have a link on the borough's website. It was noted this is a commercial organization.

The Fire Department has requested use of the Lower Polo Grounds for a Medevac Landing Zone Training Drill on Monday May 21 at 7pm. The State Police NorthSTAR Medevac Helicopter is scheduled to come. They are inviting other fire departments and welcome any agencies from the borough, such as Police and CERT. The Aircraft is scheduled to arrive at approximately 7:30pm. Council consent was given for this request.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Property Acquisition, Potential Litigation, and Personnel Matters 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**

Mayor Sooy adjourned the meeting at 9:40 p.m.

---

Anthony Suriano, Borough Clerk