

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Minutes  
June 25, 2018

Mayor Sooy called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Chris Schmidt, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO, and Anthony Suriano, Borough Clerk. Council Members Jeffrey J. DeLeo and Michael Sullivan were absent. Council Member Thomas O'Dea, Jr. arrived at 7:28pm.

**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 honoring the memory and service of P. David Zimmerman, who served as Borough Planner for over twenty years.

**APPROVAL OF MINUTES**

Ms. Zamarra moved approval of minutes of the meeting held May 29, 2018 and June 11, 2018 (Mr. Schmidt was absent). Mr. Schmidt seconded the motion. The motion was approved with three yes votes.

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

**ORDINANCES**

Mayor Sooy opened the public hearing on Ordinance #18-1773, **ADOPTING BOROUGH FACILITY NAMING POLICIES AND CREATING A NEW CHAPTER XXV IN THE BOROUGH CODE ENTITLED "FACILITIES NAMING PROGRAM"**. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. Donahue suggested a change to Section 25-4 to read as follows: "*In considering requests submitted pursuant to this ordinance, the Borough will not discriminate against any person because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex*". Mr. Pidgeon said this was not substantial and the ordinance could be amended and adopted at this meeting. Ms. Zamarra moved to amend the ordinance as noted above. Mr. Schmidt seconded and the council members Donahue, Schmidt, and Zamarra voted yes. Mayor Sooy opened the public hearing on Ordinance #18-1773 as amended. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. Schmidt moved to pass this ordinance on final reading and adopt as amended. Ms. Zamarra seconded and a call of the roll followed. Council members Donahue, Schmidt, and Zamarra voted yes.

Mr. Schmidt moved that Ordinance #18-1774, **APPROPRIATING \$12,500 FROM THE CAPITAL FUND RESERVE FOR A MITIGATION PROJECT**, 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., July 9, 2018. Mr. Donahue seconded the motion, which was approved with three yes votes.

## **RESOLUTIONS**

- #18-154      AUTHORIZATION TO REFUND DONATIONS FOR CANCELED EVENT, FATHER'S DAY DASH**
- #18-155      ACCEPTING MONTHLY REPORTS**
- #18-156      AUTHORIZING PAYMENT OF BILLS**
- #18-157      CORRECTIVE ACTION PLAN FOR 2017 AUDIT REPORT OF THE BOROUGH OF BERNARDSVILLE, SOMERSET COUNTY, NEW JERSEY**
- #18-158      REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87**
- #18-159      PROMOTING BRIAN KELLY TO SERGEANT IN THE BERNARDSVILLE POLICE DEPARTMENT**

- #18-160      **AUTHORIZING RENEWAL OF A.B.C. LICENSES**
- #18-161      **AUTHORIZING RENEWAL OF NJ LAND CONSERVANCY CONTRACT**
- #18-162      **ACCEPTING A DONATION**
- #18-163      **AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH DLB ASSOCIATES FOR ENGINEERING SERVICES RELATED TO THE LOWER LEVEL LIBRARY GENERATOR**
- #18-164      **AUTHORIZING SLEO III CONTRACT WITH SCHOOLS**

Mr. Schmidt moved to adopt Resolutions #18-154 to #18-164. Mr. Donahue seconded and a call of the roll followed. Council members Donahue, Schmidt, and Zamarra voted yes.

## REPORTS

### Municipal Attorney

Mr. Pidgeon's confidential report of June 21, 2018 was reviewed. There were no comments or questions from council.

### Council Committees

**Public Safety Committee**, Mr. Schmidt said the Police Department spent time discussing security issues with the School Superintendent. Resolution #18-164 was passed tonight authorizing a contract with the Somerset Hills Regional School District for special police officers. Traffic issues are being dealt with by Chief Valentine, Ms. Zamarra, and Mr. Macdowall, one being an electronic speed sign on Wesley Avenue. Chief Valentine said they did a traffic speed survey on Bernards Avenue and are waiting to collect data from it. He also said there is an area on Bernards Avenue at the top of the quarry that is zoned for light industrial use and the existing weight restrictions were imposed after that area was designated light industrial, so trucks that travel on Bernards Avenue are grandfathered. They are reviewing the truck route on Bernards Avenue. Mr. Schmidt asked about parking on Claremont Road past the area of The Bearded Dragon. Chief Valentine said signs went up about two weeks ago, cars that have been parking there have now disbursed, and they are enforcing no parking regulations in that area of Claremont Road. Mr. Schmidt asked about 30 minute parking in front of Penguin Ice Cream. Mr. Pidgeon read the title of Ordinance #18-1775 , **CONCERNING PARKING REGULATIONS ON CLAREMONT ROAD AND AMENDING CHAPTER VII OF THE**

**BOROUGH CODE ENTITLED “TRAFFIC”.** Ms. Zamarra moved that Ordinance #18-1775, 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., July 9, 2018. Mr. Schmidt seconded the motion, which was approved with three yes votes. The Police Department met with JCP&L regarding critical infrastructure planning. We are working on a 2018 OEM grant application of approximately \$10,000 from FEMA. OEM partnered with FEMA and the Bernards Lions Club to provide hurricane and storm preparedness for seniors at the library on June 6<sup>th</sup>. Mayor Sooy thanked Chief Valentine and Mr. Pidgeon for their work on the SLEO III contract and the PBA for organizing a car show on June 17<sup>th</sup>. Chief Valentine said 100% of the proceeds at the car show went to Heartworks.

**Finance & Personnel Committee,** Mr. Maresca said the committee met last Wednesday and will have more information at the July 9<sup>th</sup> meeting.

**Public Works,** Mr. Schmidt said the grant for Anderson Hill Road is moving along and work should start at the end of August or early September. Plans for milling and paving include Woodland Road and several others. Mr. O’Dea arrived. Work on Liberty Road is complete. Regarding Bernards Avenue, Mr. O’Dea mentioned a speeding enforcement request from a resident on Bernards Avenue. Chief Valentine said a speed survey is being done on Bernards Avenue and they can look at signage after it is complete.

#### Other committee/commission reports

**Green Team,** Ms. Zamarra said the Farmer’s Market has started and special events will take place at the market such as a peach festival. **HPAC,** Ms. Zamarra said the committee is working on painting the barn at the Dunster Squibb house. The Community Garden is fully booked. The committee is planning another downtown walking tour. A demolition ordinance is being worked on to try to prevent homes in the historic district from being knocked down.

**Housing/Zoning/Property Maintenance,** Geoff Price, Zoning Officer, said they get complaints or see properties with tall grass as they drive around town and they are taking care of this issue. He said if the owner does not have their property in farmland preservation or agriculture there is a requirement to cut. He asked council if they knew of any properties with tall grass to please contact him. Ms. Zamarra suggested residents contact the borough if they are driving and have any sight issues when making turns. She said there were tree violations on the zoning report and it is good that enforcement is taking place on these matters.

RFQ Affordable Housing

Mayor Sooy recused himself from this discussion. Mr. Schmidt asked what the process is at this point. Mr. Pidgeon said council can discuss the three firms (RPM, CIS, Conifer) that gave presentations at the May 29<sup>th</sup> meeting and narrow the field to one or two and then enter into more formal discussions with the firm they pick. He said if those discussions are not productive, council could go to the next firm. Barbara Schoor of CIS was present. She said council put out a Request for Qualifications (RFQ) and that is why her firm did not put designs into their presentation. Mr. Schmidt suggested coming up with several questions/criteria about what we are looking for from this project and having all three firms come back and give a presentation based on these questions. Mr. O'Dea said we will inform all three firms that this will be the narrowing down to our primary firm and after that, if we do not come to an agreement we will look to the second firm and then third if necessary. Tom Stavron, Tysley Street, said he has a background in commercial building and the more details we can give the three firms, such as the look or having a garage in the back, they will come back with the exact details to fit that criteria. The three firms will come back to give their presentations on August 13<sup>th</sup>. Mr. O'Dea suggested asking the firms to submit their presentation a week in advance of the meeting so that any council member who cannot make that meeting can watch the presentation online and review the materials. Mr. Pidgeon said under the Administrative Code, a council member cannot vote if not present unless it is a special meeting or lack of a quorum, but in this instance, if someone wanted to watch the presentations online and call in their comments, that would be permissible since this is not a formal action and it is ongoing.

Somerset County Business Partnership Renewal

Mayor Sooy said the cost for renewal of membership with Somerset County Business Partnership is \$1,250. Ms. Zamarra said we can submit events to them to be listed on their countywide calendar. Ms. Zamarra moved to authorize payment of \$1,250 for membership renewal with Somerset County Business Partnership. Mr. Schmidt seconded and a roll call vote followed. Council members Donahue, O'Dea, Schmidt, and Zamarra voted yes.

Borough Newsletter

Mayor Sooy talked about newsletters and distributed samples from other towns. It is free and funded through local advertising. He suggested Bernardsville start a newsletter and we would generate the content. Mayor Sooy said it is published at least twice a year or quarterly. We would make them available in public places and to Realtors and local business, but not mail them out since we would have to pay postage. Council consent was given to issue a newsletter. Mayor Sooy said after we should receive a contract once we call to confirm we are starting a newsletter.

Administrative Code

Mayor Sooy said he asked for this to be on the agenda for informational purposes for council to read through. If any council members have any questions about it they should ask Mr. Pidgeon.

Timeframe for Posting Borough Agenda Package

Mr. Donahue asked if we could move posting the agendas from Friday to Wednesday to give more time to review. After discussion, council consent was given to post agendas (online and council Dropbox) on Thursdays before the Monday meetings, starting with the August 13<sup>th</sup> meeting.

Correspondence - Advisory committee procedures

Mr. Pidgeon read his memo about future advisory committee procedures which are consistent with Administrative Code. We could proceed by putting the content of this memo into an ordinance which will give the public a chance to comment at the public hearing. Council consent was given for Mr. Pidgeon to prepare an ordinance for introduction on July 9<sup>th</sup>.

**OPEN SESSION**

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

**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 four yes votes.

**REOPEN**

It was moved and seconded to reopen the meeting to the public.

**ADJOURNMENT**

Mayor Sooy adjourned the meeting at 8:25 p.m.