

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
August 13, 2018

Council Member Chris Schmidt 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 Jeffrey J. DeLeo and Mayor Kevin Sooy were 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

PRESENTATION

Mr. Schmidt moved discussion of Item 10K, Application for a Solid Waste Facility Permit at 33 Old Quarry Road, to this point of the meeting. Terry Thompson, Mine Mount Road and Planning Board member, spoke about the history of the industrial zone ordinance and said the application for a solid waste facility permit is not inconsistent with the ordinance that was adopted in 2015 (Ord #15-1699) to include a materials recovery facility as a permitted use in the industrial zone. Mr. Schmidt said at the time the ordinance was adopted, it was brought to council as a recycling option and the amount of tonnage and usage seven days a week was not mentioned. He said had it been known of the size and scope of what we are hearing now, he would not have voted for it. He suggested a motion and vote by the council to direct the borough attorney to prepare an ordinance to rescind Ordinance #15-1699. Mr. O'Dea read a summary of the comments he has heard from residents and the Environmental Commission. A copy is attached to these minutes. Mary Jane Canose, Autumn Hill Drive, said she is not in favor of the solid waste facility and asked if council rescinds the 2015 ordinance are we open for liability. Mr. Schmidt said that will be discussed in closed session. Mr. Sullivan said the applicant could also go before the Board of Adjustment. Jeffrey Hammond, Flintlock Court, said a lot of trucks traveling through town creates a health hazard and the quarry site is lost for affordable housing if this goes through. Rich Heimson asked if all items will be removed the same day or stay on site for a period of time. He also said he has built a transfer station and the noise level is very loud. Jeff Horowitz, Laurel Lane, issues that should be considered are diesel truck fume, emission from trucks, trucks idling, and uncontrolled air pollution. He suggested reaching out to legislative representatives and Freeholders. Janice Virtue, Childsworth Avenue, urged council to fight this even if it ends up in a lawsuit.

Affordable Housing

Presentations were moved to the September 10th meeting.

Downtown Revitalization Project

Bonnie Sellers, Paul Sedlak, and Sam Maddaluna were present for this presentation. Ms. Sellers said their mission is to formulate a vision to redevelop the downtown into a place where families can enjoy during the day, adults can enjoy at night, and businesses can thrive. Their goal is to create plans for the revitalization of the downtown area in sections in such a way so private enterprise can effectuate those goals. Their mandate is to revitalize the downtown in order to have a more vibrant community. Mr. Sedlak talked about the results of the downtown survey where over 1,100 responses were received and shared their comments of improving the downtown area. He said they are looking to create an environment so merchants and businesses can succeed. Mr. Maddaluna gave a real estate report. He said Turpin did a report and it showed the average sale price of homes in Bernardsville has declined over the past ten years and said revitalizing the downtown area would help the real estate situation in town. Ms. Sellers said the first step toward revitalizing the downtown area is Quimby Lane as this could be a vibrant area. They are proposing an agreement with Topology NJ LLC to do a plan and analysis of Quimby Lane. The cost is \$15,000 and if approved tonight, it will be finished in late October and be presented to the Planning Board for consistency with the Master Plan. The University of Pennsylvania has agreed to have a course around the redevelopment of Quimby Lane. There would be about five or six teams of students that would do a design and we could choose one if we like it. This would be no cost to the borough. Mr. Maddaluna said they looked at three potential places for a pocket park. The Audi Dealership, Bernardsville News building, and Quimby Lane. Brian Bosenberg did a proposal for the Shade Tree Committee's review and they have not responded. Ms. Sellers said they are looking for feedback from the Shade Tree Committee as to how they want to move forward planting trees on our streets. Mr. Schmidt said he will follow up and ask the committee. Mr. Sedlak said he would also like the Open Space Committee to help with the pocket park. Ms. Sellers asked council to accept an agreement with Topology NJ LLC. Mr. Pidgeon explained we would be giving approval to have the study done and none of that is binding, so if we don't like at all, we don't have to use it. If we do proceed with the plan, it would have to go through the normal process of going to the Planning Board and requiring an ordinance. The cost not to exceed \$15,000 is binding. Henry Gonzalez, Sunset Drive, compared what Westfield has to what is being planned for Bernardsville and said Westfield has an advantage of having other towns supply the labor to work in businesses and restaurants. Bernardsville does not have that and wanted to know if that was thought of, and if we can provide housing for them. Mr. Sedlak said that is part of the planning process. Anna Gonzalez, Sunset Drive, questioned if we will need bigger schools. Mr. O'Dea suggested having the school be involved in this process. Lou Romano, Stevens Street, said the town needs revitalization and at the cost of \$15,000 it should be a no-brainer. Olivia Manning, Orchard

Street, member of the Downtown Bernardsville Improvement Alliance, and Special Events group, spoke about the concept of a special improvement district. The towns that are being talked about that we want to be compared to, such as Westfield, Somerville, and Morristown, are special improvement districts. Ms. Sellers said that would take an extra six months and we are hoping to get there with private enterprise. Mr. Schmidt read proposed **Resolution #18-189, Establishing Primary Costs for Downtown Revitalization Project**. Mr. Pidgeon said to add authorizing a professional services contract with Topology NJ LLC to the resolution. Mr. Sullivan moved adoption of Resolution #18-189. Mr. O'Dea seconded and a roll call vote followed. Mr. Donahue, Mr. O'Dea, Mr. Schmidt, Mr. Sullivan, and Ms. Zamarra voted yes.

APPROVAL OF MINUTES

Mr. Donahue moved approval of minutes of the meeting held July 9, 2018 (Mr. O'Dea was absent. Mr. Sullivan seconded the motion, which was approved with three yes votes. Mr. O'Dea abstained and Ms. Zamarra was away from the podium.

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.

Hearing no questions or comments, Mr. Schmidt closed the open session.

ORDINANCES

Mr. Schmidt opened the public hearing on Ordinance #17-1776, **AN ORDINANCE PROVIDING FOR IMPROVEMENT OF ANDERSON HILL ROAD BY THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$250,000 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**. Jay Shapiro, Anderson Hill Road, asked what the \$250,000 was for. Mr. Schmidt said it's to mill and pave Anderson Hill Road from the library to where it becomes Mendham Road. Mr. Macdowall said we are getting a grant from NJDOT for curb ramps to be ADA compliant. Hopefully that will be done in the fall and paving will be done in the spring/summer to make sure we are in a good window for paving. Samantha Ortiz, Prospect

Street, asked if the project included sidewalks. Mr. Macdowall answered no. Hearing no further comments or questions, Mr. Schmidt closed the public hearing. Mr. Donahue moved to pass this ordinance on final reading and adopt as published. The motion was seconded by Ms. Zamarra and a call of the roll followed. Mr. Donahue, Mr. O'Dea, Mr. Schmidt, Mr. Sullivan, and Ms. Zamarra voted yes.

Mr. Schmidt opened the public hearing on Ordinance #17-1777, **AN ORDINANCE ESTABLISHING PROCEDURAL RULES FOR BOROUGH ADVISORY COMMITTEES AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Mr. Sullivan said he had an issue with section G on the ordinance as it negates the roll of committees and communication with the Administrator. He suggested changing it so that advisory committees could communicate through their chairperson or council liaison. Mr. Pidgeon said the Administrative Code as it applies to members of the council is similar to this ordinance. Mr. O'Dea said if it applies to members of the council then it should apply to committees. Discussion took place about whether this ordinance, as it is currently written, allows a meeting with the Administrator. Mr. O'Dea said the committees give recommendations to the council and then council gives direction. This does not apply to statutory boards, just advisory committees. Mr. Sullivan asked how the housing committee would resolve their issues. Mr. O'Dea and Mr. Pidgeon said those issues could be brought to the council. Mr. Sullivan suggested clarifying the ordinance communication as being a meeting and not exclusively email. Bob Baker, Olcott Avenue, and member of the Green Team, suggested tabling the ordinance. He said he does not want this ordinance to impede volunteerism. He suggested training every three years like the schools do instead of annually as in the ordinance. Mr. Schmidt said given the questions that have come up we should table this ordinance to the September 10th meeting. Mr. Schmidt moved to table Ordinance #18-1777 to the September 10th meeting with no further notice. Mr. Donahue seconded and the motion was approved with four yes votes. Mr. O'Dea abstained.

Mr. O'Dea moved that Ordinance #17-1778, **AN ORDINANCE ADDING TEN UNITS TO THE BOROUGH'S SENIOR CITIZEN AFFORDABLE HOUSING SITE ON NORTH FINLEY AVENUE AND AMENDING VARIOUS SECTIONS OF THE BOROUGH LAND USE ORDINANCE**, 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., September 10, 2018. Mr. Donahue seconded the motion, which was approved with five yes votes.

RESOLUTIONS

#18-174 ACCEPTING MONTHLY REPORTS

#18-175 AUTHORIZING PAYMENT OF BILLS

- #18-176 RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY
AUTHORIZING THE APPLICATION TO THE COMPLETE
STREETS TECHNICAL ASSISTANCE GRANT PROGRAM**
- #18-177 AUTHORIZING THE MAYOR TO SIGN NJDEP APPLICATION
FOR FRESHWATER WETLANDS AND FLOOD HAZARD AREA
PERMITS FOR MEMORIAL PARK WALKING TRAIL**
- #18-178 APPOINTING CLASS III SPECIAL POLICE OFFICER**
- #18-179 APPROVING THE INSTALLATION OF A FIRE HYDRANT AT
THE HERITAGE DEVELOPMENT, 88 CLAREMONT ROAD**
- #18-180 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #18-181 APPOINTING TINA MARKEWICZ AS QPA**
- #18-182 APPOINTING JEFFREY TALLMADGE AS A PART TIME
SUBSTITUTE CROSSING GUARD**
- #18-183 MEMORIALIZING THE APPOINTMENT OF BRETT REDLING,
SUMMER EMPLOYEE**
- #18-184 AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE
#16-00007, 14 CRESTVIEW DRIVE**
- #18-185 APPOINTING OEM SHELTER VOLUNTEERS**
- #18-186 AWARDING A CONTRACT FOR ANDERSON HILL ROAD
RESURFACING PHASE 1 INLET REPAIR AND CURB RAMPS
PROJECT**
- #18-187 AWARDING A CONTRACT FOR PILL HILL ROAD SECTION 2
AND 3 DRAINAGE IMPROVEMENTS PROJECT**
- #18-188 APPROVING PERSON TO PERSON TRANSFER OF ABC
LICENSE 1803-44-005-005**

Resolution #18-188 was tabled to the September 10th meeting. Mr. Pidgeon noted a change needed in #178 to reflect Mr. Byrnes was a Captain and not a Lieutenant. Mr. O'Dea asked about #178 and if it is fully paid by the school district. Chief Valentine answered yes. Mr.

O'Dea asked about #179 and if there was a fire hydrant across the street that would be sufficient. Glenn Miller, Fire Chief, said they are trying to get hydrants on the same side of the street so police, emergency apparatus, or pedestrians could cross. Mr. O'Dea asked if we are paying for the fire hydrant. Mr. Macdowall said not to install it but there is an annual fee. Mr. O'Dea moved to adopt Resolutions #18-174 to #187. Mr. Sullivan seconded and a roll call vote followed. Mr. Donahue, Mr. O'Dea, Mr. Schmidt, Mr. Sullivan, and Ms. Zamarra voted yes.

REPORTS

Municipal Attorney

Mr. Pidgeon's confidential report as of August 8, 2018 was received. There were no comments or questions from council.

Council Committee Reports

Public Safety Committee, Chief Valentine said the traffic study on Bernards Avenue is complete. The committee discussed the Safe Routes To School grant. Mr. Schmidt asked about the new parking regulations on Claremont Road. Chief Valentine replied it has made the lower area of Claremont more congested. There has been a request from a business owner for additional signs to increase awareness of the new regulations.

Finance and Personnel Committee, there will be items for the September 10th meeting but no items for discussion at this meeting.

Engineering, Technology, and Public Works, Mr. Macdowall said drainage is being installed on the upper part of Claremont Road. Chapin Road drainage is anticipated to be done in September. Contracts were awarded by resolutions earlier in this meeting for improvements on Pill Hill Road and Anderson Hill Road. A pre-construction meeting was held for the Wastewater Filter Replacement project and activity will not start until January. Mr. Donahue asked about Liberty Road and the grass that was put down by the contractor. Mr. Macdowall said the drainage is good for reseeding and homeowners need to water it when the grass goes down. Mr. Schmidt thanked the Police Department for their work on organizing National Night Out.

Other committee/commission reports

Housing, Mr. Sullivan asked Mr. Pidgeon to share Long Hill's report with Mr. Maresca since that has greater detail which is what we are looking for. Mr. Sullivan read violations from the Housing Committee minutes and a housing report which included 15A, 15B, and 15C on Mine Avenue, 4 Mine Brook Road, 55 Bernards Avenue, 569 Mine Brook Road, 15 Prospect Street, 56

Mount Airy Road, 54 Mount Airy Road, 127 Claremont Road, and 397 Mine Brook Road.

Zoning, Mr. Price followed up on Mr. Sullivan's comments, and said it's ongoing business to remove deadbolts and reduce the amount of bedrooms to what they should be. Depending on the severity of the issue, all violators have received a five, fifteen, or thirty day notice. Summons have been issued and court dates will be set very soon. Mr. Price discussed his report with details of inspections that were done and said they work very closely with the police. Mr. Price said pursuant to a new ordinance request to register vacant and abandon houses were sent but no responses were received. A second reminder will be sent and then violations issued if no response is received.

ITEMS OF BUSINESS

Deer Fence, 67 Charles Road

Rick Thoms, Charles Road, said he applied for a zoning permit and there is an easement that he is requesting approval from council to put up a structure, which would be an eight foot deer fence around the property. No trees would be removed, a post would be put into the ground with no cement, and he will do some plantings. Mr. Pidgeon said in the past, council has allowed deer fences to be constructed in a conservation easement. Mr. O'Dea asked if the plantings will not be in the conservation easement. Mr. Thoms said if that's an issue he will not place them there and he will place them outside of it but the fence itself would delineate the property line. Mr. Schmidt said he recalls two similar requests in the past and as long as it would be written that there would be no plantings in the conservation easement, he does not see an issue with the request. Mr. Pidgeon said this type of request has been approved in the past and no other structures were allowed in the easement and recommended a plan be submitted. Mr. Price said he had a plan for this request. Mr. O'Dea asked if the plan shows plantings in the easement. It was noted it does not and only shows the fence line. Ms. Zamarra moved to approve a deer fence at 67 Charles Road in accordance with Mr. Thoms' plan. Mr. Sullivan seconded and the motion was approved with five yes votes.

Request for Additional High Speed Internet Providers

Mr. O'Dea suggested writing a letter to Verizon to see what their high speed internet plan is for Bernardsville. The Borough Clerk will send a letter to Verizon.

Green Team - Deer Management 2018-19 with Resolution

Ed English, Green Team member, recommended deer management for the upcoming 2018-19 season, which runs from mid-September to mid-February. It is all bow and arrow hunting from

15 feet high. Jose Ortiz, Prospect Street, asked if Bernardsville residents can participate in the hunt. Mr. English said the hunt is organized through Warren Blue Ridge as many hunters in town did not want to participate. He added that if Mr. Ortiz is interested, he could contact Warren Blue Ridge. Ms. Zamarra moved adoption of **Resolution #18-190, Authorizing Deer Management Hunt on Borough-owned Properties for the 2018-19 Bow Hunting Season.** Mr. Donahue seconded and the motion was approved with five yes votes.

Estimates for Moraine Crest Survey and Wetlands Delineation

A request from the Open Space Advisory Committee to spend \$15,000 on a survey and wetlands delineation for Moraine Crest was considered. Mr. Maresca said sufficient funds are available. Mr. Donahue moved to authorized \$15,000 as requested by the Open Space Advisory Committee. Mr. Sullivan seconded and the motion was approved with five yes votes.

Board of Adjustment Appointments

Ms. Zamarra suggested appointing Michele Pinkerton and David Yale to fill the two vacancies on the Board of Adjustment. Council decided to table this item to the September 10th meeting.

Team Campbell Foundation

Genene Sullivan, Stevens Street, sent in a request on behalf of Team Campbell Foundation to place approximately 20 signs on borough property to promote Childhood Cancer Awareness, avoiding any right-of-ways, and about 60 gold ribbons on borough trees. The signs and bows would go up on August 31st and be removed by October 1st. Council consent was given for this request.

Tables at Olcott Square and Millicent Fenwick Statue

Ms. Zamarra discussed the possibility of having bistro style tables and chairs either at Olcott Square or the Millicent Fenwick Statue. She said it would be an added feature for people walking outside. The borough's insurance agency, Meeker Sharkey, thought the Fenwick statue would be the better location of the two. Terry Thompson, Mine Mount Road, said the library had benches in front of the building and they were stolen overnight. Chief Valentine said there are no cameras in the area of the Fenwick statue. No decision was made and Ms. Zamarra will look into this further.

Animal Cruelty Task Force

Mr. Pidgeon said a law requires the borough to have the Governing Body appoint an Animal Cruelty Investigator. Chief Valentine asked if an ordinance would be necessary and Mr. Pidgeon answered no. This topic will be carried to the September 10th meeting.

Borough Newsletter

Council consent was given to have a borough newsletter published quarterly by Hometown Press. There is no cost to the Borough in that Hometown Press would obtain and place local business advertising in the newsletter. This would cover printing, design, mailing fees and postage. The Borough would have final approval on all participating business sponsors.

Application for a Solid Waste Facility Permit, 33 Old Quarry Road

This topic was discussed earlier in the meeting

Deputy Zoning Officer

Renee Apuzzo has taken zoning courses at Rutgers and Geoff Price suggested she be temporarily appointed as Deputy Zoning Officer while he is away. Mr. O'Dea moved to appoint Renee Apuzzo as Deputy Zoning Officer. Ms. Zamarra seconded and the motion was approved with five yes votes.

Letter from Concerned Citizens of Claremont Road

A letter was received from a group called Concerned Citizens of Claremont Road regarding the condition of the property across from Claremont Tavern that has been abandon for almost one year. The letter stated there is an unsafe/unprotected hole on the property along with mosquito infestation and insufficient safety fencing and has become an eye sore. Mr. Price said violations were issued and letters sent on August 8th.

Gran Fondo Bicycle Tour

The Gran Fondo Bicycle Tour is being held on September 9th and part of the route passes through Bernardsville. Chief Valentine said this tour has been going on for years and the police have no problem with it. Gran Fondo will provide a certificate of insurance naming the Borough of Bernardsville as an additional insured and a hold harmless agreement. Council consent was given for this request.

2018 Bike MS: Country Challenge Bike Ride

The 2018 Bike MS: Country Challenge Bike Ride is being held on September 15th and 16th and part of the route passes through Bernardsville on Whitenack Road. Mr. Donahue moved to allow the National MS Society consent to hold the bike ride. Ms. Zamarra seconded and the motion was approved with five yes votes.

OPEN SESSION

Terry Thompson, Mine Mount Road, said Kathy Redling, Assistant to the Public Works Manger is doing a great managing road jobs.

Hearing no additional comments, Mr. Schmidt closed the open session.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Property Acquisition and Attorney/Client Privilege, 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. It was noted that the meeting may be reopened to the public following the session.

REOPEN

The meeting was reopened to the public. Mr. O'Dea moved to direct Mr. Pidgeon to draft an ordinance repealing Ordinance #15-1699 entitled "An Ordinance Amending Land Development Regulations Chapter to Include a Materials Recovery Facility as a Principal Permitted Use in the I Industrial District". Mr. Donahue seconded and the motion was approved with four yes votes. Mr. Sullivan abstained.

ADJOURNMENT

Mr. Schmidt adjourned the meeting at 10:20 p.m.
