

BOROUGH OF BERNARDSVILLE

Mayor & Borough Council Meeting Minutes

September 10, 2018

Mayor Kevin Sooy 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. Jeffrey J. DeLeo 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 and amended on August 27th to change the location to the Performing Arts Center at Bernards High School, 25 Olcott Avenue.

PLEDGE OF ALLEGIANCE

ORDINANCES

Mayor Sooy opened the public hearing on Ordinance #18-1779, **AN ORDINANCE CONCERNING USES PERMITTED IN THE I INDUSTRIAL DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED "ZONING"**. Mr. Sullivan recused himself from the topic of Ordinance #18-1779. Mr. Pidgeon said four yes votes are needed to adopt this ordinance since a protest petition was submitted. Attorney Joseph Ferrante, representing Old Quarry Road Associates, gave a statement in opposition of Ordinance #18-1779. George Cascino, Engineer retained by Old Quarry Road Associates, gave a history of the solid waste transfer station application and the proposed location to place it. George Crimmins, Herold Law and representing Lakeview Industrial Park submitted additional protest forms from owners in Lakeview Industrial Park and said that now 85% of the owners oppose the ordinance. Dave Neill, Prospect Street, said he believes the affordable housing overlay will never happen and that sewer lines and sidewalks would need to be installed. Bob Baker, Olcott Avenue, said the bridge on Route 202 in Far Hills is going to be demolished and trucks will have to go the other direction on Route 202. Andrew Gonzalez, Sunset Drive, said he is concerned about having a transfer station in town. John Oliveira, Chilton Street, said Lakeview Industrial Park is not on the outskirts of the town and spoke about noise and said it travels in all directions. He said the transfer station is not consistent with the town. Christopher Otteau, Post Kunhardt Road, said it is hard to re-zone an area. He said do not preclude other owners' use. Jeff Hammond, Flintlock Court, said the Master Plan calls for reducing traffic in and out of the quarry. The transfer station would counter the Master Plan. Peter Welsh, Gladstone resident, asked how there would be less traffic with affordable housing units in that area? Mr. O'Dea said Ordinance #18-1779 is for expanded new use. Ms. Zamarra said her main concern is livability and does not want that to change. She said she supports local businesses but also quality of life. Mr. Donahue said the transfer station would be a burden on

infrastructure. Mr. Pidgeon said the Planning Board reviewed Ordinance #18-1779 and said it is not inconsistent with the Master Plan. Hearing no further comments or questions, Mayor Sooy closed the public hearing. Mr. O'Dea moved adoption of Ordinance #18-1779. Mr. Schmidt seconded and a roll call vote followed. Mr. Donahue, Mr. O'Dea, Mr. Schmidt and Ms. Zamarra voted yes.

PRESENTATIONS

Three Affordable Housing developer firms, Conifer, CIS, and RPM, gave presentations in response to six questions that council had provided them after the July 9th council meeting.

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.

Genevieve Sullivan, Stevens Street, said at the August 10th meeting, council consent was given for Team Campbell Foundation signs to be placed in town. The Zoning Enforcement Officer informed Ms. Sullivan that some of the signs were in the right-of-way. Ms. Sullivan said none of these signs are impacting crosswalks or visibility and asked for permission to allow signs for Team Campbell Foundation in the right-of-way. Mr. O'Dea suggested permitting this request as long as no resident complaints are received about sign location. Council consent was given for this request.

Mary DeSimone, Franklin Court, said she liked RPM's conversation about the building material they would use if they are selected to build affordable housing.

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

ORDINANCES

Mayor Sooy opened the public hearing on Ordinance #18-1777, **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 is not in favor

of adopting this ordinance as it only applies to the housing committee and suggested waiting until after the election to consider adoption. Mr. O'Dea said this ordinance is about how advisory committees are conducted and that labor counsel suggested this ordinance is necessary. Jerry Negri, Ambar Place, asked which ordinance this discussion is about. The title of the ordinance was given to Mr. Negri. Mr. Pidgeon said this ordinance is only for advisory committees and not for statutory boards. Mary Jane Canose, Autumn Hill Drive, said we need guidelines for advisory committees but it's hard to get volunteers to serve and this ordinance may be too restrictive. Mr. O'Dea said we have adjusted the training schedule and we are not restricting people from providing their opinion. Mr. Pidgeon said labor counsel was concerned about liability. Ms. Zamarra moved adoption of Ordinance #18-1777. Mr. O'Dea seconded and a roll call followed. Council Members Donahue, O'Dea, Schmidt, and Zamarra voted yes. Mr. Sullivan voted no.

Mayor Sooy opened the public hearing on Ordinance #18-1778, **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**. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Ms. Zamarra moved adoption of Ordinance #18-1778. Mr. O'Dea seconded and a roll call followed. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. Schmidt moved that Ordinance #18-1780, **ORDINANCE INCREASING TOWING FEES AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**, 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 24, 2018. Mr. Donahue seconded the motion, which was approved with five yes votes.

Mr. Donahue moved that Ordinance #18-1781 **AN ORDINANCE APPROPRIATING \$15,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR A SURVEY AND A WETLANDS DELINEATION FOR MORRAINE CREST** 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 24, 2018. Mr. O'Dea seconded the motion, which was approved with five yes votes.

RESOLUTIONS

- #18-191 APPOINTING CLASS II SPECIAL POLICE OFFICER**
- #18-192 AUTHORIZING CANCELLATION OF CHECKS**

- #18-193 APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE #1803-44-005-005**
- #18-194 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 2018 MUNICIPAL YOUTH SERVICES GRANT**
- #18-195 AUTHORIZATION OF TAX REFUND**
- #18-196 AUTHORIZING A CONTRACT WITH BROWN'S HUNTERDON INTERNATIONAL LLC FOR A 2019 DUMP TRUCK UNDER THE NATIONAL JOINT POWER ALLIANCE**
- #18-197 AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR THE MINE MOUNT ROAD SECTION 2 AND 3 IMPROVEMENTS**
- #18-198 APPROVING JUNIOR MEMBERSHIP IN THE FIRE COMPANY**
- #18-199 AUTHORIZING PAYMENT OF BILLS**
- #18-200 AUTHORIZING REFUND OF ESCROW FEES - BOA APPLICATION #18-04, THOMA**
- #18-201 AUTHORIZING REFUND OF ESCROW FEES - PB APPLICATION #SP-231, CSN NJRE LLC**
- #18-202 RESOLUTION APPROVING AMENDED FSHC SETTLEMENT AGREEMENT, ENDORSING AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND ADOPTING AMENDED SPENDING PLAN**
- #18-203 RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND TO DCL HOLDING LLC (BOARD OF ADJUSTMENT APPLICATION NO. 14-05)**
- #18-204 APPOINTING CLASS III SPECIAL POLICE OFFICER**

Mr. Schmidt moved to adopt Resolutions #18-191 to #18-204. Mr. O'Dea offered congratulations to Liam Wry and Laura Aquino, two junior members of the Fire Company who

are on for approval of membership in Resolution #18-198. Mr. Sullivan mentioned the Bernardsville Fire Company is number one in fundraising. Mr. Sullivan seconded and a roll call vote followed. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Trunk or Treat

Olivia Manning, Orchard Street, said Bernardsville Special Events is now a 501c3 non-profit organization. They are planning on running an event called Trunk or Treat at the Library Parking Lot on October 27th from 12:00pm – 4:00pm. A certificate of insurance naming the Borough of Bernardsville an additional insured will be provided. She said the Library Board is favorable to holding this event. Council consent was given to hold Trunk or Treat.

Board of Adjustment Appointments

Mr. Sullivan said Board of Adjustment appointments are very important as they impact the town and suggested inviting interested persons who have filed skills bank forms for a Board of Adjustment appointment to a future council meeting for an interview.

Shade Tree Appointment

Mayor Sooy announced his appointment of Tom Wood to the Shade Tree Advisory Committee.

Animal Cruelty Task Force

Chief Valentine said the Public Safety Committee has not met since the last council meeting and this topic was moved to a future meeting to give the committee an opportunity to discuss.

Finance Committee Report, carried from August 13th

Mr. O'Dea discussed the Finance Committee Report of September 2018. He said some items of personnel will be discussed in closed session.

Correspondence - JCP&L Basic Generation Service Charges

Mayor Sooy announced a public hearing of JCP&L on September 25, 2018 at 1:30pm in the Morris County Administration and Records Building in Morristown, NJ. The hearing will be on basic generation service charges.

Volunteers Group Accident Renewal Policy

Council consent was given to renew the JIF's Group Accident Policy for Volunteers. There are no changes to the policy.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Personnel Matters, Contract Negotiations, 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.

REOPEN

The meeting was reopened to the public.

Mr. Schmidt moved approval of borough realignment as follows. Doug Walker, Facilities Manager, will be appointed Assistant Administrator and will receive an increase of \$12,000. Tina Markewicz was appointed QPA at the August 13th council meeting and will receive an increase of \$8,000 retro to August 13th and an additional \$2,000 after six months based on a favorable review. For increasing qualifications and expanded responsibilities, Jackie DeSanto will receive an increase of \$5,187 and Terry Vaughn will receive an increase of \$5,858. Mr. O'Dea seconded and a roll call vote followed. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. Schmidt moved approval of **RESOLUTION #18-205, OPPOSING AMENDMENT TO COUNTY SOLID WASTE MANAGEMENT PLAN**. Mr. O'Dea seconded and a roll call vote followed. Council Members Donahue, O'Dea, Schmidt, and Zamarra voted yes. Mr. Sullivan recused himself from the vote.

ADJOURNMENT

Mayor Sooy adjourned the meeting at 10:40 p.m.

Anthony Suriano, Borough Clerk