

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

Mayor Kevin Sooy called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Michael Sullivan 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, Thomas O'Dea, Jr., and Chris Schmidt 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**

**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.

Hank Barre, Basking Ridge resident and owner of 47 Anderson Hill Road, discussed multi-family dwellings and said he was never informed that his unit was not conforming. He said he read an article in the newspaper that owners would be subject to fines for not conforming. He said he has conformed for 40 years and does not have paperwork dating back to that time. Mr. Sullivan suggested filing an OPRA request for past documents. Mr. Barre suggested having dialogue between the borough and the property owners of multi-family dwellings.

Georgia McCarthy Persky, Mount Airy Road, said her house is 100 years old and has been multi-family use for the entire time. There have been three tenants in the house since 1971 and it was thought that they were conforming.

### PRESENTATIONS

Open Space Committee, Ms. Zamarra discussed a PowerPoint document that was made available to the public that described the Open Space Committee's recommendation of purchasing 251 Claremont Road.

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

### ORDINANCES

Mayor Sooy continued the public hearing from October 22<sup>nd</sup> on Ordinance #18-1782, **CONCERNING SIGNS AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "ZONING"**. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Ms. Zamarra moved to pass Ordinance #18-1872 on final reading and adopt as published. Mr. Sullivan seconded and a roll call vote followed. Mr. Donahue, Mr. Sullivan, and Ms. Zamarra voted yes.

Mayor Sooy continued the public hearing from October 22<sup>nd</sup> on Ordinance #18-1783, **CONCERNING USES PERMITTED IN THE I INDUSTRIAL DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED "ZONING"**. Rob Simon, on behalf of Viola Properties, said he supports this ordinance and thanked council for considering it. Hearing no additional comments or questions from the public, Mayor Sooy closed the public hearing. Ms. Zamarra moved to pass Ordinance #18-1873 on final reading and adopt as published. Mr. Donahue seconded and a roll call vote followed. Mr. Donahue and Ms. Zamarra voted yes. Mr. Sullivan abstained. Mr. Pidgeon said an ordinance needs three yes votes to pass and Ordinance #18-1783 will need to be carried to the November 26<sup>th</sup> meeting with no further notice.

Mr. Donahue moved to amend Ordinance #18-1784, **AN ORDINANCE PROHIBITING DOGS AND OTHER PETS ON CERTAIN BOROUGH ATHLETIC FIELDS AND SUPPLEMENTING AND AMENDING CHAPTER V OF THE BOROUGH CODE ENTITLED "ANIMAL CONTROL"**, and continue the public hearing on the ordinance as amended to a meeting beginning at 7:00 p.m., November 26, 2018. Mr. Sullivan seconded the motion, which was approved with three yes votes.

Mayor Sooy opened the public hearing on Ordinance #17-1786, **APPROPRIATING \$950,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 251 CLAREMONT ROAD**.

Bob Graham, Dryden Road and Planning Board Chair, said he is in favor of leveraging Peters Tract and suggested acquiring 261 Claremont Road instead of 251 Claremont Road. He asked to have the ordinance tabled to the next meeting so more information can be obtained.

Cindy Edwards spoke on behalf of a resident who's property backs up to 251 Claremont Road, and asked if the borough acquires that property, would it be used for active or passive recreation. Mr. Sullivan said that has not been decided yet. Pat McFadden, Chair of the Open Space Advisory Committee, said trails are a possibility but nothing has been planned yet and this ordinance is just to appropriate the money for a potential purchase.

Mr. Pidgeon said the vote on this ordinance is crucial, as if it is adopted, the borough is obligated by contract to purchase 251 Claremont Road for \$900,000.

Tom Stavron, Tysley Street, said it has been stated that the ordinance is to appropriate \$950,000 and that the intended purpose, whether it be active or passive recreation, has yet to be decided. He said he does not feel it is appropriate to go forward without knowing the use of the property.

Steve Reynolds, Stevens Street, asked if access to Peters Tract could be acquired through Youngs Road. Pat McFadden said it could not as Youngs Road is a private road.

Amanda Falk, Post Kunhardt Road, said instead of acquiring this property, we should try to focus on bringing people into the downtown area.

John Rupprecht, Youngs Road, asked council to reconsider adopting this ordinance. He suggested spending money elsewhere and that the train station should be a gem.

Ned Ginty, Youngs Road, said he is not in favor of this ordinance. He said that the borough would not generate any revenue for making this property useable and would lose a property for tax dollars.

Elizabeth Iossa, Post Kunhardt Road, said this purchase would not be a smart use of tax dollars and the borough would lose \$17,000 of revenue. She said there are better places to use the money.

Frank Ferrera, Autumn Hill Drive, said the property should be left the way it is and money can be used in a better way.

Melinda Vieser, Ballantine Road, said adopting this ordinance would not be a good use of taxpayer money.

Kathy Redling, Claremont Road, said 261 Claremont Road may provide better access to Peters Tract and this ordinance is being considered too fast and it is not appropriate.

Scott Parente, Claremont Road, asked Mr. Pidgeon to repeat his statement earlier in the meeting about what it means to adopt this ordinance. Mr. Pidgeon said if this ordinance is adopted, the borough is locked into purchasing the property. Mr. Parente said the best use of this property is

residential and agreed with Mr. Graham about pursuing 261 Claremont Road. He asked if eminent domain was discussed. Mr. Pidgeon said no.

Melissa Provost, Charles Road, said one group of neighbors should not decide what is open space. She said parks and recreation attracts millennials and we cannot put money into the downtown area and open up to parks and recreation.

Mr. Parente asked how long 251 Claremont Road was on the open space want list. It was noted that 261 is on the open space want list and not 251.

George Peterson, Claremont Road, said there are significant problems with owning the property and we should have a solid plan before we buy the property.

Mr. Donahue said 251 Claremont Road gives access to Peters Tract which is important for future generations and we should use this opportunity to obtain access while we can because it may not come around again for another generation.

Mr. Sullivan asked if the public hearing could be continued to the November 26<sup>th</sup> meeting as there will be more members of council present. Mr. Pidgeon said that is possible. Mr. Sullivan moved to carry the public hearing on Ordinance #18-1786 to November 26<sup>th</sup> with no further notice. Ms. Zamarra seconded and a roll call vote followed. Mr. Donahue, Mr. Sullivan, and Ms. Zamarra voted yes. Mayor Sooy said we will continue discussion with the Open Space Committee on this topic.

Mr. Donahue moved that Ordinance #18-1787, **AN ORDINANCE REDUCING THE MINIMUM AREA REQUIRED FOR THE DISCHARGE OF A BOW AND ARROW AND SUPPLEMENTING 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., December 10, 2018. Mr. Sullivan seconded the motion, which was approved with three yes votes.

## RESOLUTIONS

Mayor Sooy said **Resolution #18-247, AUTHORIZING A CONTRACT WITH WILLIAM YOUNGBLOOD TO REPRESENT THE BOROUGH IN CONNECTION WITH THE PROPOSED ACQUISITION OF BLOCK 125, LOT 25 LOCATED ON NORTH FINLEY AVENUE FOR THE CONSTRUCTION OF INCOME-RESTRICTED SENIOR CITIZEN HOUSING** would be removed from the agenda.

Mayor Sooy said **#18-248, AUTHORIZING CONTRACTS WITH DUE DILIGENCE CONTRACTORS FOR 251 CLAREMONT ROAD** would be tabled to the November 26<sup>th</sup> meeting.

- #18-234      AUTHORIZING PAYMENT OF BILLS**
- #18-235      AUTHORIZING THE MAYOR AND CLERK TO SIGN A THREE YEAR SLUDGE DISPOSAL AGREEMENT WITH PASSAIC VALLEY SEWERAGE COMMISSION**
- #18-236      AUTHORIZING CHANGE ORDER #1 (FINAL) TO THE CONTRACT FOR CHAPIN ROAD DRAINAGE IMPROVEMENTS**
- #18-237      APPOINTING PART-TIME SCHOOL CROSSING GUARDS**
- #18-238      RENEWING PROFESSIONAL SERVICES CONTRACT WITH CGP&H**
- #18-239      GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014-JUNE 2020**
- #18-240      ACCEPTING A DONATION FROM GALLAWAY AND CRANE**
- #18-241      AUTHORIZING CHANGE ORDER #3 TO THE CONTRACT FOR LIBERTY ROAD IMPROVEMENTS**
- #18-242      AWARDED A CONTRACT FOR SLOPE SECTION IMPROVEMENTS**
- #18-243      AMENDING POLICE DEPARTMENT REGULATIONS CONCERNING ALCOHOLIC BEVERAGES AND DRUGS AND POLICE PROMOTIONS**
- #18-244      AUTHORIZING TRANSFER OF FUNDS**
- #18-245      AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR THE ANDERSON HILL ROAD RESURFACING PROJECT - PHASE 1 INLET REPAIRS AND CURB RAMPS**
- #18-246      AUTHORIZING SLEO III CONTRACT WITH SCHOOLS**

Mr. Sullivan asked for clarification on the term of the sludge disposal agreement. It was answered that the term is three years.

Mr. Sullivan moved to adopt Resolutions #18-234 to #18-246. Ms. Zamarra seconded and a roll call vote followed. Mr. Donahue, Mr. Sullivan, and Ms. Zamarra voted yes.

### **Request from Ridgway - Adopting a Bench**

Kimberly Ridgway, whose family lived on Mendham Road, requested the adoption of a bench in honor of her father who recently passed away. It was decided that a good location for the bench would be the trail (Old Army Trail) between the Polo Grounds and the NJ Audubon. The cost and design will be determined by the borough. Ms. Zamarra will discuss with Doug Walker and John Macdowall and then follow up with Ms. Ridgway.

### **Board of Adjustment Vacancy**

This item was tabled and it was decided that any vacancies from now to the end of the year will be included with reappointments for the reorganization meeting.

### **Bernardsville Special Events – Holiday Cookie Crawl**

Olivia Manning, Special Events Committee, said the Trunk or Treat event held in October at the library was a success. She said they have a new website of [downtownbernardsville.com](http://downtownbernardsville.com). Their next event is scheduled for December 15<sup>th</sup> and they are looking to use Olcott Square and the gazebo by the borough pond. Council consent was given to use the gazebo. Mayor Sooy asked the Borough Clerk to contact NJDOT for use of Olcott Square. A certificate of insurance and hold harmless agreement will be submitted by the Bernardsville Special Events Committee.

### **Turf Field Update**

Ned Ginty, Somerset Hills Football, said members of the community have reached out to him about joining the committee, that he discussed at the October 9<sup>th</sup> meeting, to get plans to the council and determine the ultimate plan for the turf field. He said it is important to get solutions and not just opinions. Ms. Zamarra asked if someone wants to be on the committee, who should they be directed to. Mr. Ginty said while he is not the chair of the committee, they could let him know. Mr. Donahue said the county can give us padding for the fence. Mr. Walker said the county needs council approval and then will provide padding.

Sarah Falzarano, Peapack resident and Bernards High School Field Hockey Coach, said the turf field is not conforming to field hockey as it does not have field hockey lines painted on it. It was noted the committee can address this issue.

Mr. Ginty said regarding padding, it is important to consider what the rule state versus what people want. He said he wants it to be well padded and the distance increased.

Tom Stavron, Tysley Street, said it has been identified that padding is needed for the fence. There could be legal implications if a player gets injured since the county has given a recommendation to have padding. Mayor Sooy said we can have a resolution for next meeting. Mr. Pidgeon said it can be done by motion at tonight's meeting if council wants to move forward. Mr. Donahue moved to accept padding from Somerset County for the fence at the turf field. Mr. Sullivan seconded and the motion was approved with three yes votes.

### **Letter to Multi Family Owners**

Mr. Pidgeon said council will decide the details of the letter in executive session.

### **Best Practices Worksheet**

Mr. Maresca said the Best Practices Worksheet consists of questions from the NJDCA that are answered by municipalities each year to determine state funding. He said Bernardsville has gotten the most it can receive. Council had the worksheet in their agenda package for review and did not have any questions or comments.

### **Decals**

A request from a resident to set the price of a commuter decal from October 1<sup>st</sup> to December 31<sup>st</sup> at one-quarter of the annual price was considered. Council consent was given to add that provision to the resolution for 2019 and offer the resident who made the request a decal at one-quarter of the price for the remainder of 2018. A resolution setting decal fees for 2019 will be on the November 26<sup>th</sup> agenda.

### **Reorganization**

The Borough Clerk was directed to send letters to board/commission/committee members whose terms expire on December 31, 2018 and ask if they would like to be considered for reappointment. A letter will also be sent to professional service contractors for reappointment.

### **Correspondence**

### **JCP&L Reliability Plus Infrastructure Investment Program**

Mr. Donahue moved approval of **Resolution #18-249, SUPPORTING JCP&L's RELIABILITY PLUS INFRASTRUCTURE INVESTMENT PROGRAM.** Mr. Sullivan seconded and the motion was approved with three yes votes.

**Ceremonial Dedication naming new turf field Veterans Field, 11/17/18 @  
10:00am at the Polo Grounds**

Mayor Sooy announced the dedication of naming the turf field Veterans Field would take place at 10:00am on November 17<sup>th</sup> at the Polo Grounds

**Request from Randy Hemmel for Video on Borough Website**

The video of a drone showing a flyover of Bernardsville was considered for the borough website. It was decided to send it to Olivia Manning for consideration of uploading to downtownbernardsville.com instead of the borough website.

**Holly Days**

Holly Days for 2019 was requested by the Bernardsville Chamber of Commerce. It includes the Christmas tree lighting, Santa on a fire truck, St. Elizabeth Children's Chorus, crèche and menorah setup at the borough pond, and light poles set up with wreaths around town. Council consent was given. A certificate of insurance and hold harmless agreement will be submitted by the Bernardsville Chamber of Commerce.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Pending Litigation 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 three yes votes.

**ADJOURNMENT**

Mayor Sooy adjourned the meeting at 9:30 p.m.

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Anthony Suriano, Borough Clerk