

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
November 26, 2018

Council President Jeffrey J. DeLeo 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. Mayor Kevin Sooy 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.

PLEDGE OF ALLEGIANCE

PRESENTATIONS - None

APPROVAL OF MINUTES

Ms. Zamarra moved adoption of minutes of October 27th. Mr. Donahue seconded and the motion was approved with six yes votes. Ms. Zamarra moved adoption of minutes of November 13th. Mr. Sullivan seconded and the motion was approved with three yes votes (Mr. DeLeo, Mr. O'Dea, and Mr. Schmidt were absent and did not vote on this motion).

OPEN SESSION

<p>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.</p>

Mary Jane Canose, Autumn Hill Drive, read a statement regarding the history of open space and said the goal is to have a trail system.

Mr. DeLeo said that 251 and 261 Claremont Road is our only access to Peters Tract. He said the public hearing on the ordinance to appropriate funds to purchase 251 Claremont Road has been carried to this meeting.

Paula Stuart, Chair of the Environmental Commission, read a statement from the Environmental Commission regarding Ordinance #18-1876.

Scott Parente, Claremont Road, distributed a statement to council and discussed it with them.

Jamie Vieser, Ballantine Road, asked how many council members have walked Peters Tract.

Mr. O'Dea said .04% of the property tax base is 251 Claremont Road.

George Peterson, Claremont Road, asked Mr. Parente if he abuts Peters Tract. Mr. Parente answered no. Mr. Peterson suggested having a plan on how to use the property, how to maintain it, and how to protect the people who are going there.

Eric Young, Mine Mount Road, said the key is planning.

Kathy Redling, Claremont Road, said that four properties abut Peters Tract and those are 233, 251, 261, and 281 Claremont Road. She said that 233 Claremont Road would have been the best property to purchase of the four.

Erno Hollo, Claremont Road, said 251 Claremont Road is not suitable for a park and would set a bad example if a lot of trees were taken down.

Peter Birnbuam, said it would be nice to have access to Peters Tract but not through Youngs Road. He asked if the borough could back out of the purchase if the ordinance was adopted. Mr. Pidgeon said environmental issues are the only contingency. Mr. Birnbaum asked if it is restricted to active or passive recreation. Ms. Zamarra answered no. Mr. Birnbaum asked why the borough has a realtor. Mr. DeLeo said the property was brought to council by a realtor.

Amanda Falk, Post Kunhardt Road, said she is not for the purchase of 251 Claremont Road and there would be a long term upkeep of the property.

Paul Sedlak, Charlotte Hill Drive, suggested thinking about how to make Bernardsville a more desirable town. He said to be strategic, we are 30 acres underserved, and should think about where we are and where we need to go.

Kay Alberti, Post Kunhardt Road, said Bernards High School has quite a few fields and we should look at what we can purchase downtown.

Christina Melchionni, Post Lane, said she is opposed to the ordinance and suggested money would be best spent on the train station.

Ned Ginty, Youngs Road, said money would be better used on fields and expansion of the turf field at the Polo Grounds. He said we are not maintaining facilities for the kids in our town.

John Ruprecht, Youngs Road, asked Ms. Canose about a buffer for 251 Claremont Road as people buy properties for privacy. He said he spoke to the Police Chief about patrolling the property and was told the police will not patrol. He is concerned about safety. He suggested a referendum reallocating the money.

John Dziadzio, Roebling Road, asked about the objectives of the property and would it be active or passive recreation? Mr. DeLeo said it would give access to Peters Tract and it would be passive recreation. It was asked if the ordinance defines passive recreation and Mr. Pidgeon said it does not. Mr. Dziadzio said we are trying to get a tract of land without a plan.

Patty DeLeo, Mine Mount Road, said we currently have trails and the police has no access and asked how that is handled now. Pat McFadden, Chair of the Open Space Committee, said they have had no complaints.

Danielle Ginty, Youngs Road, said she initially thought this would be a good idea but after more thought, she has safety concerns. Green Acres has said this has to be finalized in two years.

Skip Orza, Old Fort Road, read an email from a former member of the Recreation Committee that the next lot would be a better option for parking. He suggested saving the money for Ruschmann farm.

A short recess was taken.

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

ORDINANCES

Mr. DeLeo continued the public hearing on Ordinance #18-1783 **CONCERNING USES PERMITTED IN THE I INDUSTRIAL DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED "ZONING"** from November 13. Hearing no comments from the public, Mr. DeLeo closed the public hearing. Mr. Donahue moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, and Zamarra voted yes. Mr. Sullivan abstained.

Mr. DeLeo opened the public hearing on Ordinance #18-1784 as amended, **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"**. A.Q. Orza, Old Fort Road, said he has been running his dogs on fields and dog owners need somewhere to go with their dogs. Doug Walker listed the fields indicated in the ordinance as Rose Bowl, Claremont Field, the interior portion of

Kiwanis Field, and the turf field at the Polo Grounds. He said aside from the turf field, the Polo Grounds would remain open as would the area at Kiwanis Field between the two ballfields. It was suggested to look into dispensers for pet waste and that some parks use paper bags. It is not needed to change the ordinance for the provision of pet waste dispensers. Hearing no further comments, Mr. DeLeo closed the public hearing. Mr. Donahue moved to pass this ordinance on final reading and adopt as published. Mr. Schmidt seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. DeLeo continued the public hearing on Ordinance #18-1786, **APPROPRIATING \$950,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 251 CLAREMONT ROAD** from November 13. Public input on this ordinance was held earlier in the meeting. Council decided it would be best to see a second appraisal and continue the public hearing to the December 10th meeting. Mr. O'Dea moved to continue the public hearing to the December 10th meeting with no further notice. Mr. Schmidt seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

RESOLUTIONS

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| #18-250 | AUTHORIZING PAYMENT OF BILLS |
| #18-251 | ACCEPTING MONTHLY REPORTS |
| #18-252 | ESTABLISHING DECAL FEES AND OTHER REGULATIONS FOR MUNICIPAL PARKING LOTS DURING 2019 |
| #18-253 | ACCEPTING A DONATION TO THE BERNARDSVILLE POLICE DEPARTMENT |
| #18-254 | ACCEPTING A GRANT FOR THE BERNARDSVILLE POLICE DEPARTMENT FROM DART DRONES |
| #18-255 | AUTHORIZING TRANSFER OF FUNDS |
| #18-256 | RESOLUTION ACCEPTING SOMERSET COUNTY'S PROPOSAL TO INSTALL PADDING ON THE FENCING AT THE NEW TURF FIELD LOCATED AT THE POLO GROUNDS |

On a similar topic of parking decals in Resolution #18-252, Mr. O'Dea said he had received a request to expand shopper's parking in the Ammerman Lot from six spaces to twelve spaces and to make the shopper parking spaces more clear. It was suggested an ordinance can be done to make this change.

Regarding Resolution #18-254, Mr. Schmidt explained where the drones would be useful.

Regarding Resolution #18-253, Mr. DeLeo thanked the Paragano family for their donation to the Police Department.

Mr. Schmidt moved to adopt Resolutions #18-250 to #18-256. Mr. O'Dea seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

REPORTS

Municipal Attorney

Mr. Pidgeon's confidential report as of November 20, 2018 was received. There were no comments or questions from council.

Council Committee Reports

Public Safety Committee, Mr. Schmidt said NIMS training will take place tomorrow night.

Finance and Personnel Committee, Mr. O'Dea said there was no meeting since the last report. There are no issues and nothing new to report.

Engineering, Technology, and Public Works, Mr. DeLeo said Mine Mount Road and Chapin Road paving will be scheduled for next week, weather permitting. Mr. Schmidt said sidewalks and ADA ramps on Anderson Hill Road are being installed. In May, the Library to Mendham Road will be fully done including drainage. Ms. Zamarra said crosswalks are not lined up with the ramps. Mr. Schmidt said that may have been because the ramps went in after the painting was there but now the new ramps will match the striping. The striping should be done in April. Mr. O'Dea suggested seeing how much it will cost to stripe before April. Mr. DeLeo said drainage on Pill Hill Road is done and paving will be done in the spring. Doug Walker said playground equipment was installed at Kiwanis Field. Regarding work at the library, new gutters were installed, the heating system was evaluated, Mr. Walker is working with Detective Kelly to determine the best locations for surveillance cameras, No Dumping Signs were installed, the generator has been serviced. The parking lot at the train station has been paved. The lights in the downtown area are working with the exception of one, which Mr. Walker will follow up on.

Other committee/commission reports - None

ITEMS OF BUSINESS

2019 Non-Contractual Salary Ordinance

Mr. O'Dea said this ordinance is for a 2% increase for non-contractual employees, which the percentage is consistent with other unions. Ms. Zamarra moved that Ordinance #18-1788, **AN ORDINANCE SETTING 2019 SALARIES AND HOURLY RATES FOR NON-CONTRACTUAL EMPLOYEES**, 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. O'Dea seconded the motion, which was approved with six yes votes.

Reorganization

A resolution setting the 2019 council meeting schedule will be done at the December 10th meeting. The 2019 reorganization meeting will be held January 2, 2019.

Draft Development Agreement With RPM

Mr. Pidgeon asked council to review the agreement and send him any comments or questions.

Draft Resolution, Contracts With Due Diligence Contractors 251 Claremont Road

This item was tabled.

Correspondence – Tree Seedlings Grant Application

A request from Ed English, Shade Tree Committee, was received to apply for a grant for tree seedlings to be distributed to residents in April 2019 at the Bernards High School parking lot. Council consent was given. The groups assisting with this event will be the Shade Tree Committee, Environmental Commission, and Green Team.

Correspondence – Walkability Workshop

Ms. Zamarra said a Walkability Workshop will be held on December 6th at Sacred Heart Chapel from 1:00pm to 5:00pm.

Correspondence – Email Regarding Road Conditions

Mr. DeLeo discussed an email he received from Mr. Haines who lives in the Bernardsville mountain area. Mr. Haines inquired about work being done on roads versus using open space money. Mr. DeLeo noted those are separate accounts. Mr. DeLeo stated the following road work has been complete since 2012. In 2012, Dryden Road had drainage, milling and paving for

1.07 miles. In 2014, Round Top Road had drainage, milling and paving for .98 miles. In 2014, Post Kennel Road had drainage, milling and paving for .44 miles. In 2015, Hardscrabble Road had drainage, milling and paving for 1.06 miles. In 2015, Boulderwood Top Road had milling and paving for .81 miles. In 2015, Roebling Road had drainage, milling and paving for .57 miles. In 2016, Peachcroft Drive had milling and paving for .94 miles. In 2016, Crownview Lane had milling and paving for .30 miles. In 2017, Berkshire Drive had reclaiming and paving for .27 miles. In 2017, Post Kunhardt Road had drainage, milling and paving for 1.2 miles. In 2017, Clark Road had milling and paving for .85 miles. In 2017, Charles Road had milling and paving for .27 miles. In 2017, Jean Place had milling and paving for .10 miles. In 2018, Chapin Road had drainage, milling and will be paved for .83 miles the week of December 3rd. In 2018, Mine Mount Road had curbing, sidewalks, milling and will be paved for .90 miles the week of December 3rd.

OPEN SESSION

Hearing no comments, Mr. DeLeo 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 six yes votes. It was noted that the meeting may be reopened to the public following the session.

ADJOURNMENT

Mr. DeLeo adjourned the meeting at 10:15 p.m.
