

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
January 28, 2019

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Diane Greenfield, Jeff Hammond, Thomas O'Dea, Jr., Chris Schmidt, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO, and Anthony Suriano, Borough Clerk.

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 11, 2018.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Joint Session with Planning Board and Board of Adjustment – Present from the Board of Adjustment were David Greenebaum, Chair, Diana Kramer, and Ed McDowell. Absent were Ed English, Thomas Carton, Paul Sedlak, Jeff Sailliard, Anthony Dello Russo, and Rich Traynor. Present for the Planning Board were Robert Graham, Chair, Jeff Horowitz, Thomas O'Dea, Jr., Dorothy Paluck, Mary Kellogg, Terry Thompson, Karen Gardner, and Hal Simoff. Absent was Bonnie Stone Sellers.

Board of Adjustment Annual Report – David Greenebaum said there were eight applications that were acted upon in 2018. He read the observations and recommendations from the Board of Adjustment annual report as follows: The Board of Adjustment respectfully requests that the Borough Council pursue more rigorous and consistent zoning enforcement throughout the Borough; the Board of Adjustment respectfully requests that the Borough Council and Planning Board consider evaluating and addressing existing non-conforming uses throughout the Borough in the Borough Master Plan; the Board of Adjustment respectfully requests that the Borough Planning Board consider developing architectural and streetscape design standards for the Borough's Business and Commercial zone districts for inclusion in the master plan and that the Borough Council subsequently consider adoption of such standards as zoning and/or site plan development regulations by ordinance; the Board of Adjustment respectfully requests the Borough Council and Borough Planning Board address the comments attached from the Board of Adjustment Planner clarifying swimming pools as structures in the Borough Zoning Ordinance.

Mayor Canose thanked the boards for their comments and said we are looking at non-conforming units. She said the Downtown Development group has a proposal looking for someone to prepare Architectural standards for the Planning Board to review.

Mr. Schmidt said that any redevelopment discussion should be kept within the scope of how the town looks now.

Bob Graham, Planning Board Chairman, said he wants to review signage and sign enforcement. Mr. O'Dea said the recommendations given by the Board of Adjustment are good ones. He said we should review ideas as proposed by our Planner. Patios and pools are being called structures and an alternative is to have specific regulations for pools and patios. Mr. Simoff said they spoke at the last meeting with Planner John Szabo about architectural and planning controls. He said planning controls and aesthetics have to be factored into the zoning ordinance. Mayor Canose said she will follow up with Paul Sedlak and Bonnie Sellers.

APPROVAL OF MINUTES

Mr. Donahue moved adoption of minutes of December 10th (Mr. Hammond and Ms. Greenfield were not yet on council), December 27th (Mr. Schmidt was absent and Mr. Hammond was not yet on council), January 2nd (Mr. Schmidt was absent), and January 14th. Ms. Zamarra seconded and the motion was approved unanimously with members not present abstaining from the vote of those minutes.

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 comments or questions, Mayor Canose closed the open session.

ORDINANCES

Mr. Donahue moved that Ordinance #19-1790, **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**, 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., February 11, 2019. Mr. Maresca explained the percentage set by the state is 2.5% and we are allowed to increase the percentage by 1% if this ordinance is adopted. The extra money does not have to be used but is available if needed for two years. He said it is a precaution for any unforeseen expenses. Ms. Zamarra seconded the motion, which was approved with five yes votes. Ms. Greenfield voted no.

Mr. Donahue moved that Ordinance #19-1791, **AMENDING THE STANDARDS FOR ISSUANCE OF CONSTRUCTION RECORDS CLEARANCE CERTIFICATE AND**

SUPPLEMENTING AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED “BUILDING AND HOUSING, 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., February 11, 2019. Mr. Pidgeon explained that this ordinance states that no construction clearance certificate be issued until the Zoning Officer certifies that the premises are in compliance with all borough land use ordinances and that all conditions of any prior land development approvals have been satisfied. Mr. O’Dea seconded the motion, which was approved with five yes votes. Ms. Zamarra voted no.

Mayor Canose said Ordinance #19-1792, **CONCERNING PARKING FEES AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED “PARKING LOTS AND OFF-STREET TRAFFIC REGULATIONS”** will be tabled to allow review by the Public Safety Committee. This ordinance will come back to council after the committee’s review.

Ms. Zamarra moved that Ordinance #19-1793, **BANNING CERTAIN SUMP PUMP DISCHARGES INTO BOROUGH STREETS AND SUPPLEMENTING AND AMENDING CHAPTER XIV 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., February 11, 2019. Mr. Hammond asked if there was any proactive guidance to this ordinance. Mr. Pidgeon said usually a warning would be issued before a summons is issued. Mr. Schmidt seconded the motion, which was approved with six yes votes.

Ms. Zamarra moved that Ordinance #19-1794, **AN ORDINANCE INCREASING THE NUMBER OF MEMBERS OF THE BOROUGH HISTORIC PRESERVATION ADVISORY COMMITTEE AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED “ADMINISTRATION”** 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., February 11, 2019. Mr. Donahue seconded the motion, which was approved with six yes votes.

Ms. Greenfield moved that Ordinance #19-1795, **ESTABLISHING SPEED LIMITS ON ANDERSON HILL ROAD AND MT. HARMONY ROAD AND SUPPLEMENTING AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED “TRAFFIC”** 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., February 11, 2019. Mr. Hammond asked if this could be enforced. Mr. Schmidt responded yes. Ms. Zamarra said this ordinance came from Chief Valentine. Ms. Zamarra seconded the motion, which was approved with six yes votes.

Mr. Donahue moved that Ordinance #19-1796, **CONCERNING SEWER CONNECTION FEES AND SEWER USER RATES AND ALLOCATION AND AMENDING CHAPTER XVI OF THE BOROUGH CODE ENTITLED “SEWER 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., February 11, 2019. Ms. Greenfield seconded the motion, which was approved with six yes votes.

RESOLUTIONS

- #19-27 AUTHORIZING PAYMENT OF BILLS**
- #19-28 ACCEPTING MONTHLY DEPARTMENT REPORTS**
- #19-29 CORRECTION OF THE SALARY OF KRISTINE MCNAMARA
2018 AND 2019**
- #19-30 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #19-31 AUTHORIZING AN EXCHANGE OF CERTAIN HOLIDAYS FOR
PUBLIC WORKS UNION EMPLOYEES**
- #19-33 CONFIRMING THE EMPLOYMENT OF TYLER DEMOTT AS
PROBATIONARY POLICE OFFICER**

Resolution #19-32 was pulled from the consent list. Mr. Donahue moved adoption of Resolution #19-27 to #19-31 and #19-33. Ms. Greenfield seconded the motion, which was approved by a roll call vote. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Resolution #19-32, SETTING RECREATION PROGRAM FEES, was discussed. It was clarified that kids who attend school in Bernardsville but do not live in Bernardsville are considered non-residents when signing up for recreation programs. Mr. Donahue moved adoption of Resolution #19-32. Ms. Greenfield seconded the motion, which was approved by a roll call vote. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

REPORTS

Municipal Attorney

Mr. Pidgeon's confidential report as of January 23, 2019 was received. There were no comments or questions.

Council Committee Reports

Public Safety Committee, Mr. Schmidt said a new police officer was hired by resolution earlier in the meeting.

Finance Committee, Mr. O'Dea said the committee met and is reviewing each department's outlook for 2019.

Personnel Committee Ms. Zamarra said the committee is reviewing the personnel policy and procedures manual.

Engineering, Technology, and Public Works, Mr. Macdowall said next year we will be completing milling and paving on Anderson Hill Road and Pill Hill Road. We are waiting for utility test pits on the slope of Somerset, Woodland, Passaic, Chilton, Stevens, and Morris. There are surveys underway on Lloyd Road and Washington Corner Road and we are awaiting word from NJDOT on a grant application. Meetings with NJDEP to discuss issues with the Whitenack Road Bank Stabilization Project are being scheduled. The final topo and survey map for Moraine Crest should be done next week. The committee discussed data on the historic rainfall last year and its impact on roadways, sewer plant flow, and possibly the turf field. The county is going to be doing their second phase of the new recycling totes in the area north of Route 202 and east of Claremont Road beginning in the middle of February.

Other committee/commission reports

Housing/Zoning - Mr. Price said a summary of 2018 zoning matters was provided.

Council Liaison Reports

Shade Tree – Mr. Hammond said the committee is working on a management plan which needs to be done every five years.

Board of Health – Ms. Greenfield said a septic tank guide was sent out to residents. Vaccines are being offered to children for free. Women's health month is in February.

Green Team – Ms. Zamarra said the e-waste recycling day is on April 27th and a notice will be on the website once it gets closer. April 13th will be Raritan Headwaters Cleanup day.

Recreation – Mr. Donahue said recreation fees are an ongoing theme and will report as things develop.

ITEMS OF BUSINESS

Lou Ferrante Memorial Plaque

Annie Ferrante was present to discuss the location of the plaque. Ms. Ferrante will work with Doug Walker, Facilities Manager, to determine the best location and then come back to council. Ms. Ferrante had submitted wording to go on the plaque. Council approved the plaque's look and wording, with the location to be determined.

Increase in Kiosk Parking Hourly Rate

Council discussed increasing the kiosk parking fee from \$.25/hr. to \$.50/hr. Mr. O'Dea asked if the first 15 minutes could be free. Mr. Maresca said he will look into that. Mr. Walker said a new parking kiosk has been ordered. This topic will be further discussed at the next meeting.

Mayor's Wellness Campaign Appointments

Mayor Canose announced the appointments of Jennifer Morrison, Juliet Patsalos-Fox, and Jessica Walker to the Mayor's Wellness Campaign.

NJ Local Government Week, April 7-13

Mayor Canose explained the program and Ms. Zamarra said she is going to be speaking at school which could qualify as part of the program. A resolution will be on the next meeting agenda.

Mayor's Ad Hoc Committee, Recreation Field Study

Mayor Canose said Mayor Sooy asked Ned Ginty to form a committee for recreation field study and she is now formalizing that committee. The appointees are Steve Reynolds, Mike Hoppe, Jennifer Walsh, Sarah Falzarano, Ned Ginty, Joe LaSpada, Jon Simoneau, David Brothers, Chris Habermas, Jess McGinn, Marc Walden, Josh Wood, and John Donahue as Council Liaison. Mayor Canose said the committee will report in April.

Melissa Provost, Charles Road, suggested reaching out to all leagues for participation on the committee and that Greg DeGrandpre is president of Little League Baseball. Mayor Canose said she wants all fields to be looked at and subcommittees can be formed.

Correspondence – Roots For Rivers Grant

Ms. Zamarra said the Green Team has been working to reforest areas and this grant application is for \$150 for 300 Sycamore trees at \$.50 per tree. Wanda Knapik of the Green Team is filing the application. Council consent was given to apply.

Correspondence – Green Acres Funding

The NJ Land Conservancy is offering assistance to municipalities on updating their Open Space Plan. Mayor Canose said our Open Space Plan was updated two years ago. Mr. O'Dea said Aaron Cela of the NJ Land Conservancy said we are in compliance with our plan.

OPEN SESSION

Henry Ruschmann, Pill Hill Road, asked council for relief from the noise of NJ Transit blowing train whistles at crossings. He said they make 380 blasts per day and he has called NJ Transit in the past but has not been successful. He requested a letter from council to NJ Transit asking them not to blow the whistle any more times than necessary. Mayor Canose said we can do that and asked Mr. Walker for a point of contact at NJ Transit.

Municipal Attorney Training Session

Mr. Pidgeon gave a training session on traditional forms of government in New Jersey, the borough form of government, and council meeting procedures. He will continue with more content at the next council meeting.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Property Acquisition, Ongoing Investigation, and Collective Bargaining, 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.

REOPEN

It was moved and seconded to reopen the meeting to the public. The motion passed with five yes votes. (Mr. Schmidt had left the meeting during closed session)

Board of Adjustment Vacancies

Mr. O'Dea moved the appointment of Andrea Adler to Alternate #3 on the Board of Adjustment. Mr. Donahue seconded the motion, which was approved by a roll call vote. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, and Ms. Zamarra voted yes.

Mr. Donahue moved the appointment of Thomas Slocum to Alternate #4 on the Board of Adjustment. Mr. Hammond seconded the motion, which was approved by a roll call vote. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, and Ms. Zamarra voted yes.

ADJOURNMENT

The meeting was adjourned at 11:05pm

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