

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
February 25, 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 - None

APPROVAL OF MINUTES

Ms. Zamarra moved adoption of minutes of January 28th, February 11th, and February 19th. Ms. Greenfield seconded and the motion was approved with six yes votes.

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.

Henri Barre, South Maple Avenue in Basking Ridge and owner of 47 Anderson Hill Road, said he received a letter of non-conformance for his two family house. He said the process of having a Board of Adjustment hearing was explained to him and would cost him at least \$1,000 and up to \$3,000 if a variance is needed. He asked if current owners could be grandfathered from having to prove compliance. Mr. Pidgeon and Mr. Price said we have to act pursuant to the Municipal Land Use Law (MLUL). Mr. Pidgeon said we cannot grandfather any properties as that results in spot zoning. Kathleen Palmer, Prospect Street, suggested Mr. Barre visit the History Room at the Library to see if there are any documents related to his multi-family house prior to 1971 which is when an ordinance was adopted making the use illegal. She also suggested that Somerset County might have a deed on file. Mr. Barre asked if the fees could be waived. Mr. Pidgeon said council could waive fees but this would be for all applicants. No decision was made at this time.

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

ORDINANCES

Mr. Donahue moved that Ordinance #19-1797, **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS FOR AFFORDABLE HOUSING PURPOSES IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR (INCLUSIVE OF \$50,000 FOR SOFT COSTS) AND AUTHORIZING THE ISSUANCE OF \$761,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**, 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., March 11, 2019. Mr. Hammond seconded the motion, which was approved with six yes votes.

Mr. Schmidt moved that Ordinance #19-1798, **REVISING CONSTRUCTION RECORDS CLEARANCE CERTIFICATE FEES 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., March 11, 2019. Ms. Zamarra seconded the motion, which was approved with six yes votes.

RESOLUTIONS

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| #19-48 | AUTHORIZING PAYMENT OF BILLS |
| #19-49 | ACCEPTING MONTHLY DEPARTMENT REPORTS |
| #19-50 | AUTHORIZING THE MAYOR TO SIGN A HOLD HARMLESS AGREEMENT WITH SOMERSET COUNTY FOR USE OF CONTAINERS/SIGNS FOR E-WASTE CLEANUP |
| #19-51 | AMENDING RECREATION/POOL PROGRAM FEES |

Ms. Greenfield moved adoption of Resolutions #19-48 to #19-51. Mr. Donahue 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 February 20, 2019 was received. There were no comments or questions.

Council Committee Reports

Public Safety Committee, Mr. Hammond said the committee met with Lt. Gardner in the Chief's absence and discussed efforts to reduce speeding, disaster preparedness, and the impact of the pending marijuana legalization.

Finance Committee, Mr. O'Dea said the committee reviewed multiple versions of the budget and should have a finalized version to introduce on March 11th. Mayor Canose said we are looking to incorporate shared services for next year.

Personnel Committee, Mr. Maresca said he has distributed the Employee Handbook/Personnel Policy and Procedures Manual to the committee. The committee will try to meet before the next council meeting.

Engineering, Technology, and Public Works, Mr. Macdowall said drainage on slope section improvements were delayed from today until next week. The topo boundary survey of Moraine Crest was received. It was a good reading and will be tested again. The Road Department has been responding to various storms and we are at 66% of our snow overtime budget. Mayor Canose asked if Route 202 is on the state's list to pave. Mr. Macdowall said he has a call into the state and will find out.

Other committee/commission reports

Housing/Zoning – There were no comments or questions.

Council Liaison Reports

Shade Tree – Mr. Hammond said a forestry professor has reviewed the Shade Tree Committee's plan and gave it a favorable review.

Environmental Commission – Mr. Donahue said the Environmental Resource Inventory (ERI) is currently being reviewed by the Planning Board. Three hundred trees have been planted by the NJ Audubon. The e-waste recycling day is on April 27th.

HPAC – Ms. Greenfield said a check has been received from Somerset County to be used for Dunster Squibb.

Board of Health – Notices have been put on the borough's website for free vaccines for children, women's heart health, and nutrition education.

ITEMS OF BUSINESS**Request for Waiver of Fee for a Dumpster Permit**

Council discussed a request by Gary Foley to waive the \$25 fee for a dumpster permit. Mr. Pidgeon said council would have to waive the fee for everyone and cannot waive the fee for just one person. Council decided not to waive the fee for Mr. Foley.

Bernardsville Community Water Testing Event

Council consent was given to have Raritan Headwaters Association supply well test kits and lead test kits for public water users available at Borough Hall for a few days during the week of April 1st. It was noted the kits will also be available at the e-waste day on April 27th.

Correspondence - Municipal Emergency Management

A letter from Somerset County Department of Public Health and Safety regarding Municipal Emergency Management compliance with the NJ State Police OEM Directives. It was noted that Bernardsville received all 100 points.

Correspondence - Letter from Ruth Rider, Re: Parking in Center of Town

Mayor Canose mentioned a letter from Ruth Rider, President of C & H Realities at 27-29 Olcott Square with recommendations about parking in the center of town. No decisions were made.

Correspondence – Letter from Kathleen Palmer, Re: Ammerman Lot Parking Decals

Kathleen Palmer, Prospect Street and representing Palmer Enterprises, said that Palmer Enterprises are required to purchase 10 merchant decals each year. The cost for 2019 is \$200 per decal and they have not used any since 2011. Mayor Canose and Mr. Pidgeon suggested forwarding these concerns to the Planning Board for review and to see if they could make things easier for business owners.

OPEN SESSION

Kathleen Palmer, Prospect Street and representing Palmer Enterprises, distributed pictures of vehicles parked illegally in her parking lot. She said it is a private parking lot for her tenants and they get upset when others park there. She suggested the Downtown Revitalization Committee figure out how to make it better for shoppers to come to town. Mayor Canose said we need to see the formula to determine the number of parking spaces each store has to provide for. Regarding illegally parked vehicles in the lot, Mr. Pidgeon suggested Ms. Palmer call a towing company to have those vehicles towed.

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

Municipal Attorney Training Session

Mr. Pidgeon gave a training session on boards, commissions, committees, Police Department, Local Ethics Law, conflicts of interest, OPRA, emails, social media, and dealings with borough employees, the public and the press.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Property Acquisition and Personnel Matters 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.

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)

ADJOURNMENT

The meeting was adjourned at 10:05pm

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