

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
April 22, 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

**Downtown Revitalization Committee and
Request from Melillo Equities to Extend Due Date of Quimby Village RFP**

Ms. Sellers said a developer, Melillo Equities, sent a letter asking for an extension on the due date of the RFP for Quimby Village so that they could further fine tune the project to mirror the council’s vision. She said she heard from a few others who also want an extension and 60 days seems reasonable. Mr. Donahue moved to extend the deadline 60 days until July 1, 2019. Mr. Hammond seconded and the motion was approved with six yes votes.

Bonnie Sellers and Paul Sedlak from the Downtown Revitalization Committee were present. Ms. Sellers asked for funding of \$6,000 for a contract with Topology for a study to determine if the Audi Dealership site at 65 Morristown Road is an area in need of redevelopment. Mr. Sedlak said the plan would be to have council pass a resolution later in this meeting to authorize the Planning Board to make a recommendation to have Topology start their study. The study would take about 90 days and then Topology would be presented to the council. Ms. Sellers said the reason for this is that the property is considered a blighted property. Mr. Maresca said he would need to certify funds for this contract before we proceed as it is not in the budget. Council discussed reallocating the funds from the contract with Topology to investigate potential redevelopment of the train station area by reducing the amount not to exceed from \$14,000 to \$11,000 which would account for \$3,000. Ms. Sellers said \$750 has already been approved in a prior contract with Topology. Mr. O’Dea moved to reallocate funds of \$3,000 from the contract with Topology for train station portion to the Audi Dealership portion. Ms. Greenfield seconded and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes. Mr. Maresca said he will inform the committee by Thursday if the other \$2,250 can be acquired to make a total of \$6,000.

Dad's Day Dash

Olivia Manning and Jen Morrison were present to discuss this event with council. The event will take place on June 16th. Registration starts at 7:00am and the race starts at 8:00am with awards and kids events beginning at approximately 9:30am. The event will conclude by 11:30am, which is before the pool opens. Ms. Morrison said the race will start at the Bernardsville Middle School to Chestnut Avenue, Mendham Road, Lloyd Road, Hardscrabble Road and back down Chestnut to end back at the Middle School where it started. Lieutenant Remian has reviewed the route of the race and does not have any issues. Cheryl Ferrante, Recreation Director, has been contacted for using the fields (not Polo Grounds) as a warmup area and for kids' events and the department is on board with this request. Port-o-Johns and trash pickup have been discussed. Ms. Manning said their organization has insurance. Council consent was given to hold this event as stated.

APPROVAL OF MINUTES

Ms. Greenfield moved approval of minutes from March 25, 2019 and April 8, 2019. Mr. Schmidt seconded and the motion was approved with six yes votes.

OPEN SESSION

Kerry Haselton, Mine Brook Road, read a letter from Kristi MacDonald, Chair of the Environmental Commission. The letter stated that the Environmental Commission voted unanimously in support of the council's decision on April 8th to forgo pesticides on playing fields. They support a move towards an ordinance to adopt integrate pest management practices on all borough land.

Melanie Moran, Liberty Road and 3rd Grade Girl Scout Troop Leader, said she wants to propose a native plant garden at the corner of Pine Street Playground and would like to tie it in to the grand opening of the playground. She also mentioned having a woodchip path and seating area. Mr. Hammond asked if this would attract bees and be a potential problem. Ms. Moran said it would attract bees but does not foresee a problem. Mayor Canose added that the location is nestled in the corner and away from equipment. Ms. Moran requested a seating area, possibly stumps in a circle, but something that the kids can walk around and identify the plants. Council consent was given for this request. Ms. Moran said a petition in support of no pesticides in Bernardsville has been started. She distributed materials that she emailed council which consisted of a cost comparison of organic versus conventional, an article, and before and after photos of other towns that have done an organic program. She said they are meeting with Somerset Hills Little League Board on Wednesday. Ms. Moran said when we did all organic in 2016 we then switched to synthetic and did not give it time to see improvement. She hopes that now we can give it the time it needs and get a comprehensive program. Mayor Canose said with something like this we have to go out to bid and it is key to have the specs written properly so we get what we want and we get a qualified bidder. Ms. Zamarra said the Public Works Committee

discussed this topic at their last meeting. Ms. Moran handed out a list of seven of eight items that have been applied to the fields pursuant to Tru-Green's program. Mr. Hammond asked if they are all pesticides or fertilizers and herbicides. Chris Moran, Liberty Road, said there are both fertilizers and pesticides on the list. Mr. Moran discussed various details about the items on the list. He said if you switch to an organic program you cannot just stop all synthetics and give it organic fertilizer. He spoke about details regarding soil. Mr. Schmidt asked Mr. Walker if there have been any applications or pre-emergent put down. Mr. Walker said no, since at the last meeting council direction was to stop all synthetics and there would be one pesticide treatment. Ms. Zamarra said the Public Works Committee had a presentation by Lincoln Landscaping at their last meeting. The main takeaway from that meeting was that the only way to properly determine the cost is to do a soil test and each field would have to be tested. Mr. Moran offered to assist with the soil test by getting the samples for the borough and sending them to Rutgers where the lab is. Mr. Moran said the cost is about \$75 per test and it may be possible to get one sample for two fields depending on their location. Results are usually back within two weeks.

Chad McQueen, Sycamore Hill Road, said Little League has a meeting this Wednesday night and it was stated that Mr. Moran will be speaking at that meeting and he would like to hear his comments on this topic. Little League, as an organization, can then make a recommendation based on those comments. He said he is also concerned about the volunteer hours that go into the maintenance of the fields as they have batting cages and warning tracks. He said they use Kiwanis Field and Claremont Field. When asked when the next treatment is, Mr. Walker said at the end of May. Mr. O'Dea asked if we can get enough information between now and the end of May to make a decision for what the end of May will look like. Mr. Walker said we stopped synthetics and pre-emergents. Mayor Canose said we have time to do the soil test and have Somerset Hills Little League have their meeting and hear Mr. Moran's comments. Council consent was given to do a soil test and Mr. Walker will do a purchase order. It was stated that it is \$75 per test and there would be ten tests for \$750. Mayor Canose said once everyone has met and the soil test is complete council can decide which direction to go.

Ms. Moran asked if Somerset Hills Little League has a different program than the borough and sprays separately. Mr. McQueen said yes, they have a program that have to apply to their fields and they maintain their own fields. Mr. McQueen said that can be discussed at the Wednesday meeting. Mayor Canose agreed this topic can be further discussed by Somerset Hills Little League and Ms. Moran on Wednesday. Mayor Canose suggested Mr. Walker attend the Wednesday meeting with Somerset Hills Little League so he is aware of what they are using on the fields.

BUDGET HEARING

Mr. O'Dea said the Finance Committee reviewed the budget line item by line item with the internal finance staff from January through March. They worked to find area of savings to offset the increases for the non-discretionary cost. This resulted in a total increase of 1.97% based on operating expenses for the borough. Additionally there is a 1% increase by voter approved road

referendum which was addressed several years ago and is still ongoing. The 2.97% increase on the budget is close to what it has been in prior years. The Finance Committee recommends approval of the budget.

Mayor Canose opened the public hearing on **Resolution #19-89, ADOPTING THE 2019 MUNICIPAL BUDGET**. Dan Lincoln, Olcott Avenue, asked if the red section of the pie chart that was on display was showing the school portion of the tax breakdown. The question was answered yes. Hearing no further comments from the public, Mayor Canose closed the public hearing.

Mr. O'Dea moved adoption of Resolution #19-89. Mr. Schmidt seconded and the motion was adopted with the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes. Ms. Greenfield voted no.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2019-1801, **ORDINANCE AUTHORIZING THE WHITENACK ROAD BANK STABILIZATION PROJECT AND APPROPRIATING \$120,000.00 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Schmidt said when the Public Works Committee originally discussed this project it was \$80,000. Mr. Macdowall said the increase to \$120,000 is due to engineering studies and calculations that need to be done which include application fees and engineering fees to the NJDEP. Ms. Greenfield moved to pass this ordinance on final reading and adopt as published. Mr. O'Dea seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

ORDINANCES (Introduction)

Mr. O'Dea moved that Ordinance #2019-1802, **AN ORDINANCE ADDING FOUR-HOUR FREE PARKING AT THE MOUNT AIRY PARKING LOT AND SUPPLEMENTING AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED PARKING LOTS AND OFF-STREET PARKING** 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., May 13, 2019. Ms. Zamarra seconded the motion, which was approved with six yes votes.

Hearing no further comments from the public, Mayor Canose closed the open session.

RESOLUTIONS

#19-90 AUTHORIZING PAYMENT OF BILLS

#19-91 ACCEPTING MONTHLY DEPARTMENT REPORTS

- #19-92 AUTHORIZATION OF TAX REFUND**
- #19-93 AUTHORIZING A REFUND OF BOARD OF ADJUSTMENT APPLICATION FEES (PERSKY)**
- #19-94 AUTHORIZING RENEWAL OF NJ LAND CONSERVANCY CONTRACT**
- #19-95 AUTHORIZING REFUND OF OVERPAYMENT OF 2018 TAXES FOR COUNTY BOARD OF TAXATION APPEAL 65 MORRISTOWN ROAD**
- #19-96 AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7000-0037 FOR FB111 LLC FOR 59 PENNINGTON STREET**
- #19-97 AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR SLOPE SECTION IMPROVEMENTS**
- #19-98 AUTHORIZING REFUND OF ESCROW FEES - BOA APPLICATION #17-08, BONURA**
- #19-99 AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR PILL HILL ROAD SECTIONS 2 AND 3 – PHASE 1 DRAINAGE IMPROVEMENTS**
- #19-100 AUTHORIZING GRANT APPLICATION SUBMISSION TO THE PRESERVE NEW JERSEY 2019 HISTORIC PRESERVATION FUND CAPITAL PRESERVATION GRANTS LEVEL II PROGRAM**
- #19-101 AUTHORIZING THE BOROUGH PLANNING BOARD TO UNDERTAKE AN INVESTIGATION TO DETERMINE WHETHER ALL OR A PORTION OF CERTAIN PROPERTY IDENTIFIED ON THE BOROUGH TAX MAPS AS BLOCK 125, LOT 13, CONSTITUTES A CONDEMNATION REDEVELOPMENT AREA**
- #19-102 LOWERING FEE FOR BUSINESS OWNERS TO \$10.00 PER PARKING DECAL IN THE MT. AIRY/AMERMAN BOROUGH PARKING LOT**

Ms. Greenfield moved to adopt Resolutions #19-90 to #19-102. Mr. Schmidt 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.

Municipal Attorney's Report

Mr. Pidgeon said one item will be discussed in executive session. There were no comments or questions from council on Mr. Pidgeon's report of April 17, 2019.

Public Safety Committee, Mr. Schmidt said the committee met just prior to this council meeting. Chief Valentine said they are moving along with efforts to increase traffic enforcement. The distracted driving campaign was successful. They are monitoring electronic speed signs throughout town and one was put up today on Seney Drive near the school. The annual meeting with Somerset County was held to go over last year's OEM performance report. The committee received a list of the goals for our local OEM in 2019. Priorities included creation of a catastrophic response team, sheltering domestic animals during emergencies, updating our emergency shelter plan, and revitalize damage assessment procedures.

Finance Committee, Mr. O'Dea said the budget was adopted earlier in the meeting.

Personnel Committee, Ms. Zamarra said the committee will meet in early May.

Engineering, Technology & Public Works Committee, Mr. Schmidt said Lincoln Landscaping made a presentation at the last committee meeting about turf field maintenance. Earlier in the meeting, money was approved for a study for the turf. Mr. Macdowall said curbs and sidewalk improvements at slope sections (Somerset, Woodland, Stevens) are underway. We received a \$200,000 local aid grant for Lloyd Road. We have a preliminary engineering plan completed and we just completed test pits to check for utility. These plans are being finalized and need to be sent to the state for approval. We are hoping to get the project bids in the fall and have drainage done this year. The Wastewater Treatment Plant Filter project is underway. We are resampling Morraine Crest which should be done by Wednesday with results next week. Mr. Schmidt said we hope to have a grant in 2020 for Washington Corner Road.

Other committee/commission reports

Housing, Mr. Hammond said there was no meeting in April. When they meet again, they will review the ordinance pertaining to property maintenance and do some rewording.

Council Liaison Reports

Green Team, Ms. Zamarra said the e-waste recycling day is on April 27th at the Bernards High School parking lot and well test kits will also be available. Somerset County has transportation walkability maps on their website.

Board of Health, Ms. Greenfield said the board has not met since her last council committee report.

HPAC, Ms. Greenfield said the committee had met and there is nothing new to report since the last two meetings.

Recreation, Mr. Donahue said there will be an open house at the pool on May 24, 2019 from 5:00pm to 7:00pm. The PBA will have a car show at the Bernards High School Parking Lot on May 16th. April 30th is the last day to sign up for a discounted rate for pool membership. Mayor Canose said the borough is looking for lifeguards and training is offered at the YMCA.

Shade Tree, Mr. Hammond said the committee met on April 18th and will make suggestions on wording of ordinances that apply to trees. This will clarify the application process and make the ordinance easier to enforce. They are getting bids for planting on some sites that are borough owned.

Friends For A Greener Bernardsville, Mr. Hammond said Arbor Day will be celebrated on April 24th at Bedwell School and flower baskets will be coming on May 23rd. Mayor Canose said Friends is in need of more volunteers and donations.

Open Space Trust Fund Question

Mr. Pidgeon said Mr. Donahue offered suggestions, read the question and said it allows for 80% to development. Peter Birnbaum, Open Space Committee member, said the committee discussed the question but it was vague. Mayor Canose said she will send the draft to the Open Space Committee for discussion at their next meeting. Mr. Birnbaum discussed state requirements for matching funds. Mayor Canose said she will send the draft to Aaron Cela of the NJ Land Conservancy. Mr. Pidgeon will distribute to council for comments.

Request by NGC Development to Relocate Portion of Guide Rail into Stevens Street Right of Way

Mr. Macdowall discussed a request from NGC Development to relocate a portion of a guiderail into the right-of-way on Stevens Street. Mr. O'Dea asked if community input was sought from the neighbors in that area. Mr. Macdowall said no. Mr. Schmidt said this is a safety issue and we are moving the guiderail into the right-of-way, and it should have been there anyway. Mr. Macdowall said we are moving it eight to ten feet closer to the road. Mr. O'Dea asked if there was a guardrail there previously. Mr. Macdowall said no. Mr. O'Dea asked if notification is advisable. Mr. Schmidt said not in this case. Mr. Schmidt moved to accept this request. Ms. Greenfield seconded and the motion was passed with five yes votes. Mr. O'Dea voted no.

Presentation for May 13th by Brandstetter Carroll Inc. on Aquatic Planning & Design

Council decided to send this item to the Recreation Committee.

Borough Improvement Recommendations from Bedwell 4th Grade Enrichment Class

During local government week, Mr. Hammond met with the Bedwell School 4th grade enrichment class and mentioned the ideas they had included for the town. They include a dog park, pool maintenance, heating in the pool, longer hours for the library, more language programs at the library, roller skating rink, lowering speed limits, and more crossing guards.

Mayor's Update

NJ Local Government Week was from April 7th to April 13th. We had a Recovering Couch Potato Program, Walk With The Mayor, Borough Hall open house, and Coffee with a Cop, and a photo contest on our Facebook page looking for photos of what's best about living in Bernardsville. The winning photo was of the Nervine Pond at night. On April 10th, Mr. Hammond and Mayor Canose attended the Somerset County Governing Officials meeting where information about marijuana legalization was discussed. Also on April 10th, the Mayor met with the School Superintendent, School Business Administrator, School Board President, School Board member Mr. DiGiacchino, Mr. O'Dea, Mr. Donahue, and Mr. Walker to discuss shared usage of fields and buildings and the cost for the school and the borough. The downtown Bernardsville community meeting was held on April 11th. The stream cleanup was held on April 13th.

Correspondence

There was none.

Unfinished Business

Mayor Canose said she is not pursuing changing the Administrative Code.

New Business

There was none.

OPEN SESSION

Kerry Haselton, Mine Brook Road, discussed the 80/20 split on open space money. She asked if the Environmental Commission could get the wording on the draft referendum. Mayor Canose said yes. Ms. Haselton asked if the 80/20 split had been decided and was this based on what was done in New Providence as referenced at last meeting by a member of the task force (Recreation Field Study Committee). Mayor Canose said while we took what New Providence did for the Q&A form, the decision of the 80/20 split was not based on what they did. Ms. Haselton said she will inform Kristi MacDonald, Environmental Commission Chair, that it will be sent to her for discussion by the commission. Mr. O'Dea asked if it can be sent to the Recreation Committee as well. Mayor Canose said yes.

Dan Lincoln, Olcott Avenue, said several times he has been approached about what could be hung up in the council meeting room. John Smith is doing two maps of Bernardsville, one of the downtown area and one from the 1930's. Mr. Lincoln suggested the borough purchase one of each, have them framed and hung in this meeting room. Mr. Lincoln said he could find out how much the maps cost. Council had no objections to Mr. Lincoln's suggestion.

Chad McQueen, Sycamore Hill Drive, said as a member of the executive baseball board, he would like to deliberate about field maintenance at their meeting on Wednesday night and then there will be an official position from the baseball organization. He said they were unaware that the fertilization plan had stopped. He asked for the ability to have an opinion on this matter. It was clarified by council that the pre-emergent was stopped and not fertilization.

REOPEN

It was moved and seconded to reopen the meeting to the public. The motion passed with six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:20pm
