

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
June 24, 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

Bernardsville Plan Endorsement Center Extension

John Szabo, Borough Planner, talked about the planning endorsement process. The current plan is the 2001 plan. The state would like to have local land use policies be aligned with the state policies. He said Bernardsville had received Town Center designation in 1999 and this designation was set to expire but has since been extended. He said that while having the endorsement does not guarantee grants, it does give an advantage to getting them. He discussed what is necessary for each of the ten steps required to begin the process of endorsement. The entire process takes one year or longer. Mr. Pidgeon will talk to Walter Lane of Somerset County to discuss this topic. Mr. Szabo suggested pursuing the pre-application process and sending the state any documents they may need and then deciding if we want to proceed. It was suggested to meet with borough professionals to discuss our participation in this program. Mr. Szabo said he would not wait any further than July to decide if we are going to proceed. This item will be on the July 8th agenda.

Special Events for Fall and Winter

This item will be on a future meeting agenda.

Aquatics & Recreation Facilities Planner – Brandstetter Carroll, Inc.

Patrick Hoagland, Tom O'Rourke, and Charles Schneider of Brandstetter Carroll were present to discuss an aquatic and park system master plan presentation. Their project approach is to evaluate, engage, envision, and plan. They discussed details of what is done at each phase. Mayor Canose thanked them for their presentation.

APPROVAL OF MINUTES

Ms. Greenfield moved approval of minutes from May 28, 2019, June 5, 2019 (Mr. Schmidt was absent), and June 10, 2019. Ms. Zamarra seconded and the motion was approved with six yes votes.

OPEN SESSION

Michael Long, Crest Drive, said the presentation by Brandstetter Carroll was very impressive and hopes the council considers what they have to offer. He said what Randolph did would be a model for us. Regarding the referendum, he said he supports option one, which is 100% of Open Space Tax revenue being used for either acquisition or improvements. He said this gives flexibility for the council to act on priorities.

Terry Thompson, Mine Mount Road, said that Pat Kennedy Grant from the Library is retiring and there will be a celebration at the Library on June 28th from 5:00pm to 7:00pm and invited the governing body to attend.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2019-1804, **AN ORDINANCE FIXING RESPONSIBILITY FOR THE REPAIR AND MAINTENANCE OF SEWER LATERALS AND SUPPLEMENTING AND AMENDING CHAPTER XVI OF THE BOROUGH CODE ENTITLED “SEWER REGULATION”**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published. Mr. Donahue seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O’Dea, Schmidt, and Zamarra voted yes.

Mr. Pidgeon said the Mayor has suggested changing the word “affairs” to “arts” and changing the number of members from “seven” to a range of “seven to twelve”. Ms. Greenfield moved amendment of this ordinance as stated by Mr. Pidgeon. Mr. Hammond seconded, and the motion was approved with six yes votes. Mayor Canose opened the public hearing on Ordinance #2019-1805, **AN ORDINANCE CREATING A CULTURAL AFFAIRS ADVISORY COMMITTEE AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED “ADMINISTRATION”**, as amended. Hearing no comments from the public, Mayor Canose closed the public hearing. Ms. Zamarra moved to pass this ordinance on final reading and adopt as amended. Mr. Hammond seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O’Dea, Schmidt, and Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2019-1806, **APPROPRIATING THE SUM OF \$270,000 FOR THE MILLING AND PAVING OF MT. HARMONY ROAD.**

Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

RESOLUTIONS

- #19-130 AUTHORIZING PAYMENT OF BILLS**
- #19-131 ACCEPTING MONTHLY DEPARTMENT REPORTS**
- #19-132 REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATIONS PER NJSA 40A:4-87 – 2019 ANJEC
GRANT**
- #19-133 REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATIONS PER NJSA 40A:4-87 – 2019 CLEAN
COMMUNITIES**
- #19-134 REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATIONS PER NJSA 40A:4-87 – 2019
DISTRACTED DRIVING GRANT**
- #19-135 AUTHORIZING RENEWAL OF A.B.C. LICENSES**
- #19-136 SUPPORTING BIKE SMART BERNARDSVILLE JULY 2019**
- #19-137 APPROVING CHANGE ORDER #3 TO THE CONTRACT
FOR PILL HILL ROAD SECTIONS 2 AND 3 - PHASE 1
DRAINAGE IMPROVEMENTS**
- #19-138 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #19-139 AUTHORIZING THE MAYOR AND CLERK TO SIGN A
PROFESSIONAL SERVICES CONTRACT W/HQW ARCHITECTS
LLC FOR THE DESIGN OF LIBRARY LOWER LEVEL A/C**

**PACKAGE UNIT DESIGN/PLAN AND LIBRARY ROOFING
DESIGN/PLAN**

**#19-140 APPROVING USE OF MORRIS COUNTY CO-OP CONTRACT #6
FOR ROAD RESURFACING FOR MILLING AND PAVING
VARIOUS ROADS IN 2019**

Regarding Resolution #19-135, Mr. Hammond asked about the renewal of an inactive license. Mr. Suriano responded that the state gave a special ruling for the inactive licenses for the 2019-2020 licensing year and that next year we will see if we can act on the special ruling before it is granted by the state. Regarding Resolution #19-136, Chief Valentine explained the Bike Safety Program. Mr. Donahue moved to adopt Resolutions #19-130 to #19-140. Mr. Hammond seconded the motion and a roll call vote followed. 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 June 19, 2019.

Public Safety Committee, Mr. Schmidt said police promotions will be discussed in executive session. Chief Valentine said the Police Department has a program called Lock It or Lose It which stresses the importance to secure keys and lock car doors. Posters advertising this program will be put in businesses and at National Night Out. He advised that the public should always report any suspicious behavior to the Police Department as soon as possible.

Finance Committee, Mr. O'Dea said the committee launched preliminary planning for the 2020 budget cycle. They reviewed the long term debt service plan and asked the staff to provide scenario so they can evaluate options for five or ten years into the future for street maintenance and larger borough expenses. They discussed options one through five of the open space referendum and how they would impact the amount of money available. This information is available from the Borough Clerk. Mr. O'Dea said the Mayor reached out to Bernards Township to discuss shared services for field maintenance as it relates to the integrated pest management program. This is in the preliminary stages and further updates will be available once the discussions occur. The committee responded to an inquiry from a member of the public as to how we invest our balances, such as the open space balance, and what kind of return we receive. While we currently have a fairly competitive approach, the borough staff researched some actions that might provide an opportunity to slightly increase our return on investments. Information is available from the Borough Clerk.

Personnel Committee, Ms. Zamarra said the committee has not met since the last report.

Engineering, Technology & Public Works Committee, Mr. Schmidt said paving will take place in June and July. Locations are Anderson Hill Road from Mill Street to Mendham Road and then Morris County will be paving the rest of Mendham Road up to Route 24; Pill Hill Road from Meeker Road to Liberty Road; the slope section (Chilton, Morris, Passaic, Somerset, Stevens, and Woodland); Mount Harmony Road from Route 202 to Post Kennel Road; Crest Drive from Tower Mountain to Club Lane. Mr. Schmidt said since he has been on council this is the largest area of roads to be paved, which totals 5.19 miles. A soil test has been done on all ten fields. Mr. Schmidt said the committee had a presentation from Lincoln Landscaping and they had made several points that use of synthetic fertilizers generally kill organic matter, so organic matter levels were tested among other things. Mr. Schmidt read the results of each field's soil test for organic matter and said we only had one at medium level and everything else is at high levels which go against mention of synthetic treatment killing organic matter. Ms. Zamarra said soil with high levels of organic matter can do well without having to spend money on synthetic treatment, which can be a potential cost savings. She said we are essentially treating fields with healthy soil that might not need to be treated. Mayor Canose said we need a professional opinion to interpret the results and advise how to proceed. Council directed the Borough Clerk to put the results on the borough website. The Public Works Committee will review.

Other committee/commission reports

Housing/Zoning, there were no comments to Mr. Price's report.

Council Liaison Reports

Green Team, Ms. Zamarra said the committee is reviewing a draft for the Adopt-A-Park program.

HPAC, Ms. Greenfield said the committee has resolved an issue they have had.

Board of Health, Ms. Greenfield said the Board has not met since the last report.

Open Space, Mr. O'Dea said he was unable to attend their last meeting and there will be items for discussion in closed session.

Recreation, Mr. Donahue said there is nothing new to report.

Housing, Mr. Hammond said they have asked the Administrator for a job description for a part time enforcement position.

Shade Tree, Mr. Hammond said the committee is reviewing a revision to the ten year management plan and the shade tree enforcement ordinance.

**Resident Request for One Day Parking on July 6th at Area Between
169 Mine Brook Road and 145 Mine Brook Road (Borough Property)**

Council consent was given for a resident to allow relatives to park their cars at the open area between 169 Mine Brook Road and 145 Mine Brook Road subject to receipt of homeowners insurance and a signed hold harmless agreement.

Open Space Trust Fund Referendum Survey Results and Discussion on Future Direction

Mayor Canose read the results of the online survey where residents were given the opportunity to choose which of the five options they prefer for the referendum and whether or not there should be a sunset. Council also discussed these options. Mr. Donahue moved to direct Mr. Pidgeon to prepare a resolution for the July 8th meeting with option one, 100% of Open Space Tax revenue being used for either acquisition or improvements, and no sunset for a referendum question on the November ballot. Ms. Greenfield seconded and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes. Mr. Hammond voted no.

Sewer Connection Application, 65 Morristown Road

A request from Gardner Investments LLC for a sewer connection application at 65 Morristown Road was received. The NJDOT requires council approval before they will issue a permit to allow Gardner Investments LLC to proceed with their application. Ms. Zamarra moved approval of this request of a sewer connection application for 65 Morristown Road. Mr. Donahue seconded the motion and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Veterans Field Scheduling

This item was removed from the agenda.

Council Meeting Schedule for July and August

After reviewing council member's schedules for July and August, it was decided not to make any changes to the schedule at this time. The July meeting will remain on July 8th and the August meeting will remain on August 12th. Mr. Donahue noted that a special meeting could be held in between the July and August meetings if needed.

Ordinances for Introduction

Chief Valentine discussed measures taken in the past regarding speeding on Wesley Avenue. Mr. Hammond moved that Ordinance #2019-1807, **AN ORDINANCE AUTHORIZING INSTALLATION OF A SPEED HUMP ON WESLEY AVENUE 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., July 8, 2019. Ms. Zamarra seconded and the motion was approved with six yes votes. Mr. O’Dea asked that notices of the public hearing on this ordinance be sent to the residents on Wesley Avenue, the Palmer School and the Methodist Church. The Borough Clerk was directed to provide notice.

An ordinance updating the shade tree ordinance was tabled to a future meeting.

Request from NJ American Water to Use Borough Property at 2 Childsworth Ave

Mr. Donahue moved approval of this request to allow NJ American Water to use 2 Childsworth Avenue as a pipe and equipment staging area. Ms. Greenfield seconded the motion and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Appointment of Deputy Tree Conservation Officer

Mr. Hammond moved the Dennis Galway be appointed as Deputy Tree Conservation Officer. Ms. Zamarra seconded and the motion was approved with six yes votes.

Vacation for Part Time Employees

Mr. Walker explained that part time employees qualify for pro-rated vacation time if they average 25 hours per week, but since the maximum number of hours worked for part time employees per week is 28 due to health benefit requirements, part time employees do not have much leeway to be able to qualify. He suggested lowering the requirement from 25 hours per week to 22 hours per week and also lowering the total days obtained from ten to five. Mr. Pidgeon will prepare a resolution for the next meeting.

Mayor’s Update

There have been some new skills bank forms that have been submitted. The Mayor and Mr. Hammond attended the Somerset County Governing Officials meeting on June 12th with speaker John Donnadio, Executive Director of the NJ Association of Counties. Mayor Canose attended a seventh grade class on June 13th where Sanofi did a virtual lab with the class. She said we are only one of seven towns in the county participating in that program. The Dad’s Day Dash and PBA car show took place on June 16th and were both successful. Mayor Canose and Ms. Zamarra met with the Superintendent of Schools about having the new art teacher in the art club get involved in the mural project. Mayor Canose said Ms. Zamarra is working on a grant which is available from the Somerset County Cultural Heritage Commission for this project and it is due in August. The Chamber had a social at City Gym and there was a grand opening of Cycle Bar.

Correspondence

There was none.

Unfinished Business

There was none.

New Business

There was none.

OPEN SESSION

Michael Long, Crest Drive, said he wanted clarification that at the July 8th meeting a resolution for a referendum will be presented and read. It was stated that this is correct.

Bob Frawley, Carriage House Road, asked council to publish a list of prospective projects with costs. Mayor Canose said the Recreation Committee is working on that list. No decision was made to publish this list on the website. Mr. O'Dea said the Environmental Commission and Open Space Committee should have a list of projects.

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

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 left the meeting at 10:00pm during closed session)

ADJOURNMENT

The meeting was adjourned at 11:05 p.m.
