

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 9, 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

NJ American Water Company – Oak Place Booster Station

Present were Niall O'Brien, attorney from the law firm of Archer and Griener representing NJ American Water Company, Frank Morasha from NJ American Water Company, and Joe Bongiovani, civil engineer. They discussed details of a proposed booster station in the neighborhood of Oak Place including location, how many times workers will visit the station, security, traffic, cameras, and fencing. There was no decision for council to make and it was stated by Mr. Pidgeon that they would need to file an application before the Planning Board. Mr. O'Brien said they have to finalize their application and submit it to the Planning Board, but they do not have a date as to when that will be done.

Ridewise - Street Smarts Campaign

Sara Catherine Lichon gave stats on the 2018 Street Smarts campaign and stated that the 2019 campaign will be done at a more northern location from where the 2018 campaign was done.

Downtown Revitalization Committee

Bonnie Sellers, Michael Sullivan, Jeff Horowitz, Sam Maddaluna, and Paul Sedlak gave an update about the downtown revitalization project. Ms. Sellers discussed the Topology contract and said five streams of work are 1) area in need of redevelopment, 2) plan for redevelopment, 3) send an updated RFP to developers for their last and final proposal, 4) getting transit village designation, 5) advice on helping lawyers renegotiate contract. She said for the remainder of 2019 they need \$35,000 to fund this project. Mr. Maresca said the funds need to be certified. Mr. O'Dea said the Finance Committee recommends going forward and council directed Mr. Maresca to see if he could find the money needed to finance this project. Mr. Sullivan gave potential dates for various phases of the project. Mr. Horowitz said three organizations

submitted RFPs and went over the details of each. Mr. Maddaluna said it is important to have design standards and said proposed changes to the zoning ordinance should be sent to the Planning Board for the Borough Planner to review. He said after review, council could introduce an ordinance amending the zoning ordinance on October 15th with possible adoption on October 28th. Mr. Maddaluna said there is a survey on the borough's website that we are using to gauge public interest in a luxury bus service. Mr. Sedlak read various responses to an online questionnaire that asked for public feedback on the proposed zoning/design standards and Quimby Village revitalization project. The questionnaire is open until September 13th.

Mayor's Proclamation, Constitution Week

Mayor Canose read a proclamation designating September 17th to September 23rd as Constitution Week.

OPEN SESSION

Dan Lincoln, Olcott Avenue, said in the latest issue of NJ Monthly, Bernardsville was named as one of 16 of the best small towns in NJ. There is a voting process where one town will be named the best small town and council consent was given to put the link to vote on the borough website.

Mark Kalinowski, Spruce Place, said he is concerned about the booster station that NJ American Water Company spoke about earlier in the meeting being a potential eye sore and producing loud noise. He urged council to see that the station is built elsewhere or underground if it must be in the location NJ American Water Company is proposing.

Mayor Canose said there will be a public hearing on this topic at a future Planning Board or Board of Adjustment meeting.

Tim Behany, Locust Drive, said the booster station will ruin the integrity of the neighborhood and lower property values. He said it would be an eyesore and hoped that NJ American Water Company would look for an alternative location.

The Borough Clerk was asked to put a notice on the website to keep residents informed of when the topic of the Oak Place Booster Station would be on a future Planning Board or Board of Adjustment meeting.

Pat Formica, Spruce Place, spoke about the lighting at the Polo Grounds. Mayor Canose said it is portable lighting, not diesel. It was stated that LED lights are quieter. Mr. Formica asked about a path. Mayor Canose said it would be a walking path around the perimeter of the Polo Grounds.

Chad McQueen, Sycamore Hill Drive, urged council to adopt Ordinance #2019-1813.

Carol Barkhorn, Oak Ridge Road, said she is concerned about the proposed booster station and would like to have it at a different location or underground if a different location could not be found. She added that she hoped the booster station would not cause the need to take down trees.

Mr. Hammond asked about involvement of the Shade Tree Committee and Mr. Pidgeon said part of the Board of Adjustment application would involve Shade Tree Committee approval.

Mayor Canose said it is best for any residents who are concerned to attend the public hearing when an application is filed with the Planning Board or Board of Adjustment.

Olivia Manning, Orchard Street, said some people are thinking the downtown revitalization project is a condo project. She added maintenance of historical preservation is important and empty storefronts are a concern.

Mr. O'Dea said there will be a Downtown Bernardsville meeting on October 16th at Bernards High School. Mayor Canose added the Mount Airy mural will be a topic at that meeting.

Jena McCredie, Page Hill Road, said people are concerned about residential condos. She said lights and storage of lights have been donated in the past. She said it is expensive to spend on storage of lights and money would be better spent on a recreation plan.

Greg DeGrandpre, Flintlock Court, suggested renting lights. Mr. O'Dea said the lights are to buy and they are portable, not temporary. Mr. DeGrandpre said he prefers permanent lights. Mr. DeGrandpre asked how many students will new condos bring into town. Mayor Canose said it is still to be defined who the condos will be targeted to.

Patricia Huer, Oak Ridge Road, said she is concerned with the proposed booster station since she has kids and there are kids in the neighborhood. She suggested burying it underground or finding another location.

Dan Lincoln, Olcott Avenue, said NJ Monthly listed Olcott Avenue as one of Bernardsville's main attractions. He added that schools depend on how many bedroom are included in new condos.

Cheryl Maddaluna, Old Army Road, said the neighborhood where the booster station is being proposed is a crown jewel. She said any structure that is not natural will effect home buyers and suggested burying the booster station.

Mr. Schmidt suggested residents attend a future Planning Board meeting on this topic. Mr. Pidgeon suggested lobbying NJ American Water Company on this topic.

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

ORDINANCES (Public Hearing)

Mayor Canose continued the public hearing on Ordinance #2018-1807, **AN ORDINANCE AUTHORIZING INSTALLATION OF A SPEED HUMP ON WESLEY AVENUE AND SUPPLEMENTING AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED “TRAFFIC”** from August 12, 2019. Mayor Canose said we had just received the traffic study late last week and suggested carrying the public hearing to the September 23, 2019 meeting to allow time to review the traffic study. Hearing no further comments or questions from the public, Mayor Canose closed the public hearing. Mr. Hammond had questions regarding the traffic study. The questions are what would be the projected effect and benefit of the proposed speed humps on reducing speeding over 25 mph? Given prior experience with speed humps, what improvement in speed calming on Wesley Avenue might we expect? The suggestion was to install a hump with a height of four inches, but what is the range of heights that are available? Is four inches considered a speed table, hump or bump? These questions will be forwarded to the traffic engineer who prepared the traffic study. Jackie Somers, Wesley Avenue, asked if she could forward questions to the Borough Clerk to forward to the traffic engineer. Council consent was given to take questions from the public and to put the traffic study on the borough website. Mr. Hammond moved to continue the public hearing to September 23, 2019 at 7:00pm. Ms. Greenfield seconded and the motion was approved with six yes votes.

Mayor Canose continued the public hearing on Ordinance #2018-1810, **AN ORDINANCE PROHIBITING MARIJUANA FACILITIES AND SUPPLEMENTING AND AMENDING SECTION 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING”** from August 12, 2019. There were amendments to this ordinance as provided by Mr. Pidgeon. Mr. Donahue suggested carrying the public hearing to the September 23, 2019 meeting to allow time to review the amendments. Mr. Donahue moved to continue the public hearing to September 23, 2019 at 7:00pm. Mr. Schmidt seconded. Mr. Hammond suggested that since we have had public input focusing on medicinal marijuana, we should get input from the Board of Health. There were no objections from council. Mr. O’Dea suggested asking the Board of Health to comment separately on medicinal marijuana and recreational marijuana. There were no objections from council. A vote took place on the earlier motion made by Mr. Donahue and seconded by Mr. Schmidt. A roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, and Mr. Schmidt voted yes. Ms. Zamarra voted no.

Mayor Canose explained that we can use 20% of open space funds for improvements and then opened the public hearing on Ordinance #2018-1812, **AN ORDINANCE APPROPRIATING \$146,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR VARIOUS IMPROVEMENTS TO EXISTING BOROUGH RECREATION AND OPEN SPACE FACILITIES.** Greg DeGrandpre, Flintlock Court, asked what the improvements are to the gazebo. Mr. O’Dea responded it is to improve water intrusion and electrical functionality. Mr. Donahue suggested this ordinance needs to be refined and carried to the next meeting. Steve Reynolds, Stevens Street, said he felt that the lights are not a necessity, the gazebo is in good

shape and the list needs to be refined. Mr. Pidgeon said this ordinance is just appropriating money and suggested it be flexible. He added that council would have to pass a resolution to spend the money on specific items. Dan Lincoln, Olcott Avenue, asked if the items would need to be bid on. Mr. O'Dea said it depends if the items are above the bid threshold. Greg DeGrandpre, Flintlock Court, said that if we are replacing temporary lights put up by a youth organization, would the borough install better lighting at the basketball courts and other fields or is the borough just stepping in where youth organizations had funded something. Kerry Haselton, Mine Brook Road, suggested portable lights be used at Veterans' Field and at the basketball courts when needed. Steve Reynolds, Stevens Street, said there was \$50,000 appropriated for lights at the basketball courts but that was not done and asked where that money was spent. Mr. Maresca said he did not have that information available at this time and will look into if it was spent or not. Mr. Schmidt said he does not recall any talk about lights when there were discussions about the basketball court project. Mr. Walker said the lights that are there are not meant to light the court and are more for security purposes. Dan Lincoln, Olcott Avenue, said he believes there were conduits put in at Veterans' Field in anticipation of some kind of lighting so part of this package might be putting outlets in that you can plug the lights into. Hearing no further comments from the public, Mayor Canose closed the public hearing. Ms. Greenfield said we need to have a master plan for recreation and open space, and when money needs to be allocated for just plain land or passive or active recreation, it goes to the Open Space or Recreation Committee and they review it based on if it adheres to the master plan. Mayor Canose suggested adding a line to the ordinance for a recreation plan. Mr. O'Dea suggested removing the lights from the ordinance and have a separate ordinance running parallel to when the referendum is voted on to fund the recreation plan. It was also suggested to remove storage upgrades. Mr. O'Dea suggested making a recreation plan a priority if the referendum passes. Mayor Canose suggested taking out the lights and storage upgrades and adding a recreation plan. Mr. O'Dea moved to amend Ordinance #2019-1812 to remove lights and storage update, and add creation of a comprehensive plan for active and passive recreation. Mr. Hammond seconded and the motion was approved with six yes votes. Ms. Zamarra asked if the Recreation Committee could work with the School Board since they are involved with our fields. Mayor Canose said that is part of it and they will look at how all the fields are used.

Mayor Canose opened the public hearing on Ordinance #2019-1813, **AN ORDINANCE CONCERNING THE BOROUGH PROPERTY MAINTENANCE CODE AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE"**. Steve Reynolds, Stevens Street, asked if this ordinance would allow the borough to remove and tow equipment on property. Mayor Canose answered yes, it would be towed to the quarry and then a lien would be put on it. Hearing no further comments from the public, Mayor Canose closed the public hearing. Mr. Hammond moved to pass this ordinance on final reading and adopt as published. Mr. Schmidt 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 #2019-1814, **APPROPRIATING \$630,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 261 CLAREMONT ROAD.** Steve Reynolds, Stevens Street, said when we bought 251 Claremont Road it was asked why not buy 261 Claremont Road and the answer was we could not get a hold of it. Mayor Canose said the owner would not negotiate. Mr. Reynolds asked what we will do with the house on 251 Claremont. Mayor Canose said it has to be tied to outdoor recreation activities. Mr. O'Dea said at the last Open Space Committee meeting, the committee brainstormed about potential uses and then forwarded that list to Green Acres to make sure which items on the list would be approved. He added we are limited to what we can do and are in the process of evaluating all of the options but we have a long list of possibilities. Green Acres will decide which uses are consistent. The Open Space Committee will then have a list of approved uses and then the council and public will have to evaluate that list. This will be part of a survey we will conduct with local adjacent neighbors first, and then a broader survey of the public to help decide what our options are. Hearing no further comments from the public, Mayor Canose closed the public hearing. Mr. Hammond moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

Mr. Donahue recused himself from discussion on Ordinances #2019-1815 and #2019-1816 and left the room.

Mayor Canose said these next two ordinances regarding the purchase of 271 Mine Brook Road are to give us the flexibility to use open space money or bonding for the purchase. Mayor Canose opened the public hearing on Ordinance #2019-1815, **APPROPRIATING \$1,550,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 271 MINE BROOK ROAD** and #2019-1816, **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 271 MINE BROOK ROAD (B81, L6) IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND APPROPRIATING \$1,550,000 THEREFOR (INCLUSIVE OF \$50,000 FOR SOFT COSTS) AND AUTHORIZING THE ISSUANCE OF \$1,472,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION** Dan Lincoln, Olcott Avenue, thanked council for their flexibility and thinking ahead. Kerry Haselton, Mine Brook Road, said she is glad how the open space plan went on the prior ordinance. Jena McCredie, Page Hill Road, asked if the house on this property will be maintained with regular borough money or 20% open space money. Mayor Canose said things like mowing the grass will be done from the budget but it is not our property yet and will take a long time to happen. She added that during that time, we can negotiate with the people who are willing to subdivide, so hopefully it will not be more than a few months. Greg DeGrandpre, Flintlock Court, said this is a well thought out plan to adopt both ordinances. Hearing no further comments from the public, Mayor Canose closed the public hearing.

Mr. O'Dea moved to pass Ordinance #2019-1815 on final reading and adopt as published. Ms. Greenfield seconded and a call of the roll followed. Council Members Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

Mr. O'Dea moved to amend Ordinance #2019-1816 in section three to reflect public purposes and not open space. Ms. Greenfield seconded and a call of the roll followed. Council Members Greenfield, Hammond, O'Dea, and Schmidt voted yes. Ms. Zamarra abstained.

Mr. O'Dea moved to pass Ordinance #2019-1816 as amended on final reading and adopt as published. Ms. Greenfield seconded and a call of the roll followed. Council Members Greenfield, Hammond, O'Dea, and Schmidt voted yes. Ms. Zamarra abstained.

Mr. Donahue returned.

ORDINANCES (Introduction)

Mr. Schmidt moved that Ordinance #2019-1817, **APPROPRIATING THE SUM OF \$45,000 FROM THE SEWER UTILITY CAPITAL FUND FOR PRELIMINARY ENGINEERING EXPENSES AND PUMPING STATION LANDSCAPING** 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., September 23, 2019. Mr. Hammond said he would inform the Chair of the Shade Tree Committee to get the committee's input on this ordinance and there were no objections from council. Ms. Zamarra seconded the motion, which was approved with six yes votes.

Mr. Schmidt moved that Ordinance #2019-1818, **CONCERNING PUBLIC SAFETY COMMUNICATIONS TOWERS AND SUPPLEMENTING AND AMENDING THE BOROUGH ADMINISTRATIVE CODE AS SET FORTH IN CHAPTER II OF THE BOROUGH CODE** 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., September 23, 2019. Ms. Zamarra seconded the motion, which was approved with six yes votes.

RESOLUTIONS

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| #19-167 | AUTHORIZING PAYMENT OF BILLS |
| #19-168 | AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT FOR THE MINE MOUNT ROAD SECTION 2 AND 3 IMPROVEMENTS |
| #19-169 | AUTHORIZING A REFUND OF SEWER USER FEES DUE TO AN OVERPAYMENT |

- #19-170 AUTHORIZING REFUND OF POLICE ESCROW FEES**
- #19-171 RESOLUTION TO CANCEL CERTAIN UNEXPENDED
BALANCES OF CAPITAL ORDINANCES IN THE SEWER
UTILITY CAPITAL FUND**
- #19-172 AUTHORIZING THE SALE OF PROPERTY NOT NEEDED FOR
PUBLIC USE**
- #19-173 AUTHORIZING THE CANCELLATION OF 2019 PROPERTY
TAXES, BLOCK 17, LOT 28 – 251 CLAREMONT ROAD**
- #19-174 AUTHORIZATION TO PAY BILLS IN JULY AND AUGUST**
- #19-175 AUTHORIZING A CONTRACT WITH ROXANNE FORMISANO
TO REPRESENT THE BOROUGH IN CONNECTION WITH THE
PROPOSED ACQUISITION OF PROPERTY LOCATED AT 271
MINE BROOK ROAD AND KNOWN AS BLOCK 81, LOT 6, FOR
RECREATION AND OPEN SPACE PURPOSES**
- #19-176 RESOLUTION AUTHORIZING EXECUTION OF CONTRACT
FOR PURCHASE OF 271 MINE BROOK ROAD FOR OPEN
SPACE AND RECREATION PURPOSES**
- #19-177 REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATIONS PER NJSA 40A:4-87**
- #19-178 APPOINTING A MUNICIPAL PROSECUTOR FOR SHARED
MUNICIPAL COURT IN 2019**

Regarding Resolution #19-172, Mr. Hammond asked how the minimum price of the vehicle was arrived at. Lt. Gardner explained it is a combination of towing and storage fees.

Regarding Resolution #19-178, Mr. Hammond asked who represents Bernardsville in shared court matters. Ms. Greenfield and Mr. Maresca are Bernardsville's representatives.

Ms. Zamarra moved to adopt Resolutions #19-167 to #19-174, #19-177 and #19-178. Mr. Hammond seconded and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Mr. Donahue recused himself from Resolutions #19-175 and #19-176. Mr. Pidgeon said we need to amend the resolutions to delete any reference to open space and recreation purposes. Mr. O'Dea moved to adopt Resolutions #19-175 and #19-176 as amended. Ms. Greenfield seconded and a roll call vote followed. Ms. Greenfield, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Trunk or Treat

Olivia Manning, Downtown Bernardsville, requested use of the train station parking lot for a Trunk or Treat event on October 26th from 4:00pm to 9:00pm with the actual event being from 5:00pm to 8:00pm and the additional time being for setup and cleanup. It would be held in the same area as the Farmers' Market. A certificate of insurance naming the borough as an additional insured and a signed hold harmless agreement would be required. There will be trunk or treat, games for kids, and a movie on an inflatable screen which the location of is to be determined. They will also have one or two port-o-johns. Council consent was given for this event at the train station parking lot.

Purchase and Installation of Banners to Honor Bernardsville Veterans

Mr. Hammond distributed a flyer that showed an example of a banner honoring veterans to be placed on light poles. The banners would be purchased by families and the borough would only pay once for the brackets used to hang them. Fire Chief, Glenn Miller will assist in hanging the banners using a bucket truck. The banners would be displayed mid-May to mid-July for Memorial Day and the 4th of July, and in the month of November for Veterans' Day. Jena McCredie asked where the banners would be stored. Mr. Maresca said we will find a place in the borough for storage. It was noted that the brackets will stay on. Mr. Hammond moved to adopt **Resolution #19-179, REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE ACCEPTANCE OF BEQUESTS AND GIFTS AS REQUIRED BY N.J.S.A. 40A:4-39 FOR THE PURCHASE AND INSTALLATION OF BANNERS TO HONOR BERNARDSVILLE VETERANS.** Mr. O'Dea seconded and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Bernards High School Library Lot Decal Request

Michael Corbett, Assistant Principal at Bernards High School, requested 15 decals for use by students at the library parking lot. Council consent was to limit use to 10 students instead of 15.

Proposed Ordinance Restricting Retail Electronic Smoking Device Establishments

It was recommended to refer this topic to the Public Safety Committee and Board of Health. Mr. Hammond said it has already been referred and they will each review.

Mayor's Update

Mayor Canose said Downtown Bernardsville will meet on October 16th at Bernards High School and then again on November 18th. A 9/11 ceremony will be held outside at the library at 6:30pm on that night, weather permitting or it will be held inside. The borough has received a clean audit, and Mayor Canose thanked Mr. Maresca, Mr. Walker, and Ms. Roberson for their efforts. Mayor Canose said she will serve on the 2020 Census Complete Count Committee.

Correspondence - Letter from Somerset County, re: Municipal Youth Services Grant

Mayor Canose said we are receiving \$10,000 for an intergenerational social through the municipal alliance.

Correspondence - Letter from Jeff Sailliard, Use of Metal Detector at Polo Grounds

Council had no objections for allowing a resident to use a metal detector at the Polo Grounds.

Unfinished Business

There was none.

New Business - December Meeting Schedule

Council discussed possible changes to the date of the second meeting in December. No decision was made and this topic will be carried to the next meeting.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Collective Bargaining, Contract Negotiations, and Anticipated Litigation 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.

ADJOURNMENT

The meeting was adjourned at 10:40pm
