

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
November 12, 2019

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

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

OPEN SESSION

Hearing no comments from members of 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 October 15, 2019. Mr. Hammond moved to carry this ordinance to the December 9th meeting to allow Chief Valentine to review data. Ms. Greenfield seconded and the motion to continue the public hearing to December 9th was approved with five yes votes.

Mayor Canose opened the public hearing on Ordinance #2019-1823, **CREATING AN INFORMATION TECHNOLOGY/COMMUNICATIONS COMMITTEE AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Hearing no questions or comments from the public, Mayor Canose closed the public hearing. Ms. Greenfield suggested waiting until next year when there will be two new council members each with an IT background. Mr. Hammond suggested proceeding with the ordinance. Mr. Donahue questioned the need for this ordinance. Mr. Hammond moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and a roll call vote followed. Mr. Hammond and Ms. Zamarra voted yes. Mr. Donahue, Ms. Greenfield, and Mr. Schmidt voted no.

Mayor Canose opened the public hearing on **Ordinance #2018-1824, PROHIBITING VAPING IN PUBLIC PLACES AND SUPPLEMENTING AND AMENDING CHAPTER**

III OF THE BOROUGH CODE ENTITLED “POLICE REGULATIONS”. Hearing no questions or 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 roll call vote followed. Mr. Hammond and Ms. Zamarra voted yes. Mr. Donahue, Ms. Greenfield, and Mr. Schmidt voted no.

ORDINANCES (Introduction)

Mr. Hammond said this ordinance was discussed by the Housing Committee and brought up as there were some issues in court where judges have ruled that the definition of junk was too vague. He said other towns’ ordinances were reviewed and Bedminster’s ordinance had language that was best suited for us and we are looking to amend our current ordinance to include that language. Mayor Canose said the word “nor” should be changed to “or” in Section 11-1.4 and 11-2.4, and this was accepted by council. Mr. Hammond moved that **Ordinance #2019-1825, AN ORDINANCE AMENDING THE COMMERCIAL AND RESIDENTIAL PROPERTY MAINTENANCE CODES BY ADDING DEFINITIONS OF “JUNK” AND “JUNK YARD” AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED “PROPERTY MAINTENANCE”**, 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., November 25, 2019. Ms. Greenfield seconded the motion, which was approved with five yes votes.

RESOLUTIONS

- | | |
|----------------|--|
| #19-215 | AUTHORIZING PAYMENT OF BILLS |
| #19-216 | AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0027 FOR HIGHVIEW 73 PROPERTIES
LLC FOR 2 WESLEY AVENUE |
| #19-217 | AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0018 FOR HIGHVIEW 73 PROPERTIES
LLC FOR 4 WESLEY AVENUE |
| #19-218 | AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0014 FOR HIGHVIEW 73 PROPERTIES
LLC FOR 6 WESLEY AVENUE |
| #19-219 | ESTABLISHING DECAL FEES AND OTHER REGULATIONS
FOR MUNICIPAL PARKING LOTS DURING 2020 |

- #19-220 AWARDING A CONTRACT FOR EXCAVATION OF TEST PITS**
- #19-221 SETTING RECREATION PROGRAM FEES**
- #19-222 AUTHORIZING THE MAYOR TO SIGN AN NJDEP
APPLICATION FOR FRESHWATER WETLANDS GP 11 AND
FLOOD HAZARD AREA INDIVIDUAL PERMITS FOR LLOYD
ROAD IMPROVEMENTS PROJECT**
- #19-223 AUTHORIZING ADOPTION OF THE UPDATED
MULTIJURISDICTIONAL HAZARD MITIGATION PLAN FOR
SOMERSET COUNTY**
- #19-224 AUTHORIZING COOPERATIVE PRICING AGREEMENT
WITH BUY BOARD NATIONAL PURCHASING COOPERATIVE**

Regarding Resolution #19-223, Mr. Hammond said that question BV5 indicates the borough has sufficient staffing for a shelter during an emergency, but he recalls Chief Valentine had perceived a potential problem with staffing of shelters in a prolonged disaster, and that hospitals would decant less sick patients to shelters and we could not accommodate that. Mr. Schmidt said he recalls that as well from Superstorm Sandy, that there was a concern that our shelter volunteers would have to get back to their jobs after one week and we would lose volunteers. Mr. Hammond said the responses to the questions were focused on infrastructure, and were answered that we had physical space and a generator for an emergency shelter, but was silent on personnel. Mr. Schmidt said there was discussion that was met with resistance, that in the event that volunteers could not fulfill their duties at the shelter, it would fall upon borough personnel. Mr. Hammond asked about question twenty one, which was about our community resilience after a severe storm, and the response was it would be desirable but not in our budget. A specific point of BV21, mitigation initiative is to enhance the community resilience to severe storms by joining the NOAA Storm Ready Program, and the status detail is that the borough does not have the funding and resources to participate in the program. Mr. Schmidt said he recalls there was a fee to join. Mr. Hammond said he would like to know the cost because he feels it is desirable. With Chief Valentine not present at this meeting, this resolution will be tabled to the next meeting and the Chief will be contacted to address this concern.

Mr. Schmidt moved to adopt Resolutions #19-214 to #19-222 and #19-224. Ms. Zamarra seconded and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. Schmidt, and Ms. Zamarra voted yes.

Winter Farmers Market

Mayor Canose said she viewed the now vacant train station building along with Mr. Walker and one of the Farmers Market participants, Malcolm Salovaara, for a potential location for a Winter Farmers Market. There is work that needs to be done in that area to get it ready to have the market and we would need someone to run it on Saturdays. Ms. Greenfield said she may be interested in running the market on Saturdays and Mayor Canose told her to talk to Ed English if she would like to proceed. Mr. Walker said the electric in the building needs to be checked on as well. Mayor Canose said the market would run from 10:00am to 1:00pm and we would try to start on December 7th as long as there are no issues with the electrical status of the building.

2020 Non-Contractual Salary Ordinance

Council reviewed the 2020 non-contractual salary ordinance. This ordinance will be on the agenda for introduction at the November 25th meeting.

Reorganization

The 2020 Reorganization meeting date was scheduled for January 2, 2020. A list of members whose terms expire at the end of 2019 was given to council for review for appointments to be made at the reorganization meeting. Mayor Canose said the last meeting of 2019 was changed from December 23rd to December 19th and there will be a resolution at the next meeting on November 25th to authorize the Finance Committee to pay bills.

Mayor's Update

Mayor Canose said she and Ms. Greenfield had a meeting with Chief Valentine, Downtown Bernardsville, and the Chamber of Commerce to coordinate holiday events for 2019. The tree lighting will be on December 7th and the Cookie Crawl and Parade will be on December 14th. The Mayor's Wellness Campaign is sponsoring a Winter Wellness Crawl on February 9th. There will be vendors at the library and there will be classes at five different facilities along with prizes and giveaways afterwards. The Veterans' banner dedication was held yesterday and was a great success. Mayor Canose thanked Mr. Schmidt for his donation, along with Mr. Hammond and members of staff who assisted with the dedication. Mr. Hammond thanked the Bernards Inn for inviting the veterans to lunch after the dedication. Mayor Canose said she attended the Somerset County Freeholders' meeting earlier tonight and we received a ceremonial check for Somerset Hills Youth Services Commission for \$5,000. They hold events such as the inter-generational social, a youth summit for 8th graders, and a Be Well Girls program for 3rd to 6th grade girls. Mayor Canose said there will be a grand opening for Bernardsville Center this Friday and Saturday with a ribbon cutting ceremony on Saturday at 10:00am. We received three proposals for the RFP for a Comprehensive Recreation Plan. They were from Green Play for \$79,999, Brandstetter Carroll for \$79,000, and Suburban Consulting Engineers for \$69,875. Mayor

Canose said these are RFP's, so it is not necessarily awarded to the lowest bidder, it is whichever meets our needs best. The Recreation Committee will review the proposals and make recommendations to council, who will ultimately make the decision.

Correspondence

There was none.

Unfinished Business

Mayor Canose said at the last meeting Mr. Schmidt offered to donate \$2,500 to be used for veterans' banners and brought the check for donation to this meeting. Mr. Hammond moved to accept the donation of \$2,500 from Mr. Schmidt. Ms. Greenfield seconded and the motion was approved with five yes votes.

New Business

Ms. Zamarra asked what is being done on the local level regarding the 2020 Census. Mayor Canose said the census is being handled at the county level but we could let them know about events that are being held in Bernardsville.

Ms. Zamarra said she is meeting with Ridewise regarding the Complete Streets program. A new resolution can be adopted in the future so the streets are designed to ensure they are accessible to everyone.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Personnel Matters, Contract Negotiations, Collective Bargaining, and Property Acquisition 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 five yes votes.

REOPEN

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

It was moved and seconded to adopt **Resolution #19-225, APPROVING A MEMORANDUM OF AGREEMENT WITH BERNARDSVILLE PUBLIC WORKS EMPLOYEES' ASSOCIATION.** The motion was approved with five yes votes.

Mr. Walker said the lien that was going to be put on 131 Mount Harmony Road for not maintaining the property is no longer needed as we have received payment.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.
