

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
December 19, 2019

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members, 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. Council Member John Donahue 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 and amended on October 3, 2019 to change the date to December 19, 2019.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Proclamation for Allan Rome, Mayor Canose read a proclamation honoring Allan Rome who has completed 50 years of service as an employee of the Borough of Bernardsville.

APPROVAL OF MINUTES

Ms. Greenfield moved approval of minutes from November 25, 2019 and December 9, 2019. Mr. Schmidt seconded and the motion was approved with five yes votes.

OPEN SESSION

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2019-1828, **SALARY ORDINANCE FOR EMPLOYEES OF THE BOROUGH OF BERNARDSVILLE WHO ARE MEMBERS OF THE PUBLIC WORKS EMPLOYEE ASSOCIATION**. 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. O’Dea seconded and a roll call vote followed. Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2019-1829, **AN ORDINANCE INCREASING THE ANNUAL REGISTRATION FEE FOR VACANT AND ABANDONED PROPERTIES AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED “PROPERTY MAINTENANCE”**. Hearing no 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. Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

RESOLUTIONS

- #19-244 AUTHORIZING PAYMENT OF BILLS**
- #19-245 AUTHORIZING THE BOROUGH OF BERNARDSVILLE OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT FUNDS FROM A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2019 EMERGENCY MANAGEMENT AGENCY ASSISTANCE PROGRAM FUNDING AND FOR THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS**
- #19-246 ACCEPTING MONTHLY REPORTS**
- #19-247 AUTHORIZING CANCELATION AND REFUND OF PROPERTY TAXES FOR 100% DISABLED VETERAN 121 ROUND TOP ROAD**
- #19-248 AUTHORIZING REFUND OF OVERPAYMENT OF 2019 TAXES FOR COUNTY BOARD OF TAXATION APPEAL 24-1 DOUGLASS AVE**
- #19-249 AUTHORIZING THE CANCELLATION OF SMALL BALANCES ON TAX AND SEWER UTILITY ACCOUNTS**
- #19-250 AUTHORIZING THE CANCELLATION OF \$24,537.50 FROM BUDGET APPROPRIATION FOR TURF FIELD REPLACEMENT**
- #19-251 AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE BOROUGH OF BERNARDSVILLE AFFORDABILITY ASSISTANCE PROGRAM FOR CODE COMPLIANCE/EMERGENCY REPAIRS OF AN AFFORDABLE HOUSING UNIT LOCATED AT 17E FOX HOLLOW TRAIL, BERNARDSVILLE, NJ 07924**
- #19-252 AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE BOROUGH OF BERNARDSVILLE AFFORDABILITY ASSISTANCE PROGRAM FOR CODE COMPLIANCE/EMERGENCY REPAIRS OF AN**

**AFFORDABLE HOUSING UNIT LOCATED AT 21E FOX
HOLLOW TRAIL, BERNARDSVILLE, NJ 07924**

- #19-253 AUTHORIZING THE PROVISION OF A GRANT
PURSUANT TO THE BOROUGH OF BERNARDSVILLE
AFFORDABILITY ASSISTANCE PROGRAM FOR CODE
COMPLIANCE/EMERGENCY REPAIRS OF AN
AFFORDABLE HOUSING UNIT LOCATED AT
19D FOX HOLLOW TRAIL, BERNARDSVILLE, NJ 07924**
- #19-255 AUTHORIZING TRANSFER OF FUNDS**
- #19-256 EXTENDING ANIMAL CONTROL SERVICES CONTRACT
WITH ANIMAL CONTROL SOLUTIONS, LLC THROUGH
DECEMBER 31, 2021**
- #19-258 AUTHORIZING THE CANCELLATION OF \$34,000 FROM
BUDGET APPROPRIATION FOR POLICE SALARY & WAGES**

Mr. Schmidt moved to adopt Resolutions #19-244 to #19-253, #19-255, #19-256, and #19-258. Ms. Greenfield seconded and a roll call vote followed. Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Regarding Resolution #19-254, **RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY DESIGNATING CERTAIN PROPERTY LOCATED AT 65 MORRISTOWN ROAD, WHICH PROPERTY IS IDENTIFIED AS BLOCK 125, LOT 13 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (AUDI Property)**, Ms. Greenfield said she has an issue with condemnation versus non-condemnation and it would set a bad precedent if we pass this resolution and start out with condemnation. She suggested giving a list of what needs to be repaired and a timeframe to do it. Mr. O’Dea said we met with the property owner, once with borough staff and members of the council and another with himself, Mayor Canose, Mr. DeMarco, the property owner’s attorney and the property owner’s realtor. He said condemnation is a tool and it is not something we intend to use unless necessary. He said it would not be accomplished by passing this resolution and would require further action at a future time. Mr. O’Dea said the Planning Board reviewed whether or not this area meets the criteria as an area in need of redevelopment and it passed unanimously that it met the definition of an area in need of redevelopment. Mayor Canose said if we do not approve this resolution it would slow down the process as it would have to go back to the Planning Board. Mr. Hammond said it sets good precedent as it shows we want to move things along in a timely

manner. Jeff Horowitz, Downtown Revitalization Committee, said the resolution for Quimby Lane was put forth without condemnation. Mayor Canose said she does not like the word condemnation and hopes that we do not get to that point and agreed that this resolution is just a tool we can use if needed. Ms. Zamarra said condemnation is a long process and would not be finalized by passing this resolution. Mr. Schmidt asked if anything could come back against us if we pass this resolution. Mr. Pidgeon said we have to indicate at the outset between condemnation and non-condemnation, the whole process for condemnation would be long and this is just a preliminary step. Mr. O'Dea moved to pass Resolution #19-254. Mr. Hammond seconded and a roll call vote followed. Mr. Hammond, Mr. O'Dea, and Ms. Zamarra voted yes. Ms. Greenfield voted no. Mr. Schmidt abstained.

Regarding Resolution #19-257, **RENEWING THE CONTRACT WITH ALPHADOG SOLUTIONS FOR A TERM OF SIX MONTHS FOR WEBSITE DESIGN, DEVELOPMENT, ACCEPTANCE TESTING, IMPLEMENTATION, AND MAINTENANCE.** Mr. Hammond suggested a lesser extension than six months as indicated in the resolution, and suggested three months. Mayor Canose said we need to write an RFP for this service. She said it could take six months and this timeframe would allow time to explore. Mr. Schmidt moved to adopt Resolution #19-257. Ms. Zamarra seconded and a roll call vote followed. Ms. Greenfield, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Municipal Attorney's Report

There were no comments or questions from council on Mr. Pidgeon's report of December 16, 2019.

Council Committee Reports

Public Safety Committee, Mr. Schmidt said there is an opening for an officer due to a retirement. They interviewed an applicant and additional interviews will be held.

Finance Committee, Mr. O'Dea said the committee has not met in person since the last report but there have been emails with data between staff and the committee. The committee will need to focus on this data as they finalize the budget for 2020.

Personnel Committee, Ms. Zamarra said the employee holiday luncheon is tomorrow.

Engineering, Technology & Public Works Committee, Mr. Macdowall said we have an application into the NJDEP for a permit for Lloyd Road. The plans and specs have been sent to the NJDOT for review as we have a grant for this project. It is anticipated that we will go out to bid in January, receive bids in February and award the bid at the second February meeting. We received a \$300,000 grant from the NJDOT for Washington Corner Road improvements. We received NJDEP approval to lower the culvert at the borough pond which will begin when the weather gets better. Hull Road and Lindabury Avenue improvements will go out to bid in

January with bids being received in February. Leaf pickup was completed Monday morning, but some residents put more leaves out to be picked up. Mr. Macdowall said because this time of year we get ice and snow storms, there are branches down, and he would prefer not to pick up any more leaves at this time and instead tell residents take their leaves to the landfill. It was noted that residents are given a final date, usually the Monday after Thanksgiving, to have their leaves out at curbside. Mr. O'Dea asked council if we should pick up leaves for the six residents who asked or tell them to take their leaves to the landfill. There was no motion from council to make any more leaf pickups for this season.

Other committee/commission reports

Housing, Mr. Hammond said the committee met on December 12th and reviewed the top ten list of residential properties with maintenance issues. He said the lien program is working well and it is tough to find ten residential properties. The committee needs a new chairperson with Chad McQueen being on council in 2020. Mr. Hammond said the committee is looking at revising various ordinances next year pertaining to properties. He said an important issue is with sub renters using our school and how we can come up with information sharing with the schools so that we can identify people who are illegally renting. Mayor Canose will follow up with Gretchen Dempsey, Superintendent of Schools.

Council Liaison Reports

Cultural Arts Committee, Ms. Zamarra said the committee met and discussed the mural project. The design is being worked on by art teacher Caren Frost Olmstead and Bernards High School art students. There will be an update in the next couple of weeks. Ms. Frost has received a lot of input from residents and is using the students to come up with a design that will incorporate everyone's comments. Mr. O'Dea asked if council will review drafts or just see the final design when it's ready. Mayor Canose said what will happen is Downtown Bernardsville will see it first, the Cultural Arts Committee will see it, and then the Council will see it. Mr. O'Dea asked if we will see multiple ideas to choose from. Mayor Canose said we will just get to see one. The theme is Small Town Big Community. Ms. Greenfield said a list was given to the artist of things we want to see and don't want to see. Mayor Canose said there will be a kickoff fundraiser for the unveiling.

HPAC, Ms. Greenfield said the committee met and the contractor to do the flooring and interior work at Dunster Squibb has been chosen.

Shade Tree Committee, Mr. Hammond said the committee met and Ed English said the deer management program is going well. They are working with Mr. Macdowall and will be implementing the first phase of a planting plan in the spring. The committee is going to participate on April 25th at the e-waste day and have an educational table at that event. The update of the shade tree ordinance has been helpful to Renee Apuzzo.

ITEMS OF BUSINESS**Recreation Master Plan**

Mayor Canose read the prices from the three organizations that submitted RFP's for a recreation master plan. She said the Recreation Committee is good with Suburban Consulting Engineers or Brandstetter Carroll. It was noted that Brandstetter Carroll came in earlier in the year for a presentation and Mayor Canose will call Suburban Consulting Engineers and invite them for a presentation at a future meeting.

**Request from Nelson Tree Service to Park Vehicles/Equipment
on Borough Property (Kiwanis Field)**

Nelson Tree Service submitted a request to park one pickup truck and nine aerial lift bucket trucks and chippers at the Kiwanis Field Parking Lot at no expense. The date of using the Kiwanis Field Parking Lot was requested for January 1, 2020 to approximately April 30, 2020, with the time of equipment parked being a 24hr window due to fluctuations in schedules of work requirements with the utility company they are doing the work for. Ms. Greenfield moved approval of the request as follows:

- Nelson Tree Service must submit a Hold Harmless Agreement and Certificate Of Insurance naming the Borough of Bernardsville as additional insured;
- The dates for use of Kiwanis Field Parking Lot are January 1, 2020 to March 31, 2020. Due to Little League starting in the month of April, Nelson Tree Service would need to move their vehicles/equipment to the gravel lot area across from Borough Hall for April 1st to April 30th;
- Use of borough property (Kiwanis Field Parking Lot and lot across from Borough Hall) must be restored to its pre-use condition or better.

Ms. Zamarra seconded and the motion was approved with five yes votes.

Mayor's Update

Mayor Canose said she attended the Somerset County Governing Officials Association meeting on December 11th and was elected to their board. She said Downtown Bernardsville held the Holiday Parade and Cookie Crawl on December 14th and it was well received with a great turnout. Mayor Canose said she attended the Bernardsville Chamber of Commerce's holiday events on December 7th. She said a representative from Rutgers Leadership will be attending the January 27th council meeting to discuss strategic planning and visions for the council. She said this discussion should take about an hour and a half and asked if that meeting could be noticed for 6:00pm. The joint council meeting with the Planning Board and Board of Adjustment that was to be held on January 27th will be moved to February 10th. Council agreed to this change and it will be reflected in the 2020 meeting schedule to be passed by resolution at the council reorganization meeting on January 2, 2020.

Correspondence - NJ American Water Company Rates

A letter was received regarding NJ American Water Company rates being increased. It was stated there is nothing council can do about this and it was distributed for notification.

Correspondence - Board of Health Appointments/Membership

Leonard Friedman, Chair of the Board of Health, wrote a letter requesting the membership on the board be increased from five to seven. Mr. Pidgeon will have an ordinance for introduction on January 13th.

**Correspondence – Letter from John Ginnie
Requesting Waiver of Five Year Road Moratorium**

A letter from South Street resident John Ginnie was received. Mr. Ginnie requested a waiver of the five year road moratorium and allowing the issuance of a permit to open the road for PSE&G to install a gas line. Mr. Macdowall said the road was paved three and a half years ago and does not think allowing this exception would be a problem. Ms. Zamarra moved to approve Mr. Ginnie's request. Mr. Hammond seconded and a roll call followed. Mr. Hammond, Mr. O'Dea, and Ms. Zamarra voted yes. Ms. Greenfield and Mr. Schmidt abstained.

Correspondence - Other

Mayor Canose said we received a letter from Dave DePodwin, Old Colony Road, in support of council adopting Resolution #19-254, and suggesting the borough buy the Audi Dealership property with open space funds and make it a pocket park.

Unfinished Business

Ms. Zamarra asked if the train station building was ready for use to hold the Winter Farmers' Market and it was stated it is ready and the market is scheduled to begin in the train station building on January 4th.

Mr. Hammond said with discussion taking place a couple of months ago about what to do with \$140,000 of recreation open space money that could be used for development, we decided we would use some for immediate needs and some put aside for the recreation master plan. He thought we agreed on wheelchair accessibility for the Polo Grounds, a walking path for the Polo Grounds, and safety upgrades to the Rose Bowl bleachers. He asked what the status was for these items. It was stated that the Rose Bowl was for dugouts. Mr. Walker said for the Rose Bowl, we cannot put anything there as it will act as a dam. Mr. Hammond asked about the walking path for the Polo Grounds. Mr. Walker said we do not have a plan for the walking path and there are wetlands there so it needs to be determined how formal of a path we want to create. He added he is not sure who is leading that initiative to put that in. He said he has not seen a

plan and if it goes close to the wetlands, we would need permits. Mr. O'Dea said at their next meeting the Public Works Committee will review the list from the ordinance and discuss timing of those projects and other options.

New Business

Mr. Schmidt said this is his last meeting and thanked voters, Mayor, Council Members, and staff during his six years as a Council Member. He said he served on the Public Safety Committee and Public Works Committee and each were enjoyable.

Ms. Greenfield said she enjoyed her time on council and thanked the Council Members and staff that she worked with.

Mayor Canose presented Mr. Schmidt with a plaque and Ms. Greenfield with flowers in honor and recognition of their service on the council.

Mr. O'Dea said there will be a special meeting on December 30th at 8:00am for a transfer of funds resolution and asked if enough council members are available for a quorum, either in person or by phone. Mayor Canose, Ms. Greenfield, Mr. O'Dea, and Ms. Zamarra said they are available.

OPEN SESSION

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

CLOSED SESSION

It was moved to adjourn to an executive session to consider Personnel Matters and Collective Bargaining - Police Grievance 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.

ADJOURNMENT

The meeting was adjourned at 11:20 p.m.
