

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
April 8, 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

Interim Report – Mayor's Field Study Committee

Greg DeGrandpre, Somerset Hills Little League and member of the Field Study Committee, discussed an interim report of the committee with council. The committee's recommendations were to amend the current open space tax ordinance so that effective January 1, 2020, 20% would be allocated strictly for acquisition and 80% would be for either acquisition or development. This would require a question on the November ballot and therefore the committee recommends a referendum in November. Mr. DeGrandpre said the 80/20 split was modeled after New Providence and looking at the scope of our fields. The interim report will be put on the borough website.

OPEN SESSION

<p>At this point in the meeting, the Mayor & Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes.</p>
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Joe Rossi, Crest Drive, said one project takes up a lot of the open space funds and projects should be reviewed by council on a yearly basis and considered with the \$400,000 they get. Mr. Rossi said synthetic fertilization is the only thing that will work on our fields, it keeps kids safe, it rejuvenates, and it does not produce stones or runoff. Mr. Schmidt said he was on council when this topic came up in the past. He said a side by side comparison of synthetic versus organic was done. The organic costs a little more than double the synthetic and would take from three to five years to see a result. He said it was then decided we would only do organic at

playgrounds, the pool, and the common area at Kiwanis Field. He said having organic the way we have it may be the best result because there are children on the fields. He said he does not see reason to change now since the results are good and there is no plan to change. Mr. Hammond said Mr. Rossi's statement that pesticides keep kids safe is, from a medical point of view, an open question.

David Neill, Prospect Street, discussed the topic of proof from owners of multi-family dwelling units that their unit was in compliance prior to 1971 and asked how that originated. Mr. Maresca said it came from the Zoning Office. Mr. Neill said he has submitted an OPRA request for a list of owners of multi-family units that will receive a letter of non-conformance.

Kathleen Williams, Round Top Road, said she is one of five houses that abuts Borough Springs and deer hunting is dangerous in that area and wanted council to readjust the deer management property list for the safety of the children. Mayor Canose said we could revisit the topic at a future time and discuss removing the 4.40 acre part of Borough Springs from the list. There were no objections from council to revisit this topic at a future meeting.

Greg DeGrandpre, Flintlock Court, talked about synthetic versus organic field maintenance and said the way it is being done now has the fields in great condition.

Alice Struble, Old Army Road, talked about synthetic versus organic field maintenance and asked council to make sure we are not endangering our kids.

Anne Peterson, Shade Tree Committee and Friends for a Greener Bernardsville, said they are running into expenses in placing hanging baskets throughout town. She asked council for assistance in funding this project in future years, stating they were ok for 2019. Mayor Canose said she will put Ms. Peterson in touch with Olivia Manning who might be able to help.

Henry Ruschmann, Mine Brook Road, spoke about horn sounds from NJ Transit trains.

Kerry Haselton, Mine Brook Road, said it is important for kids to play on the fields but also bees need to coexist with kids on the field. She mentioned Bernards Township fields have been organic since 2008 and they are green and holding up well. She said it is important to have quality grass fields and also important to have bees. Insecticides are killers of bees. She said we need to get all the information on what we are putting on fields.

Joe Rossi, Crest Drive, asked what is happening with the turf field. He said it does not drain properly and needs to be redesigned. Mr. O'Dea said we requested information about regulation sizes of the fields and it has been posted on our website for three months. It is from the National Federation State High School Association about the regulation sizes of fields for football, soccer, and lacrosse, and all are consistent with the size of Veterans' Memorial Field. We recently received information about the fencing and padding on Veterans' Memorial Field. All

organizations that provided input said that the fencing with padding as is currently in place meets the regulation for football. The organizations are NJSYFL and NJSIAA. Mr. Walker said more padding will be installed. Mr. Schmidt said there was a very detailed statement of work when first reviewed and he does not recall Mr. Rossi's concerns being brought up at that time. Mr. Schmidt said it was a NJDEP issue, not of the borough, that limited how far we could go. Mr. Rossi said he wants the turf rolled up and go back and put the hundred year storm in and roll it back out.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2019-1800, **AN ORDINANCE CONCERNING FEES FOR APPLICATIONS FOR CERTIFICATIONS OF NONCONFORMITY AND USE VARIANCES AND SUPPLEMENTING AND AMENDING ARTICLE 15 OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED "FEES AND ESCROW DEPOSITS" AND ARTICLE 3 ENTITLED "ZONING BOARD OF ADJUSTMENT"**. Hearing no comments or questions 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 roll call vote followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

ORDINANCES (Introduction)

Mr. Schmidt moved that Ordinance #2019-1801, **ORDINANCE AUTHORIZING THE WHITENACK ROAD BANK STABILIZATION PROJECT AND APPROPRIATING \$120,000.00 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND** 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., April 22, 2019. Mr. Schmidt said he had thought the cost would be \$80,000. Mr. Walker said there is a lot of permits and engineering involved which make the amount \$120,000. Mr. O'Dea seconded and the motion was approved with six yes votes.

RESOLUTIONS

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| #19-82 | AUTHORIZING PAYMENT OF BILLS |
| #19-83 | SELF-EXAMINATION OF BUDGET RESOLUTION |
| #19-84 | AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7000-0004 FOR MR. & MRS. PAUL HENNESSEY FOR 37 OAK RIDGE ROAD |

- #19-85 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0009 FOR MR. & MRS. JEFFERY HAINES
FOR 60 CHAPIN ROAD**
- #19-86 AUTHORIZING A 2019 OPEN SPACE GRANT APPLICATION TO
THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL
COMMISSIONS (ANJEC)**
- #19-87 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #19-88 APPROVING MEMBERSHIP IN THE FIRE COMPANY**

Regarding Resolution #19-88, Mr. O'Dea thanked Paul Wry for volunteering his time to become a member of the Fire Company. Ms. Zamarra moved to adopt Resolutions #19-82 to #19-88. Ms. Greenfield seconded and the motion was approved with six yes votes.

Timing and Content for a Potential Public Referendum on Open Space

Council discussed various ideas regarding a referendum on open space. In order to have a referendum on the ballot in November, a resolution would need to be adopted and submitted to the County Clerk by August 16th. Mr. Pidgeon and council will review the documents provided by the Field Study Committee. Council will submit their suggestions of the content of the referendum to Mr. Pidgeon who will prepare a draft resolution for further discussion at the next meeting. Members of the public also spoke on this topic.

Steve Reynolds, Stevens Street, said there is not enough money in the 20% portion for improvements.

Mark Walden, Liberty Road, cautioned not to take on too much at one time.

Joe Rossi, Crest Drive, said the more lists that are made that goes out to the public the more problems council will have and suggested council prioritize projects each year.

Proposed Change to Administrative Code Regarding Agenda Items

Mr. O'Dea said members of council should be able to put an item on the agenda. He added that the administrative code was written about 20 years ago. Mayor Canose said sometimes items need to go to council committees. Ms. Zamarra said a change to the administrative code will affect the future and asked if Mr. Pidgeon could provide samples from other boroughs. Mr. Pidgeon will provide council with sample ordinances from other boroughs for review and consideration if they want a change.

Chamber of Commerce Event, Dog Costume Contest – October 27, 2019

Christina Gianni, Bling By Design, was present to discuss this event of a dog costume contest to be held in the Library Parking Lot on October 27, 2019. Council consent was given subject to receipt of a certificate of insurance naming the borough as an additional insured and a hold harmless agreement.

Mr. Schmidt left the meeting at 9:05pm.

Bernardsville Fire Company Request to Sell Raffle Tickets at Train Station Lot

Council consent was given to the Bernardsville Fire Company to sell raffle tickets at the train station parking lot on Saturdays starting on April 13th.

Draft Ordinance Allowing Four-hour Free Parking in the Ammerman Lot

Mr. Pidgeon will have an ordinance for introduction at the next council meeting for free four hour parking in the Ammerman Lot. Any fee changes to merchant decals would need to be amended by resolution.

Joe Rossi, Crest Drive, said there is no handicapped parking in close proximity to downtown. Mr. Hammond will bring this to the Public Safety Committee.

Mayor's Update

Mayor Canose said she went to Trenton with Mr. Macdowall and Mr. Walker to meet with the NJDEP to discuss drainage at the pond and the Whitenack Road project. She met with Anthony Cava, CEO of Robert Wood Johnson/Barnabas Health Somerset, who offered to get speakers for the Mayor's Wellness Campaign. A Library Planning Committee meeting took place on April 3rd to review library projects. April 6th was opening day for Little League and they were appreciative of Mr. Walker for all his help with the fields. The Recovery Couch Potato Program was held at borough hall on April 6th. On April 7th, there was a walk with the Mayor and Council with Mr. Donahue and Ms. Zamarra participating at Old Army Trail. There will be an open house at borough hall tomorrow as part of NJ Local Government Week. It will be from 1:30pm to 4:30pm and include Coffee With A Cop. The Mayor, Mr. Donahue, Mr. O'Dea, and Mr. Walker will meet on April 10th with the Board of Education, School Superintendent, and Business Administrator to discuss communicating and helping each other.

Correspondence - Letters re: Borough Athletic Fields

Ms. Zamarra said the Public Works Committee met and reviewed the current plan of how the playing fields are maintained. We use Tru-Green as our contractor and they provide us with a list of chemicals they are applying to the fields. The list shows the name of the chemical and the health consequences. She said some are Carsonigenics and she does not feel comfortable putting

this on the field. Common areas between fields are treated with organic. Playgrounds and school fields are also organic which is state mandated. She named several towns and said those towns have taken a stand not to put carsonigenics on their fields. There are experts in the organic field maintenance that she would like to invite to the next Public Works Committee to give a cost analysis. This topic had come up before and we decided to go all organic at Kiwanis, but the quality was not there and this was before we knew that Round Up causes cancer. Before we move forward with Tru-Green's list that they are going to apply, we can decide in the next two weeks if we want to go all organic. Mayor Canose asked if Tru-Green could switch from synthetic to organic mid contract. Mr. Walker said they can. Ms. Zamarra said we could expand adopt-a-park to include picking up weeds. Our fields are Rose Bowl, Claremont, Kiwanis, and Upper Polo (Evankow). Mr. O'Dea said our options are one synthetic application or one organic application. Mr. Donahue moved to use one synthetic application. There was no second. Mr. Hammond moved to use one organic application. Mr. O'Dea seconded and the motion was approved with Ms. Greenfield, Mr. Hammond, Mr. O'Dea, and Ms. Zamarra voting yes. Mr. Donahue voted no. After the Public Works Committee reviews, this item will be revisited.

Correspondence - Letter re: Display of Rainbow Pride Flag

This request was received by the Mayor from the Somerset County Democratic LGBT Caucus and council decided not to get a flag to display.

Correspondence - Letter re: Requesting Ordinance Banning 5G Small Cell Towers in Residential and School Areas

There were small cell boxes installed in 2016 via council approval. Mr. Pidgeon said we cannot prevent installation via federal law. Mr. Hammond asked if we could reconsider after the approval given in 2016. Mr. Pidgeon said only if we have definitive proof of safety hazards. Ms. Zamarra read a list of safety precautions for devices. Mr. Hammond suggested that if we cannot ban 5G maybe we can get as few small cells as possible to achieve the same effect. The Public Works Committee will review.

Correspondence - Letter re: Requesting Funding of Hanging Baskets

This item was discussed earlier in the meeting in open session with Anne Peterson present.

Correspondence - Letter re: Requesting Reduction of Zoning Fees for a Prior Application

An application to the Board of Adjustment regarding a multi-family unit was made by Georgia Persky before Ordinance #2019-1800 was adopted to reduce fees for those applications. Via a letter to council, Ms. Persky requested a refund in the difference of what she paid when she applied to what she would have paid had the ordinance been in effect. Council consent was given to refund Ms. Persky.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations 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 was approved with five yes votes.

ADJOURNMENT

Mayor Canose adjourned the meeting at 10:25 p.m.

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