

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
April 13, 2020

Mayor Canose called this meeting to order at 7:00 p.m. via Zoom. Present were Council Members John Donahue, Jeff Hammond, Jena McCredie, Chad McQueen, Thomas O’Dea, Jr., 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 January 3, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Charles Smith of Comcast was present to discuss Comcast’s application for renewal of municipal consent. Mr. O’Dea asked what rights the license will give Comcast and what would not renewing it result in. Mr. Smith said Comcast has to have a franchise agreement to operate in the municipality unlike Verizon that has a statewide franchise and can operate anywhere. He said if an agreement could not be negotiated, Comcast would file directly with the BPU for the franchise. Mr. Smith said that is a rare instance happening once in eighteen years. Mr. O’Dea asked if granting Comcast the franchise gives exclusivity. Mr. Smith said no. Mayor Canose asked how long Comcast has been a franchise in Bernardsville. Mr. Smith said they took over from Patriot Media which was a fifteen year franchise. Mr. Hammond said provisions they have to meet sound like complaints and asked how council would know about complaints. Mr. Smith said the BPU is the complaint authority so we would have to check with the BPU. Mr. Pidgeon said people would normally also come to council with complaints. Mayor Canose opened the public hearing. Hearing no comments, Mayor Canose closed the public hearing. Mr. Smith said the next step would be to negotiate the new franchise and the borough would choose someone to do those negotiations. He said the current franchise expires August 1, 2020 and it would be ideal to have a new franchise in place by then, but it is not required and there is no penalty, and does not have an effect on services. Mr. Pidgeon said the last time this came up a committee was formed. Mayor Canose said we will put a committee together and Mr. Smith will be involved in the negotiations.

OPEN SESSION

Mayor Canose opened the meeting to the public session. Hearing no comments, Mayor Canose closed the open session.

ORDINANCES (Public Hearing) - None

ORDINANCES (Introduction) - None

RESOLUTIONS

- #20-112 AUTHORIZING PAYMENT OF BILLS**
- #20-113 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #20-114 AUTHORIZING ROUTE 202 TREE PLANTING**
- #20-115 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #20-116 AUTHORIZING PERMISSION TO USE GRAVEL LOT AREA
ACROSS FROM BOROUGH HALL**

Regarding Resolution #20-115, Mr. O’Dea thanked Robert Raggi for volunteering to become a member of the Bernardsville Fire Company.

Regarding Resolution #20-114, Ms. McCredie asked if the money is coming out of the Shade Tree Fund and not the municipal budget. It was confirmed that it is coming out of the Shade Tree Fund.

Regarding Resolution #20-116, Ms. McCredie asked if someone is keeping track of permission we are giving for use of the gravel lot across from Borough Hall. Mr. Maresca said Mr. Macdowall is keeping track.

Mr. Hammond moved to adopt Resolutions #20-112 to #20-116. Mr. O’Dea seconded the motion and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

Resolution #20-117, RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY IN SUPPORT OF A MOBILE COVID-19 TESTING FACILITY WITHIN SOMERSET COUNTY, was pulled because Somerset County has already has a COVID-19 testing facility in the works at Raritan Valley Community College. Mr. Hammond said the testing center is set for three days at four hours per day and asked if we could pass a resolution urging the county to expand this service. Mr. McQueen mentioned adding support for the need of antibody testing. Mr. O’Dea suggested wording to indicate if demand exceeds supply we encourage them to increase the quantity and the hours. Mr. Pidgeon suggested Mayor Canose write a letter on behalf of the council in support of these

topics instead of a resolution. In lieu of adopting the resolution, Mr. Hammond moved to direct Mayor Canose write a letter to government officials asking for expanded hours and additional testing at the Somerset County COVID-19 testing site. Mr. O'Dea seconded and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Mr. Donahue moved to adopt of **Resolution #20-118, EXTENDING GRACE PERIOD FOR SEWER FEES**. Mr. McQueen seconded and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Regarding **Resolution #20-119, APPROVING THE INSTALLATION OF SEVEN NEW FIRE HYDRANTS IN TWIN LAKES, MINE BROOK ROAD, AND CRESTVIEW DRIVE AS PART OF NJ AMERICAN WATER COMPANY'S WATER MAIN INSTALLATION PROJECT**, Mr. McQueen asked about cost allocation of the seven fire hydrants to the budget. It was decided to add "in an amount not to exceed \$5,000" to the resolution. Mr. McQueen moved adoption of Resolution #20-119 as amended. Ms. McCredie seconded and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Regarding **Resolution #20-120, RESOLUTION TO CANCEL BOND ORDINANCE 2020-1836 IN THE GENERAL CAPITAL FUND**, Mr. O'Dea said the Finance Committee discussed the impacts on budget might be potential revenue losses and potential expense that might occur due to COVID-19 and wanted flexibility. He said the committee recommends delaying a portion of the road referendum. Mr. O'Dea said we had approved \$900,000 this year and had approved \$900,000 last year for a total of \$1,800,000, which was all part of the original \$10,000,000 voter approved road referendum. He said the concept is to do half this year and the other half next year which will allow flexibility this year should we need money for COVID-19 expenses or shortfalls. Mr. O'Dea said that the only way to do that is to cancel Bond Ordinance #2020-1836. Mr. O'Dea moved adoption of Resolution #20-120. Mr. Donahue seconded and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Mr. O'Dea voted yes. Ms. Zamarra abstained. Mr. O'Dea said we will ask departments for a list of items that could be postponed, spending that can be put on pause, and a list of spending for essential items.

Regarding **Resolution, #20-121, GRANTING RENT HOLIDAY TO SUMMIT MEDICAL GROUP**, Mayor Canose said Ms. Roberson sent an email stating that adopting this resolution and granting the rent holiday would result in a loss \$25,000 in revenue. Ms. McCredie asked if this rent holiday is to be a break and they would pay their rent at the end or would we never get paid. Mr. Pidgeon said according to Mr. Walker's email, the lease would be extended by three months, but it would be a loss of three months' rent. Mr. Hammond said he is not opposed to giving them a grace period but at some point they still have to pay it. Mr. O'Dea said we did a similar thing for the sewer fees by extending the grace period. Mayor Canose said there is legislation upcoming for providing rent relief. Mr. O'Dea said we could respond to them that we

would consider flexibility in terms of the timing of their payments but not as the resolution is written. He said we can explore options with them, possibly deferring payments to later in the year. Ms. McCredie agreed and said we could give the same guidance that some of the mortgage companies are giving and then revisit once laws are passed at the federal and state level. Mr. Pidgeon will contact Mr. Walker to communicate this type of response to Summit Medical Group. There was no motion to adopt Resolution #20-121.

Regarding **Resolution #20-122, ALLOWING TEMPORARY “OPEN” SIGNS DURING COVID-19 EMERGENCY**, Mayor Canose said the Bernards Township Chamber of Commerce is asking to allow temporary open signs during the COVID-19 emergency. This will allow people to know which businesses are open, allow sandwich board signs as long as they do not block the sidewalk, and allow more promotion through signage than is normally allowed. Mr. McQueen suggested adding language to include additional information that is relevant to their business other than just being open. Mr. O’Dea suggested allowing what is necessary and having Mr. Price make the final decision as to what is appropriate. Mr. Pidgeon will add the following to the end of #1 on the resolution: *All such signs are subject to the approval of the Borough Zoning Officer as to size, placement, etc.*; amend #2 on the resolution to read: *Subject to the approval of the Borough Zoning Officer, such signs may also contain additional relevant information including, but not limited to, hours of operation and instructions as to how to order the business’s goods or services*; and add #3 to the resolution to read: *All such signs shall be removed immediately upon termination by the Borough Council of this temporary program*. Mr. McQueen moved adoption of Resolution #20-122 as amended. Mr. Hammond seconded and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

Regarding **Resolution #20-123, AUTHORIZING PERMISSION TO CRJ CONTRACTING TO USE LOCUST DRIVE CUL DE SAC WHILE THEY WORK ON THE NJ AMERICAN WATER MAIN INSTALLATION PROJECT**, Mr. Hammond said there are alternative areas for CRJ Contracting to store their equipment other than the Locust Drive cul de sac. He said they wanted this to be a staging area and not just for the work on Locust Drive. Mr. Hammond said this would carry on for several months and he felt that it was an unreasonable burden on the residents. He suggested they use the property they already have even if it means a little more travel time for them. Ms. Zamarra said the latest email from Mr. Macdowall said he talked to NJ American Water Company and they moved everything out of the cul de sac and onto the NJ American Water property at the intersection of Oak Ridge and Locust Drive. Mr. Hammond asked if they did that as a temporary measure based on complaints and we need to codify that if that’s their approach. It was decided not to allow this request and no motion was made to adopt Resolution #20-123. Mr. McQueen asked if we have a contact at NJ American Water to inform of this decision. Mayor Canose said we can direct John Macdowall to inform them as he deals with NJ American Water Company. Mr. Maresca agreed this was the way to communicate back to them.

Regarding **Resolution #20-124, AUTHORIZING EXECUTION OF AN NJOEM MEMORANDUM OF UNDERSTANDING**, Chief Valentine said the Memorandum of Understanding is a standing document that periodically has to be updated. Mr. Hammond moved to adopt Resolutions #20-124. Mr. O’Dea seconded the motion and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

Regarding **Resolution #20-125, APPOINTING JAMES STILLMAN AS A PART-TIME SUBSTITUTE DISPATCHER**, Mr. O’Dea asked about the duration of the appointment. Chief Valentine said it is an hourly part time appointment and the employee will only work when called in. Mr. Hammond moved to adopt Resolutions #20-125. Mr. O’Dea seconded the motion and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

Regarding **Resolution #20-126, RESOLUTION APPOINTING NEIL MASTROBUONO AS ACTING RECREATION DIRECTOR**, Mr. McQueen said he would recommend providing a spot bonus just to cover the financial difference between now and when we have a new Recreation Director in place rather than appointing an Acting Recreation Director. Ms. McCredie asked if it is customary to give an increase in these situations. Mr. Maresca said it is basically higher grade pay. Mr. McQueen suggested structuring the increase as a stipend. It was decided to give a \$400 stipend per pay period, until a new Recreation Director is hired, to Neil Mastrobuono. Ms. Zamarra moved to adopt Resolutions #20-126. Mr. McQueen seconded the motion and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

ITEMS OF BUSINESS

Request from Hardship Exemption for Road Moratorium for Street Opening, 23 Highview Avenue

Mr. O’Dea said there was a letter from Mr. Macdowall recommending approving the hardship exemption and added that he agrees. He said the new owner renovated the property and made it better. Mr. Hammond agreed that fixing it up made the neighborhood better. Mr. Hammond asks who pays for the \$5,000 work. Ms. Zamarra said the homeowner and Mr. Pidgeon concurred. Mayor Canose said that when someone is doing a conversion and they apply for a permit, at that point they need to be notified about the moratorium. Mr. Price said they would need a document indicating which roads are not available to be dug up until a certain year but this document does not exist. He said he is looking for a way to put a document of that type in place. Mr. Donahue suggested notifying people as part of their closing permits package when they buy a house. He suggested making the moratorium two years instead of five and maybe a \$5,000 contribution to the road paving fund after two years and zero after five years. Mr. Pidgeon will review to see if Mr. Donahue’s suggestion is possible. Mr. Price said they will put a notation on the records closing certification about the condition of the road and when it was

last paved. Mr. O'Dea moved approval of the exemption at 23 Highview Avenue based on Mr. Macdowall's recommendation. Ms. Zamarra seconded and the motion was passed with six yes votes. Mr. Donahue asked if the Public Works Committee could review the topic of road moratoriums. Mr. O'Dea said he will put it on the Public Works Committee's agenda.

**Request from Bernards Township Regional Chamber of Commerce
to Help the Business Community**

This item was resolved via Resolution #20-122. It was noted that there are no rental inspections ongoing at this time and therefore no fees to waive for these inspections.

271 Mine Brook Road Subdivision

Mayor Canose said John Szabo, Borough Planner, is working on the best ways to subdivide the property.

Mayor's Update

Mayor Canose said each day she has a conference call with Somerset County regarding the coronavirus emergency and they are doing a great job giving updates from the Prosecutor's Office, Freeholders, State, and other towns. They discussed price gouging and gave a phone number to call if there are any complaints. She said she was on a webinar with the NJ League of Municipalities about the Care Act and executive orders. Mayor Canose said she has had conference calls with Senators Menendez and Booker which covered the IRS stimulus payments, unemployment extension of 13 weeks to July 31st, unemployment covering self-employed persons and private contractors. She said they had a White House briefing and OEM Coordinator Chief Valentine had a mass feeding committee meeting. They have been doing a good job getting the food pantry up at St. Bernards Church. She said there are a lot of volunteers involved and thanked Chief Valentine for his efforts. Mayor Canose thanked Ms. Zamarra for making masks and Mr. Maresca for getting the flag banners up in the downtown area. Mr. O'Dea asked who would someone call if they had food to donate to the food pantry or wanted to participate. Mayor Canose said it can be dropped off at St. Bernards Church from 9:00am-12:00pm, Monday through Thursday and 3:00pm-6:00pm on Mondays and Tuesdays. There is information on the Police Department webpage regarding the food pantry. She said she has a weekly call with the Governor's Office for updates.

Correspondence

2020 Bike MS: Country Challenge, Mayor Canose said a letter was received from the National MS Society for a bike ride on September 12th. Mr. Suriano said the National MS Society has been directed to discuss the details of the event to the satisfaction of the Police Department.

There is no council action required, but they would need to submit a certificate of insurance naming the borough as an additional insured and complete a hold harmless agreement.

Unfinished Business - None

New Business - None

CLOSED SESSION

It was moved to adjourn to an executive session to consider 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.

Ms. Zamarra moved adoption of **Resolution #20-127, REGARDING THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**. Mr. McQueen seconded and motion was approved with six yes votes.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.
