

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**April 27, 2020**

Mayor Canose called this meeting to order at 7:00 p.m. remotely 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 - None**

**APPROVAL OF MINUTES**

Ms. Zamarra moved approval of minutes from March 23, 2020, April 13, 2020, and April 21, 2020. Mr. McQueen seconded and the motion was approved with six yes votes.

**OPEN SESSION**

Jackie Somers, Wesley Avenue, asked if the compost site on Pill Hill Road would be open this Saturday. Mr. O’Dea said it would be open this Saturday and the details will be published on the website. He said details are being worked out on how to deal with the cards needed to use the compost site.

Ed Gregory, Chapin Road, spoke in support of his request in Item 10B which will be later in the agenda.

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

**ORDINANCES (Public Hearing) - None**

**ORDINANCES (Introduction) - None**

**RESOLUTIONS**

**#20-129      AUTHORIZING PAYMENT OF BILLS**

- #20-130      ACCEPTING MONTHLY REPORTS**
- #20-131      URGING SUPPORT OF H.R. 6467 THE CORONAVIRUS  
COMMUNITY RELIEF ACT (CCRA)**
- #20-132      AUTHORIZING A PROFESSIONAL SERVICES CONTRACT  
WITH THE METRO COMPANY, LLC TO PROVIDE  
RELOCATION ADVISORY SERVICES**
- #20-133      AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH  
NJ TRANSIT FOR THE MOUNT AIRY MURAL PROJECT**
- #20-134      ALLOWING SUMMIT MEDICAL GROUP TO DEFER PAYMENT  
OF ITS RENT FOR THREE MONTHS**
- #20-135      SETTING RECREATION PROGRAMS FEES**

Regarding Resolution #20-133, Mr. O’Dea said he is concerned about the High Voltage Warning Signs which must be visible and would be buried within the mural. He said there is also a question if the wall can be painted. Ms. McCredie asked about the fees listed for the first two years and suggested waiting until the work is done before paying the fee. It was decided to table this resolution to the next meeting and Mr. Pidgeon will get these issues clarified with NJ Transit and have it ready for the next meeting.

Regarding Resolution #20-129, Mr. McQueen asked if the bills are being paid through the general fund and if all charges are for ongoing work. Mr. Pidgeon said when we receive a voucher, that is certification of the work being provided. Mr. Maresca said we are paying bills out of the current fund and added that the Library HVAC project the only project on hold.

Regarding Resolution #20-131, Mr. Donahue asked if this act (H.R. 6467) is being run through Trenton or does the borough apply directly for the money. Mr. McQueen said he spoke to a representative in Trenton and it sounds like it is a national government issue. He said it does not seem right that we are asking our representatives to support this bill but they are the author. Mayor Canose said we are asking for support of this bill to show it is what municipalities want in that the third round of funds goes to towns with a population of under 50,000. Mr. O’Dea said we will have a hole in our budget if we do not get support at the federal level. Mr. McQueen said if the bill is truly for covid related expenses it is reasonable and asked if we endorse it, what responsibility we have for the way the final bill is written. Mr. Hammond said the final bill could look different as it goes through committees.

Regarding Resolution #20-132, Mr. O’Dea asked if we are delayed in obtaining an evaluation of the property, do we need to incur the expense to the Metro Company. Mr. Pidgeon said there would not be any expense until we ask them to do work.

Mr. McQueen moved to adopt Resolutions #20-129, #20-130, #20-132, #20-134, and #20-135. Mr. O'Dea seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Ms. Zamarra moved to adopt Resolution #20-131. Mr. Donahue seconded and the motion was approved by the following roll call vote. Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes. Mr. Donahue voted no.

### COUNCIL COMMITTEE REPORTS

**Public Safety Committee**, Mr. Hammond said there is a need for more contributions to the food bank as the county food bank has informed us they are going to cut back their contribution to us in about two weeks and encouraged residents to help out. He said there have been volunteers step forward to help seniors and check in with neighbors. Mr. Hammond said Boxcar is looking to rent a refrigerator truck or use ice in their coolers for their drive through grocery delivery service. Ms. Zamarra asked what the difference is if other services, such as Amazon, deliver food to a resident's porch. Mr. Hammond said Boxcar applied to the Board of Health and have to work it out with them as to how the food is handled.

**Finance Committee**, Mr. O'Dea said departments were asked to put their budget items into two groups, postpone or essential and the committee will review. He said the committee is redoing the 2020 budget and will provide preliminary numbers to the whole council. Mr. O'Dea said they are working with borough staff on workload and resource balancing. He said there was an article in the newspaper about changes the library made to their immediate staff and the committee is looking at all expenses to make 2020 as efficient as can be. Mr. McQueen asked Mr. O'Dea to share whatever staffing assessment is made with the Personnel Committee.

**Personnel Committee**, Mr. McQueen said interviews for the Recreation Director position are being held this week with committee members.

**Engineering, Technology, and Public Works Committee**, Ms. Zamarra said work on Hull Road and Lindabury Avenue is scheduled to begin on May 4<sup>th</sup> and residents have been notified of the moratorium. There were trees that have been relocated on Route 202. First Energy provided some of the tree work at no cost to the borough which saved \$6,000. There are some new lines that are being installed by NJ American Water that should be completed this week and the whole project should take about eleven weeks. The Lloyd Road contract was awarded in March and pre-construction work is to be scheduled either April 27<sup>th</sup> or May 4<sup>th</sup> depending on NJDOT availability. The committee is looking to find a way to fund a project on Washington Corner Road and is working with the Finance Committee to accomplish that. We are awaiting an NJDEP permit for the Whitenack Road project and hopefully that will begin in August. We are looking to apply for two NJDOT grants, one for Chestnut Avenue and one for Crestview Drive. The mural project is being delayed. Mr. Walker is working with First Energy and NJ

Transit to trim the trees by the overpass. The dam behind Borough Hall is in process and a decision has to be made whether or not to put a walking path around the pond. There is Dam Safety Compliance and in order to do a walking path, our dam has to be compliant by September 2022 and it may be better to wait for that than put in a path and have to remove it for dam compliance. Mr. Hammond asked if the path could be at 80-90% instead of waiting two years. Ms. Zamarra said the committee discussed that and there is always a possibility we would have to tear up something we put down. Mr. O'Dea said they discussed other options including a C-shaped path or a non-connecting two-sided path but it could be torn up or be flooded and unusable. Mr. Hammond asked about the two year time line. Ms. Zamarra said the two year time frame is due to the state's schedule. The Polo Grounds path, Mr. Walker was going to visit the site with the Borough Engineer and have a plan for review. They are exploring options and costs and will get back to the committee. Ms. McCredie said details such as materials used and ADA compliance are also being reviewed. Mr. O'Dea said there is a small piece of wetlands that is requiring additional permits from the state. Ms. Zamarra said the Library roof project is in progress and is water tight and not leaking. The committee is working on improving the policy on road openings and will have an accessible list of roads subject to a moratorium. Mr. O'Dea said the Building Department will be involved with informing of road moratoriums during the permit process.

**Land Use Committee**, Mayor Canose said the committee met earlier in the month and Topology presented their plan for the former Audi Dealership site. She said the committee discussed it and a revised draft was just received and will be sent to council in the future. Mayor Canose said Topology is also working on a Quimby Lane plan but a draft has not been received for that yet. Ms. McCredie asked if smaller council groups should review Topology's plan before it is placed on a council agenda for discussion. Mr. O'Dea and Mayor Canose agreed that it would be circulated ahead of time.

**Planning Board**, Mr. McQueen said the new sign and zoning ordinance will be discussed by the Planning Board in May. He said there are multiple ordinances in effect that may restrict our ability for our phase one opening and would like to discuss with council later in the meeting under new business.

**Board of Health**, Ms. McCredie said the Board met twice to adopt an ordinance to enforce the quarantine and isolation model rules.

**Recreation Committee**, Ms. McCredie said committee chair Ted Dolan, Acting Director Neil Mastrobuono and other members of the committee are working through the different aspects of phase one openings, and taking into account whether school will be open and its effect. She thanked them for their efforts. Ms. McCredie said the committee had questions for Mr. Pidgeon. They want to know if safety measures must be put in place or are just for guidance. Mr. Pidgeon said it is a policy decision. He said one is enforceable and can be done by ordinance of the Board of Health and the other is just guidelines. They wanted to know about pool and camp staffing as far as requiring periodic testing or other safety measures put in place such as

providing masks or gloves. Mr. Pidgeon said the steps that need to be taken will be provided by the state. Mr. McQueen said there is a lot of interpretation that has to happen. Mr. Hammond said we could decide to be stricter than the state's requirements and a good question would be who bears the cost. Ms. McCredie thanked the OEM team, including Cheryl Ferrante for her work organizing the volunteers and Chief Valentine for all his work with the food pantry.

**Library Board**, Mr. Hammond said the Board met and made a painful decision to furlough most of the part-time employees at the Library. He said the Library is open for business digitally and remotely. He said the furloughs are fashioned to meet the demands to keep the people who are functioning to keep the digital and remote programs going and the board hopes this is short lived.

**Recreation Committee**, Ms. McCredie said the committee was discussing other towns and how they are handling their pool for the upcoming season and asked if any information comes from the county or Administrators to relay that information. Ms. Zamarra said the offerings that the Recreation Department has are great including Young Rembrandts and Body Weight Fitness. Mr. McQueen said Recreation will open at some point and there are risks when activities are held. He asked if we have a plan for a hold harmless and if we need a waiver. Mr. Pidgeon will review.

**Zoning**, Mr. Price said they are not doing any rental housing inspections since mid-March. He said they are reviewing plans as needed and doing tree inspections. Mr. Price said he gets questions about when will we start going back into houses for inspections. Mr. O'Dea asked if there was any direction from the state. Mr. Price said the state will provide direction for Construction and Fire Prevention inspections but not for our rental housing inspections. He asked if we could suspend rental inspections as our people need to go into houses and there are issues. Mayor Canose said there is direction from the state not to them but nothing as to when to resume. Mr. McQueen said we should wait to see what the state says, evaluate it, and then can choose to adopt or become more stringent if necessary. Mr. Pidgeon read state guidelines pertaining to the Construction Office and will work with Mr. Price on a solution. Mr. McQueen suggested that if there are unsafe living conditions and we need to enter a home, we could have the rental owner bear the cost of any PPE. It was mentioned that a virtual inspection was also a possibility.

## ITEMS OF BUSINESS

### Request for 2020 Farmers' Market

Ed English discussed a request to hold the 2020 Farmers' Market on Saturdays beginning on June 6<sup>th</sup> with changes due to the covid19 pandemic such as social distancing, requiring masks, and additional parking at the Wells Fargo lot across the street. Mr. McQueen moved approved of the 2020 Farmers' Market opening June 6<sup>th</sup>. Ms. Zamarra seconded and the motion was approved with six yes votes.

**Request for Exemption from Road Moratorium on Chapin Road (110)**

Edward Gregory was present to discuss his request for an exemption from a road moratorium at 110 Chapin Road for a natural gas line to be installed by PSE&G. He said he will make sure that the road is properly graded and that the seams caused by the cut in the road will be minimal and smooth as possible. Mr. Hammond asked if PSE&G has historically done a good job in repairing the road. Mr. Maresca and Mr. Price said there have been no issues. Ms. McCredie noted that we are on the original fee and bond schedule as the Public Works Committee is reviewing that. Ms. Zamarra moved approval of the exemption. Ms. McCredie seconded and the motion was approved with six yes votes.

**Request for Exemption from Road Moratorium on Sycamore Hill Road (39)**

A request from Sandy Whelan was discussed for an exemption from a road moratorium at 39 Sycamore Hill Road for a natural gas line to be installed by PSE&G. Mr. O'Dea moved approval of the exemption. Mr. Hammond seconded and the motion was approved with five yes votes. Mr. McQueen abstained.

**Extension of 2019 Unused Vacation Days for Employees**

Mr. Maresca discussed the vacation policy with council and that unused vacation days need to be used by May 31<sup>st</sup> of the following year. No decision to extend the May 31<sup>st</sup> use date and Mr. McQueen said the Personnel Committee will review the policy.

**Postponement of Spring Household Cleanup**

Ms. Zamarra moved postponement until further notice of the May 16<sup>th</sup> spring household cleanup day. Mr. O'Dea seconded and the motion was approved with six yes votes.

**Mayor's Update**

Mayor Canose said the Somerset County briefings on the current covid19 situation that were daily are now on Tuesdays and Thursdays. She said there is a briefing on Sundays at 4:00pm from the Governor's Office for Mayors of Somerset and Morris County. There were lots of questions on guidance for lost revenue but there was none forthcoming. She said bill A3902 passed in the assembly but no action from the senate yet, as they are trying to amend so that municipalities only collecting a percentage of their expected revenue would only have to pay that same percentage to their county and school obligations. She said NJ has the most unemployment cases in the country. There was discussion about furloughed employees being eligible to collect unemployment. Mr. Pidgeon said normally they would not but under the current covid19 situation they now can collect unemployment. Mr. O'Dea asked Mr. Maresca to confirm with Labor Counsel. Mayor Canose said a lot of Mayors had questions about reopening of parks and golf courses and the Governor's Office said that will be based a lot on science and data. Mr.

Pidgeon read the change to the unemployment laws to now include employees who are furloughed. Data for our comprehensive recreation master plan has been given to Brandstetter Carroll and they are working on a survey that will go out to the residents. John Szabo, Planner, is working on a plan for a subdivision for 271 Mine Brook Road. The food pantry has expanded to the Sacred Heart Chapel. The first day of Boxcar's drive thru grocery delivery service went well on April 25<sup>th</sup> with no issues. The covid19 testing site at RVCC will be for three additional days (Monday, Wednesday, Friday) this week.

**Correspondence** - None

**Unfinished Business** - None

**New Business**

Mr. McQueen suggested we need increased sanitization in town for parks and playgrounds. Mayor Canose said we can use money from open space. Mr. McQueen also suggested the location of Olcott Square for portable stand sanitizers. Mr. Hammond suggested Borough Hall as another location. Mr. McQueen said Public Works Committee can get a plan for the next council meeting. Ms. Zamarra said having hand sanitizers could create a false sense of security, and stressed the importance of proper signage and community health education regarding the proper use of hand sanitizer. Council discussed introducing an ordinance to buy sanitizers and the type of funds that can be used. Mr. McQueen moved that Ordinance #2020-1834, **AN ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF SANITIZER STATIONS FOR BOROUGH PARKS AND APPROPRIATING \$10,000 FROM THE OPEN SPACE TRUST 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., Monday, May 11, 2020. Mr. O'Dea seconded and the motion was approved with six yes votes.

Mr. McQueen talked about phase one of reopening and said there are restrictions in town on things like outdoor seating, selling of goods and services on the storefronts in the outside environment, having dedicated parking spots outside of merchants that are reserved for curbside pickups, and asked if we would like to do that for resolution of council or send to the Planning Board. Mr. Pidgeon said those items should be referred to the Planning Board if it is long term and a resolution can be done if it is short term. Mr. McQueen said outdoor seating has restrictions and we general ban outdoor sales. He said we just extended the sandwich board regulations. He said if we allow curbside pickup, it would need to be determined where people would park. Mr. McQueen proposed that he speak with Mr. Price, Planning Board, and Mr. Pidgeon to determine what ordinances need to be addressed and have some detail for council at the next meeting. Mr. O'Dea said we could pass a resolution of non-enforcement of certain ordinances for three months as opposed to amending a number of ordinances. Mr. McQueen agreed to do the legwork and contact the appropriate people to get the information and have details for council.

Mr. McQueen asked for opinions if borough facilities can be open for non-structured activities. He said we closed the tennis courts and Polo Grounds and other towns such as Bedminster kept their facilities open (River Road Park) using social distancing and posting signs with guidance. Mayor Canose said even with signs, she was at the Polo Grounds and people were not practicing social distancing. Mr. Hammond said that would be up to OEM when facilities are to reopen and he will discuss with the Public Safety Committee and OEM to see what the parameters are.

Ms. McCredie asked if we could give some guidance to council committees to be clear on when decisions are required or if a topic is just informational. Mayor Canose said each committee has a staff member and a chairperson and there should be a vote if something wants to be moved forward to council and it is the chairperson's responsibility. Mr. Pidgeon agreed. Mr. O'Dea said the agenda for council committee meetings can be split into items for updates and items for decisions to put before council. Mr. Pidgeon said the onus should be on the staff member to bring topics to the committee and make sure a decision is made by the committee. Mayor Canose asked Mr. Maresca to convey to staff members that when they bring topics to council committees, they are to mark things that need action or need to go to council. Mr. O'Dea said to separate items on the agenda would also make it clearer.

### **OPEN SESSION**

Mayor Canose opened the meeting to the public.

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

### **LEGAL TRAINING**

Mr. Pidgeon gave legal training which included explanations of traditional forms of government in NJ, Faulkner Act communities, Borough Form of Government, Borough Administrative Code, Role of Mayor, Role of Council, Procedures at Meetings, Ordinances, Resolutions, Motions, Parliamentary Procedure, Executive Session, Minutes, Confidentiality of discussions, Release of minutes, Local Ethics Law, OPRA, Statutory Boards and Commissions, Advisory committees, Local Ethics Law, Dealings with Borough employees, the public, and the press.

### **CLOSED SESSION**

It was moved to adjourn to an executive session to consider Personnel Matters and Pending 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.



**REOPEN**

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

**ADJOURNMENT**

The meeting was adjourned at 1:20 a.m.

---