

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
June 22, 2020

Mayor Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members 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. 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 January 3, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Stuart Koperweis of Economic Development Strategists was present. Mr. Koperweis talked about Special Improvement Districts (SID) which is where multiple property and business owners align themselves to collectively plan for the future. He said the advantages of an SID are a cleaner, safer, more attractive business area; a steady and reliable funding source for supplemental services and programs; ability to respond quickly to the changing needs of the business community; potential to increase property values, improve sales, and decrease vacancy rates. Mr. Koperweis said an SID does maintenance, public safety/hospitality, business development, marketing, capital improvements, landscaping, and community service. He said there are three phases in the formation of an SID which are planning, outreach, legislative authorization. Mr. O’Dea asked where the borough would fall in the size of our current business district and Mr. Koperweis said Bernardsville would be on the lower to middle end of what he has seen in his experience. Mr. O’Dea asked how often in the past has a feasibility study been done and the results come back that it is not worth doing the project and if we were to get that result after having spent \$48,000 on the feasibility study, is there an alternative. Mr. Koperweis said only two times out of about 30 they have stopped because it would not be worth doing. Mr. Koperweis said council would have to work with their constituents and ascertain what is best for the community and with the Steering Committee on their recommendation.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from May 26, 2020, June 8, 2020, and June 12, 2020. Mr. O’Dea seconded and the motion was approved with five yes votes.

OPEN SESSION

Olivia Manning, Orchard Street, talked about the presentation by Mr. Koperweis. She said he mentioned outreach of working with groups in town and that is actually Downtown Bernardsville instigating this process. In following the Main Street process they have been following for the past couple of years with holding events, they have been unable to hold events due to covid and they have to think of creative ways to obtain revenue. She said most towns if not all who are following the Main Street process are improvement districts in some capacity. She said they will work together in this revitalization process and that Downtown Bernardsville is 100% a part of this.

ORDINANCES (Public Hearing) - None

ORDINANCES (Introduction) - None

RESOLUTIONS

- #20-168 AUTHORIZING PAYMENT OF BILLS**
- #20-169 ACCEPTING MONTHLY REPORTS**
- #20-170 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0025 FOR JOHN GRILLO FOR 27 PILL
HILL ROAD**
- #20-171 AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2020
RECYCLING AGREEMENT WITH SOMERSET COUNTY**
- #20-172 AMENDING THE PROFESSIONAL SERVICES CONTRACT
WITH MARAZITI, FALCON, LLP**
- #20-173 WAIVING EMERGENCY GENERATOR PERMIT FEES
PURSUANT TO PROJECT BV-11 OF THE BOROUGH'S 2019
HAZARD MITIGATION PLAN (HMP)**
- #20-174 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #20-175 AUTHORIZING EXECUTION OF A DEVELOPMENT
AGREEMENT WITH RPM DEVELOPMENT, LLC TO DEVELOP
AFFORDABLE HOUSING FOR THE BOROUGH**
- #20-176 APPROVING FAIR SHARE HOUSING CENTER MIDPOINT
REVIEW STATUS REPORT**

- #20-177 ADOPTED IN RECOGNITION OF THE SENSELESS DEATH OF GEORGE FLOYD AND IN SUPPORT OF THE CALL FOR ACTION**
- #20-178 AUTHORIZING MILLING AND PAVING OF OLD ARMY ROAD (MULLENS TO ANDERSON HILL) AND PICKLE BROOK ROAD**
- #20-179 AMENDING RESOLUTION #20-155 “HOLDING ENFORCEMENT OF CERTAIN BOROUGH ORDINANCES IN ABEYANCE IN ORDER TO ASSIST LOCAL BUSINESSES AS THEY REOPEN FOLLOWING THE LIFTING OF COVID-19 EXECUTIVE ORDERS” BY ADDING INSURANCE AND HOLD HARMLESS REQUIREMENTS**

Regarding Resolution #20-175, Mr. Pidgeon said RPM was the successful proposer to the RFP/RFQ sent out by the borough for a redevelopment entity to develop both the senior site at North Finley Avenue as well as scattered sites throughout the borough. He said we have been in discussion with them for years working out the details and now we are in a position to proceed. He said in order to have a viable tax credit application we need to have 50 units or close to 50 units and the proposal at this time has 47 units at the North Finley site and 48 at scattered sites throughout the borough. Ms. McCredie asked if the developer (RPM) is good with the increase in the number of units from 20 to 47 in one location and then 30 to 48 in the other. Mr. Pidgeon said the 20 was the number in the fair share settlement agreement but it has been 40 with RPM from the beginning so the increase is fairly insignificant. He said senior housing is very desirable from the borough's standpoint because they are smaller units so you can fit more and they do not contribute to school children to the tax space. Mr. O'Dea asked if this resolution was for an update to what was previously agreed. Mr. Pidgeon said yes.

Regarding Resolution #20-177, the consensus from council was that this resolution need some revision before being adopted. It was agreed to have the Public Safety Committee and Diversity Advisory Committee review.

Regarding Resolution #20-179, Mr. Pidgeon said this resolution is being done at the suggestion of the JIF.

Mr. McQueen moved to adopt Resolutions #20-168 to #20-179, except #20-177. Mr. O'Dea seconded and the motion was approved by the following roll call vote. Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamorra voted yes.

COUNCIL COMMITTEE REPORTS

Public Safety Committee, Mr. Hammond said Bernardsville and the towns in the Somerset Hills has not had a covid case in a week, and thanked the Police, Fire, and First Aid as everyone pulled together to keep us safe.

Finance Committee, Mr. O'Dea said the budget was introduced and changes were made to allow for the opening of the pool and camps. Ms. McCredie said some people are waiting for policies and procedures before signing up for pool and camps. She said the Board of Health has suggested no use of diving boards. It was determined that this was a guideline by the Board of Health and not a state order. Mr. Pidgeon said guidelines are not enforceable. Mr. Hammond suggested looking at high school, college, and other organization guidelines on this topic. Mayor Canose asked if there is a cutoff date on taking pool registrations. Mr. O'Dea said that would come from Recreation staff but should be before July 6th. It was noted that because of insurance concerns, the School Board would not let us use the school building for camps. Discussion about use of the school for camps took place and Mr. Pidgeon will follow up with the School Board attorney to see if we can come to a way to use the school to hold camp.

Personnel Committee, Mr. McQueen said Robert Markowick, new Recreation Director, started this past week.

Engineering, Technology, and Public Works Committee, Mr. O'Dea said Hull and Lindabury road work and paving started the week of June 15th. The Lloyd Road contract has been awarded and work will be underway soon. The Whitenack Road permit for bank stabilization was issued and work will begin in August and anticipated to be completed before school starts. The library roof and HVAC project has been completed, with mold remediation and final cleanup scheduled for June 17th, and some air testing to be done on June 26th. The communication of road moratoriums internally between departments is ongoing. We are getting money from NJ American Water Company to do paving work on Mount Harmony Road, Meeker Road, and Lakeview Drive after NJ American Water does work themselves on those roads. We are progressing with painting the pool and prepping for the opening of the pool on July 6th. PSE&G will be restoring and repaving the road on Route 202 and Mount Airy Road, which had been shut down various nights so that they could install new gas lines. We will soon find out from PSE&G how long this will take and we tried to come up with a plan to be as less disruptive as possible to outdoor dining.

Land Use Committee, Mayor Canose said the committee met with the Downtown Redevelopment Committee and had a rough draft of the redevelopment plan for Quimby Village. Mr. McQueen and Mr. Hammond are going to meet with Topology to discuss the redevelopment plan and the Mayor said other council members could meet with them as well, as long as there are no more than three council members at a time.

Engineering, Technology, and Public Works Committee (continued), Mr. O’Dea said last year council passed an ordinance which funded Brandstetter Carroll to do a Recreation Master Plan and some discrete projects related to open space, one of which was a walking path around the lower Polo Grounds. The Public Works Committee and Mr. Walker went to the site and reviewed a topography map. They reviewed details including drainage, fencing, length, width, location, shape and materials used. He said we have a draft proposal that estimated we would probably have sufficient funds remaining in the ordinance to do the path, but we still need an RFP to do the work. The committee was to get a list of what was on the ordinance originally and what would be done and what could not be done if they ran out of funds. Ms. McCredie suggested referring this to the Recreation Committee for input and the public. Mr. O’Dea said he believes it went to the Recreation Committee and the Open Space Committee last year, and supports input from the Recreation Committee but wants to authorize staff to get an RFP which should be minimal costs to get quotes, and we are not committed to anything going down the RFP path. He said if we wait, there may not be an opportunity to build the path this year. Ms. McCredie said originally there were three different options proposed by Engineering and Public Works and then they came back with a fourth option as the three options were cost prohibitive. She said she did not think they came to a conclusion as to which options to go out to bid for. Mr. O’Dea said if it is not cost prohibitive to do RFP for multiple designs, he is good with that. Ms. McCredie said her hope is that a local person will come in and do it for less than what was originally quoted. Mr. O’Dea said this project did not just include the path, there is drainage and excavation related to it. Mr. O’Dea moved to authorize Public Works Staff to go out to bid and collect feedback on the different options that were reviewed in the Public Works Committee for a pathway around the Polo Grounds. Ms. Zamarra seconded and the motion was approved with five yes votes. Ms. McCredie said the drainage is not foolproof. Mr. O’Dea said the left field area is moist but the concept is to put in drainage that fits in the budget as to what was proposed/budgeted in the design and see how it works and add to it if we need to. Ms. Zamarra said Ordinance #2019-1812 was the ordinance that funded \$146,000 for a number of items and she believes it went to the Recreation Committee. Mr. O’Dea said Mr. Walker suggested Public Works cut the grass low where the path would be to see location. Mr. Hammond said the path needs to be wheelchair accessibility. Mr. Pidgeon said the specs need Bob Brightly's approval to require wheelchair accessibility.

Zoning, Mr. Price said they have resumed housing inspections and have a new system of using an iPad for doing inspections. They have received 13 applications for outdoor dining which have all been approved. Mr. McQueen thanked Mr. Price, Chief Valentine, and Chief Miller for their efforts in reviewing outdoor dining applications and getting the businesses up and running. Mr. O’Dea suggested putting a notice on the website of which places got outdoor dining permits. Mr. Price said he provided the Bernardsville News with such a list. It was noted to put the list on the website as well.

Housing, Mr. McQueen said he will discuss the consolidated property maintenance code ordinance with Mr. Pidgeon in order to have it ready for the next meeting.

Planning Board, Mr. McQueen said they finished the zoning overlay as a group for the Downtown Revitalization Project. He said the next step is John Szabo will do a consistency check incorporating all final comments and bringing it back to the Planning Board at a July meeting. He said there are various ordinances that need to be harmonized and work meetings may need to be held to review them.

Library Board, Mr. Hammond said the Library opened for curbside and was very successful which reflects on the good work by the library staff in planning for curbside service in advance.

Green Team, Mr. Hammond said the Farmers' Market has been going very well and the location of the pool parking lot in the month of June has been very favorable. The Farmers' Market will return to the train station in July. The Green Team is deciding what activities they may be able to sponsor in the fall.

Shade Tree, Ms. Zamarra said on June 10th they gave away 500 trees at the pool parking lot to many residents who pulled up in their cars and had contactless distribution of trees.

Cultural Arts, Ms. Zamarra said the committee talked about plans for the mural being postponed and how they would handle that going forward.

Board of Health, Ms. McCredie said the Board has not met since the last report.

Recreation Committee, Ms. McCredie said the swim team registration has now opened and they are targeting to start on July 6th.

ITEMS OF BUSINESS

Request for Parking Decal Refund

Council consent was given for a refund to Caitlin Dunne, Highview Avenue, noting the refund as a covid19 exception. The refund will be pro-rated from the date the request was received (June 1st) until December 31st, making it a seven month refund (7/12's) of the \$305 fee paid.

Ordinance To Set Refund Policy For Parking Decals

The Public Works Committee will review options to possibly offer one month, three month, or six month parking decals in addition to the annual parking decal.

BHS Student Parking at Bernardsville Library 2020-21

Council consent was given for ten parking spaces in the library lot for use by BHS students for the next school year at \$100 per decal. The parking spaces will be in the Church Street section

of the lot. Council noted that the request is contingent that if there is a covid19 issue and the borough needs the spaces, we could take them back from the school when needed.

Appeal Process for the Approval/Denial of Tree Removal Permits

Mr. Pidgeon will draft an ordinance to eliminate the step of council involvement in the tree permit appeal process.

Request for Exemption from Moratorium for Road Opening at 360 Hardscrabble Road

Mr. O'Dea moved to grant the request for exemption from moratorium for a road opening at 360 Hardscrabble Road as recommended by Mr. Macdowall. Mr. Hammond seconded and the motion was approved with five yes votes.

Appointment of Jeff Horowitz to the Housing Advisory Committee, term to 12/31/20
(Mayor's appointment with Council consent)

Mayor Canose made the appointment of Jeff Horowitz to the Housing Advisory Committee for a term ending 12/31/20. Mr. McQueen moved consent of the Mayor's appointment. Mr. Hammond seconded and the motion was approved with five yes votes.

271 Mine Brook Road, Survey Estimate/Subdivision Parcels

Council consent was given to direct Bob Brightly to prepare the plat map for the proposed subdivision of 271 Mine Brook Road for the three lot option.

Mayor's Update

Mayor Canose said on June 9th she attended the County Planning Partners Forum and told them we had done the Complete Streets Policy. June 9th was the Downtown Redevelopment Committee meeting with Topology and three council members will follow up and meet with Chris Colley of Topology. Mayor Canose said she has been to two meetings of the County Economic Task Force. There was a joint OEM/EMC Feeding Committee meeting with Chief Valentine. The Cultural Arts Committee met and decided to postpone the mural project to next May. The committee is working on a video which would be like a short commercial for Bernardsville about why people should come visit our town. The committee is also looking to come up with fundraising ideas for the mural. Mayor Canose said her application to the NJDOT to close part of Route 202 was denied and she has sent it to Senator Bucco to see if he can help. The application was to close Route 202 from Claremont Road to Mount Airy Road on Friday nights to make it a public space with tables and music as there are five restaurants in that area. Discussion took place about putting tables by the Fenwick statue. Mr. McQueen said he is willing to follow up with some local restaurants to see if they would be interested in putting tables and chairs in that area and taking them down when not in use. Mayor Canose said a

council meeting to discuss our vision plan will be held on July 20th at 7:00pm. She said Mr. Macdowall and the Public Works Department has done a great job getting the graduation banners up and putting a message about graduation on the marquee at the movie theater. She also thanked Harvey Goldberg for letting us use the marquee.

Correspondence - None

Unfinished Business

Mr. Hammond asked to make a statement regarding Resolution #20-177, In Recognition Of The Senseless Death Of George Floyd And In Support Of The Call For Action, from earlier in the meeting. He said he wants to make sure there is no misunderstanding on the part of the public or the press. He said that council did not reject Resolution #20-177. He said council recognizes there are things that need to be done and can be done better. He said we are committed to that and referenced the adoption of Resolution #20-166, Acknowledging June As LGBTQ Month, at the last meeting, which talked about inclusion and dignity for all of our residents. He said what we did was not reject the concept but we want to speak to this issue with our own voice and construct our own action plans that are meaningful to Bernardsville.

New Business - None

OPEN SESSION

Mayor Canose opened the meeting to the public.

Janis Virtue, Childsworth Avenue, thanked members of council for their efforts and for what they do as council members. She said she finds the comments about the anti-racism resolution reasonable. She said the whole issue is multifaceted and we have to be careful not to demonize police as a group. She said she is not accusing council of doing this. She said she has lived in town for 50 years, has two sons and police played an important role in their lives. She thanked Bernardsville Police for what they do.

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

CLOSED SESSION

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

ADJOURNMENT

The meeting was adjourned at 11:30 p.m.
