

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 14, 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

Eagle Project – Borough Springs Trail, Kyle Morris was present to provide an update on his Eagle Project to enhance Borough Springs Trail. He said there were three work sessions with six components including clean fallen trees, improve slopes, build elevated walkway over the muddy area, plant shrubs and trees, benches. He thanked the Borough Council, the Open Space Committee, Home Depot, Tarzan Tree Company, The Boy Scouts, family members Kathleen Williams and Jim Williams, and Peter Birnbaum for their time and support in completing this project.

Topology, Chris Colley and Phil Abramson were present to discuss the Quimby Lane Redevelopment Plan. An ordinance adopting the plan is on for introduction later in this meeting. Mr. Colley and Mr. Abramson talked about a timeline of the history of this project, an area overview, expected public benefits, sub areas, and a potential implementation schedule. The full presentation document and the Quimby Lane Redevelopment Plan will be posted on the borough’s website.

OPEN SESSION

Connie Wood, Mine Brook Road, said she received a notice that the borough is considering zoning her street to commercial and she is not in favor. She asked if the tax rate would change and if there are any developers that are interested in developing her property.

Rory Raabe, Mine Brook Road, said she agrees with Connie Wood’s comments and is not in favor of the zoning change.

Martha Kelshaw, said the revitalization project for the downtown area at Quimby Lane looks good but at this time there are empty storefronts and a lot of banks and nail salons. She asked why infringe on the couple of homes on Mine Brook Road.

Mr. Pidgeon said he spoke with the Tax Assessor and he said that in the case of a residential property being rezoned commercial it does not reassess or raise the assessment of that property as long as it is maintained as a residential property, even though the zoning has changed.

In response to Connie Wood's question, Mayor Canose said we have not had any interest from commercial developers. She said it is more about redefining our downtown.

Sara Sooy, Courter Street, spoke about the Audi site and said she has a business partner, Sam Maddali, Chapin Road, that have been working with the owners of the site to acquire the property. She said they have a letter of intent and are hoping to proceed as soon as possible. Mr. Maddali said they had a few meetings with the sellers. Mr. Pidgeon said we should not discuss this at this meeting and it should go through our attorney Joe DeMarco who is handling that matter.

Vincenza Caruso-Valente, Lloyd Road, read from a prepared statement and said she has seen hazardous driving on Lloyd Road and asked for a reduction in the speed limit to 25mph. Mayor Canose and Mr. Hammond said this will be discussed later in the meeting.

Chris Caponigro, Lloyd Road, said he agrees with Vincenza Caruso-Valente, and he has been in the middle of Lloyd Road observing cars going at 40 to 50mph and does not want his children riding their bikes and has to escort them across the street. Mr. Hammond said Lloyd Road is a heavily traveled road used as a cut through street.

Kieran Flynn, Mine Brook Road, said it was mentioned the master developer may have eminent domain rights for Quimby Lane and asked if that means those rights will be extended to the outer blocks. Mayor Canose said we do not have eminent domain on Quimby Lane and that was only for the Audi dealership. Mr. O'Dea said there is no intention of eminent domain regarding rezoning. Mr. Flynn asked if this would be C1 RDP which has setbacks of ten feet from property line to property line. He said he had an issue with trying to build on his lot and if it were a commercial property with those setbacks, the lots would be useless. Mayor Canose said this ordinance is only on for introduction and the council can make changes after hearing public input. Ms. McCredie said it would only be if the property was sold to a developer and not residential to residential. Mr. Pidgeon said they can use it as residential forever whether they get a certificate of non-conforming use. However, the burden is on the property owner to show they have a non-conforming use if they need proof. He said during the first twelve months they can get that certification from the Zoning Officer and would have to go to the Board of Adjustment after that. Mr. O'Dea said the certification is at no cost.

Johanna Wissinger, Washington Corner Road, said if Lloyd Road is being considered to change to a 25mph speed limit, council should also consider doing that for Washington Corner Road.

Dave DeSimone, Franklin Court, asked for a brief history of the floodway on Mine Brook. Chris Colley of Topology said he knows it has been there since the 1940's but does not have any additional information about it. Mayor Canose asked resident and former Mayor Peter Palmer, Prospect Street, if he had background information on Mine Brook behind Quimby Lane. Mr. Palmer said he recalled a long time ago when a heavy rain flooded Mine Brook over Route 202 and it has been there as long as he can remember and there is an arch where Mill Street crosses over the brook.

Catherine Dugan, Lloyd Road, talked about speeding on Lloyd Road. She said she walks her dog twice a day and what exacerbates the risk of high speed on Lloyd Road is the lack of a shoulder. She said she would like the speed limit to be 25mph.

Mr. Price read from the downtown zoning ordinance regarding the Downtown Core (D-C) zone. The side yard setback of five feet, rear yard minimum of five feet with a maximum of twenty feet, distance between buildings is ten feet, maximum build out is 80%, front yard is a minimum of two and a maximum of five feet.

Kieran Flynn asked where D-C1 is in the zoning. Mr. McQueen said that area is down Claremont Road. Mr. Price said the area that Mr. Flynn had asked about earlier is the D-C zone from the west side of Mine Brook to the Kings Shopping Center. Mr. Flynn asked what someone would want commercially of his 30 foot wide lot that reaches back off to the side like a letter R. Mr. Price and Mr. McQueen said they could not answer that as we are not developers. Mayor Canose said if someone wanted to buy all four or five lots it might be worth something but not individually. She said this ordinance is not on for introduction and will be discussed at future meetings. Mr. O'Dea said we wanted property owners to give input and that is why we sent letters to all affected properties informing them of this topic.

Rory Raabe, said it would not be worth it for developers unless they bought all properties, and asked would it be worth it not to rezone these properties. Mr. McQueen said that is a question for the experts that can be answered at a later time.

Eric Dugan, Lloyd Road, thanked council for the data accumulated for the Lloyd Road speeding topic.

Mr. O'Dea asked a question to Ms. Wissinger to clarify if she wanted to lower speeding on Washington Corner Road since traffic will shift onto that road if the limit is lowered on Lloyd Road. Ms. Wissinger said yes, she feels traffic will increase on Washington Corner Road if the speed limit is lowered on Lloyd Road.

Harvey Goldberg, owner of Olcott Square condos, asked about the timing on the Quimby Lane Redevelopment Plan. Mayor Canose said there is an ordinance later in this meeting for introduction of the redevelopment plan and once introduced it will be sent to the Planning Board for comment and then come back to council for a public hearing on October 13th and adoption.

Mr. Goldberg asked if it is adopted on October 13th would it then go to developers to bid on. Mayor Canose said yes, we would do an RFP and start accepting proposals. Mr. Goldberg asked when a developer would be picked. Mayor Canose said it would depend on the proposals we receive and determining which one is the best fit. Chris Colley said the RFP would be out for a minimum of 30 days, probably 60 days, then the responses would be reviewed so it would be approximately early January when council would be hearing from and considering potential developers.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2020-1849, **AN ORDINANCE APPROPRIATING \$11,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR REIMBURSEMENT TO THE SOMERSET HILLS LITTLE LEAGUE FOR RENOVATIONS TO THE KIWANIS LITTLE LEAGUE FIELD.** Hearing no further comments from the public, Mayor Canose closed the public hearing. Ms. McCredie asked what the renovation is. Mr. McQueen said fields need to be dug up for routine maintenance and they are also transitioning the field from Little League to intermediate. Peter Birnbaum had a comment and Mayor Canose reopened the public hearing. Mr. Birnbaum asked if the work has been started. Mr. McQueen answered yes. Mr. Birnbaum said he is concerned adopting this ordinance to reimburse Somerset Hills Little League would set a precedent. Hearing no further comments from the public, Mayor Canose closed the public hearing. Mr. Hammond said Somerset Hills Little League would self-fund their portion of the project. Mr. Hammond moved to pass this ordinance on final reading and adopt as published. Mr. O'Dea seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. O'Dea, and Ms. Zamorra voted yes. Mr. McQueen abstained.

Mayor Canose opened the public hearing on Ordinance #2020-1850, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, N.J. AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF THE REAL PROPERTY LOCATED AT 63 BERNARDS AVENUE, BLOCK 102, LOT 12, BERNARDSVILLE, NEW JERSEY NOW OWNED BY THE ESTATE OF MICHAEL MENNELLA.** Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. O'Dea moved to pass this ordinance on final reading and adopt as published. Mr. Hammond 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. Zamorra voted yes.

Mayor Canose opened the public hearing on Ordinance #2020-1851, **AN ORDINANCE ESTABLISHING AN EXPIRATION DATE FOR CONSTRUCTION RECORDS CLEARANCE CERTIFICATES AND SUPPLEMENTING AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "BUILDING AND HOUSING".** Hearing no further comments from the public, Mayor Canose closed the public hearing. Geoff Price, Zoning

Officer, said this will apply when a house is sold. Ms. Zamarra moved to pass this ordinance on final reading and adopt as published. 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.

ORDINANCES (Introduction)

Ms. Zamarra moved that Ordinance #2020-1853, **APPROPRIATING AN ADDITIONAL \$60,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR CONSTRUCTION OF THE POLO GROUNDS WALKING PATH**, 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, September 28, 2020. Mr. Hammond seconded and the motion was approved with six yes votes.

Mr. O’Dea moved that Ordinance #2020-1854, , **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 70, LOTS 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07 AND 6.08; BLOCK 71, LOTS 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12 AND 13 AND THE QUIMBY LANE RIGHT OF WAY AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (Quimby Lane)**, 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., Tuesday, October 13, 2020. Ms. Zamarra seconded and the motion was approved with six yes votes.

RESOLUTIONS

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| #20-208A | AUTHORIZING PAYMENT OF BILLS (as of August 19th) |
| #20-208B | AUTHORIZING PAYMENT OF BILLS (after August 19th) |
| #20-209 | CHANGING THE CUSTODIAN OF THE RECREATION OFFICE PETTY CASH FUND |
| #20-210 | AUTHORIZING DEER MANAGEMENT HUNT ON BOROUGH-OWNED PROPERTIES FOR THE 2020-2021 BOW HUNTING SEASON |
| #20-211 | AUTHORIZING REFUND OF RENTAL REGISTRATION FOR JOSHUA & PATRICIA STILES FOR 144-1 ROUND TOP ROAD |
| #20-212 | AUTHORIZING RENEWAL OF A.B.C. LICENSES |

- #20-213 AUTHORIZATION TO REFUND OVERPAYMENT OF MUNICIPAL MATCH 2020/2021 MUNICIPAL ALLIANCE GRANT**
- #20-214 MEMORIALIZING THE APPOINTMENT OF TOM ANDERSON AS TEMPORARY PART TIME FIRE INSPECTOR**
- #20-215 EXTENDING TIME TO AWARD WALKING PATH CONTRACT**
- #20-216 AUTHORIZATION OF TAX REFUND**
- #20-217 CORRECTIVE ACTION PLAN FOR 2019 AUDIT REPORT OF THE BOROUGH OF BERNARDSVILLE, SOMERSET COUNTY, NEW JERSEY**
- #20-218 AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH BEVAN, MOSCA, & GIUDITTA AND EXETER ASSOCIATES, INC.**
- #20-219 AUTHORIZING THE MAYOR AND CLERK TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH BURGIS ASSOCIATES**
- #20-220 AUTHORIZATION TO REFUND OVERPAYMENT OF MUNICIPAL MATCH 2020/2021 MUNICIPAL ALLIANCE GRANT**
- #20-221 AUTHORIZATION OF SEWER REFUND**

Regarding Resolution #20-212, Mr. Hammond asked if there were any more ABC licenses to renew including inactive licenses. Mr. Suriano said there are four listed on the Resolution #20-212 and there will be another resolution at the September 28th meeting to renew the other eight licenses in Bernardsville.

Mr. McQueen moved to adopt Resolutions #20-208A to #20-221. Ms. Zamarra 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.

ITEMS OF BUSINESS

Draft Ordinance #2020-1852, SUPPLEMENTING AND AMENDING THE BOROUGH LAND USE ORDINANCE TO CREATE A NEW DOWNTOWN ZONING DISTRICT WITH FOUR DOWNTOWN SUBDISTRICTS WITH RELATED ZONING AND DESIGN REGULATIONS

John Szabo, Borough Planner of Burgis Associates, is reviewing items in this ordinance such as parking and the zone of the Bernardsville Library. Mr. Price said he has asked Mr. Szabo to move the lot line so it matches the zone line for such properties as the Gallaway & Crane Funeral Home, Lakeland Bank, and Verizon building which need to be in a different zone. This ordinance will be discussed at the next meeting after Mr. Szabo's review. Mayor Canose said Keith Covington of Common Ground will be present at the next meeting for discussion.

271 Mine Brook Road Subdivision

Mayor Canose said a minor subdivision of this borough owned property was discussed with Bob Brightly. Mr. Pidgeon said we need an access permit from NJDOT and he will work with Mr. Brightly in obtaining approval from NJDOT. The subdivision plan will be sent to NJDOT.

Renewal of Membership in the Suburban Municipal Joint Insurance Fund (JIF)

Ms. Zamarra moved adoption of Resolution #20-222, **RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE SUBURBAN MUNICIPAL JOINT INSURANCE FUND**. Mr. Hammond seconded and the motion was approved with six yes votes.

Daylighting Drainage Ordinance

This ordinance originated from Doug Walker in an effort to control icing of roadways with the creation of an ordinance to mandate that homeowners are not permitted to daylight gutter/leader and sump pump drainage closer than 10 feet from a curb line or edge of pavement. The thought being that this 10 foot buffer of lawn area will absorb most of the storm water before it makes its way to the roadway. Mr. Pidgeon said a similar ordinance was done with Ordinance #1793. Ms. Zamarra said she will contact Mr. Walker to discuss the wording of this new ordinance.

Class of 2020 Garden

Kerry Haselton and Peter Birnbaum were present to discuss creating a Class of 2020 Garden at the corner of Childsworth Avenue and Olcott Avenue near Bernards High School. They asked for a funding mechanism to collect the money they would receive from donations. This project would be done in stages and they said that they would need assistance from Public Works with digging up the ground and getting soil. Mr. McQueen said it is important to make sure maintenance is done and Mr. Macdowall should determine whether maintenance is a burden on the Public Works Department. Mr. Hammond said the monies collected for this project should go to the borough. Mr. O'Dea moved approval of Phase 1 of the project and that it would be self-funded, minimum work with topsoil by Public Works, and pending confirmation from Mr. Macdowall that maintenance is not a burden on the Public Works Department. Ms. Zamarra seconded and the motion was approved with six yes votes. Mr. Birnbaum will talk to Mr. Macdowall about Phase 1 of the project.

Draft Resolution Re: JCP&L

Mr. Hammond had a sample resolution from Morris Plains on the topic of having the BPU investigate JCP&L's response to Tropical Storm Isaias. He suggested possibly joining with Bernards Township as to allow PSE&G to service both Bernardsville and Bernards Township. It was noted to add the following to the sample resolution "**BE IT FURTHER RESOLVED**, that the Borough Council asks the BPU to allow PSE&G to expand their area into Bernardsville". Mr. Hammond moved Resolution #20-223, **RESOLUTION REQUESTING THE NEW JERSEY BOARD OF PUBLIC UTILITIES TO INVESTIGATE JERSEY CENTRAL POWER & LIGHT'S RESPONSE TO TROPICAL STORM ISAIAS AND OPPOSING JERSEY CENTRAL POWER & LIGHT'S PETITION FOR A RATE INCREASE**. Ms. McCredie seconded and the motion was approved with six yes votes.

Facebook pages for Borough committees

Mayor Canose said there is no policy on whether committees can use the Borough's Facebook page or have their own page. Mr. Hammond said he is concerned about who controls the content if committees had their own page and suggested revisiting his prior idea of having an IT Committee. Mr. Donahue suggested using the Borough website for committee information. Ms. McCredie will review the borough policy on internet use. Mr. McQueen said Chris D'Amato, IT Specialist, could receive content and determine whether it goes on the Borough's Facebook page, the website, or both. There were no objections from council to this method.

Speeding and traffic data and mitigation/Lloyd Rd

Mr. Hammond said the Public Safety Committee is sympathetic to the problem on Lloyd Road and recognizes that it is a heavily traveled road. He said we do not have the unilateral ability to reduce the speed limit to 25mph and need an engineering study to support having a lower speed limit. Mr. Hammond said the study could include other mitigation speed calming efforts such as sidewalks. He said an engineering study would cost approximately \$2,000. Mr. Hammond said Chief Valentine has been working with Public Works to improve signage and have added lining/stripping on Lloyd Road. He said electronic speed signs and increased surveillance are measures we can take immediately but reducing the speed limit to 25mph requires an engineering study and asked for approval of funds for that. Chief Valentine said the speed limit right now on Lloyd Road is 35mph and it is not a discretionary speed and set by state statute. He said if we decide to do an engineering study it would be prudent to wait for the results of the study before installing any signs as the study would include a professional recommendation as to the types and locations of signs for that area. Chief Valentine showed statistics of speeds on Lloyd Road on certain dates. Discussion took place on whether to include Washington Corner Road and sidewalks in the study. Mr. O'Dea said he is in favor of doing both roads especially if we can get a volume discount. Mr. McQueen said he is also supportive of both roads. Mr. Hammond said he feels we need to also have a sidewalk study as lowering the speed limit by itself may not solve the problem. Mr. O'Dea said Mr. McQueen's earlier mention of a global

sidewalk study would be beneficial. Mr. Donahue said that would be good to do but we do not have the funds to do such a study. Ms. McCredie said installing signs would be beneficial to get cars to slow down. Mr. Hammond said he would like to have a quote on a sidewalk study for Lloyd Road so we have framework if we decide to do a global sidewalk study. Ms. McCredie said she would be in favor of getting a quote for a global sidewalk study. Chief Valentine said the traffic engineer can weigh in to indicate if he thinks sidewalks will be helpful or not and he can ask him for a recommendation. He said he can ask the traffic engineer how much it would cost for both Washington Corner Road and Lloyd Road. Council consented to having Chief Valentine ask a traffic engineer for an engineering study for Washington Corner Road and Lloyd Road. Chief Valentine said he will look to see if we have signs and work with the traffic engineer to see where they should go up and we can order them if we need to. Discussion took place about school bussing. Mr. Pidgeon read from the statute that the school district shall work in conjunction with municipal officials in determining the criteria necessary for the designation of a hazardous route.

Mr. Hammond said the Public Safety Committee discussed a blind turn on Prospect Street and recommended amending the no parking ordinance to include the northern part of Prospect from Mount Airy Road to 25 feet past the blind turn at Condit Place. He said an ordinance will be on for introduction at the September 28th meeting.

Mayor's Update

Mayor Canose spoke with Walter Lane of Somerset County and asked about different grants that might be available to us, particularly for the walkway on Boylan Terrace to the train station. She said Mr. Lane suggested we apply for transit village status and he will set up a meeting with NJ Transit and our engineer to talk about if we would qualify or not. Mayor Canose said Mr. Lane also suggested a grant for transportation set aside program funds, which gives points for being a transit village and having a complete streets policy. Mayor Canose said she will work with Doug Walker on this grant which can be anywhere from \$150,000 to \$1,000,000. The grant application is due November 24th. Mayor Canose attended the ice cream social at the pool on August 23rd. Mayor Canose attended the Overdose Awareness Day at Community In Crisis on August 31st. The NJ Motion Picture and Television Commission reached out to see if towns are interested in being listed in the database. Mayor Canose said she signed Bernardsville up for inclusion in the database and Ed English is supplying them with pictures of our town. Mr. Hammond and Mayor Canose attended the Somerset County Governing Officials meeting where Dr. Reddy gave an update on Covid and County Clerk Steve Peter gave an election update. Mayor Canose said we will be getting an election dropbox for residents to drop off their completed vote-by-mail ballots. She said the Somerset County Governing Officials were supposed to have a dinner in March to honor those who have completed their term on council and Diane Greenfield and Chris Schmidt will be honored in January 2021. Mr. Hammond said Dr. Reddy said the state and county are in the process of formulating plans for distribution of vaccines once they are available.

Correspondence - Summer Swim Program

Mayor Canose said we received a letter from swim coach Ed Tsuski noting that the swim team had a great and enjoyable season.

Correspondence - Request for Use of Library Parking Lot on September 19th

The Library parking lot will be used on September 19th with a rain date of September 20th for a retirement reception for Madelyn English who is retiring after 29 years of working for the Bernardsville Library.

Correspondence – Luminaries

Mayor Canose said she had a letter from Eileen Grippo of Friends of Historic Bernardsville and they are looking to do luminaries around the holidays around the historic buildings in town. Mayor Canose suggested battery operated luminaries as opposed to using real candles.

Unfinished Business - None

New Business

Ms. McCredie said she would like to open up cable to providers other than Comcast. Mr. Pidgeon said cable is different than other utilities. He said they get a non-exclusive franchise to operate in the borough and the only thing the borough does is consent to an application. He said we have consented to several competitors over the years but they have not followed through. He said we cannot force another cable carrier into the borough but they can apply if they choose and the council would then need to give consent and the ultimate decision is up to the BPU.

Mr. Zamarra said there is a Somerset County roadway safety study on the county website for residents to go and mark where they think a sidewalk, bike lane, crosswalk, better lighting, etc. should be. They can also comment about other people's suggestions on the interactive map.

Ms. McCredie said there is a recreation master plan survey for residents to complete and there is an online version and a mailed version. Mayor Canose said the mailed version is longer than the online version and done by a survey company. Ms. McCredie reminded anyone who received a survey to complete it.

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.

ADJOURNMENT

The meeting was adjourned at 12:25 a.m.
