

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**September 28, 2020**

Mayor Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, 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 Jeff Hammond arrived at 7:13pm

**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**

Keith Covington of Common Ground was present to discuss the Downtown Zoning Ordinance.

Following discussion, Mr. O’Dea moved to remove the seven residential properties on the west side of the downtown core zone from the ordinance/map and that 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**, 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. Mr. McQueen seconded and the motion was approved with six yes votes.

**APPROVAL OF MINUTES**

Ms. Zamarra moved approval of minutes from August 10, 2020, September 3, 2020, and September 14, 2020. Mr. O’Dea seconded and the motion was approved with six yes votes.

**OPEN SESSION**

Edward Grimes, Hanover Road, East Hanover, said the borough’s ordinance that was passed last year, banning the sale of medical cannabis for a facility in town, makes it hard for people to get their medicine, especially those in wheelchairs, disabled war veterans, and kids with cancer. He suggested allowing for medical cannabis in town.

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

**ORDINANCES (Public Hearing)**

Mayor Canose opened the public hearing on Ordinance #2020-1853, **APPROPRIATING AN ADDITIONAL \$60,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR CONSTRUCTION OF THE POLO GROUNDS WALKING PATH.**

Steve Reynolds, Stevens Street, asked about the thought process of using porous asphalt for this walkway. He said Doug Walker had stated in an email that it was to create more pervious coverage if we were going to put a snack shack. He wanted to know why we would use this expensive product for a walkway. Mr. O'Dea responded that this is least expensive option, the material counts as impervious surface but then we get a credit back because of the type of asphalt it is that is porous for the same square footage that is impervious, so basically it has a net neutral effect on the ground coverage of pervious versus impervious. He said other options had ancillary costs and this was the cheapest option. Mr. Reynolds said the line item could have been cheaper but is not because of the product that was picked. Mr. O'Dea said we did not specify the product, we specified options including porous asphalt, not-porous asphalt, and gravel. He said all bids were evaluated and this was the cheapest option. Ms. McCredie said we did porous asphalt, paper grit, and crushed stone, but did not get bids for i5 asphalt. Mr. Reynolds said the line item would have been cheaper using i5 asphalt instead of porous asphalt, and porous asphalt has maintenance issues.

Kristi MacDonald, Anderson Hill Road, suggested consulting Chris Obropta, who is the Extension Specialist in Water Resources with Rutgers and getting a statement from him about the use of porous pavement to mitigate stormwater runoff.

Kerry Haselton, Mine Brook Road, asked if when we do pervious pavement between lower and upper Polo Grounds that is now in turf, will we be addressing the drainage problems in that part of the field all the way along until Evankow. She suggested if we are doing the walking path, we should address the drainage. She suggested a surface of grit similar to Natirar. She said her two concerns are drainage and appearance of doing half a path in asphalt and leaving the other half gravel.

Heather Eich, said the road to get to the back field at Evankow is rocky with potholes and is difficult for those with limited mobility to get there. She said the design does not address the issues we have there, and this design should be phase one of something larger otherwise it will look like a paved path to nowhere. Mayor Canose asked Ms. Eich who is on the Recreation Committee if they discussed this topic. Ms. Eich said the Recreation Committee in general, has concerns with the design. Mr. Reynolds, who is also on the Recreation Committee, agreed. He said he does not agree with the product and we should do the project in phases to get a good comprehensive walking path loop.

Ted Dolan, Recreation Committee, agreed with Ms. Eich and Mr. Reynolds, and said the committee wants a walking path and looked at this in the past when looking at turf designs. He

said they looked at putting the path around the back side of the field along the hill, bottom of the hillside and come around the back toward the scoreboard area. He said this is one of the design options that the committee thinks should be considered as it hooks into the Audubon trail.

Steve Reynolds asked why the product was used. Mr. O'Dea said there was discussion about drainage at the field as brought up by the Environmental Commission. He said the Public Works Committee talked about this and that was how the RFP was written. Ms. Zamarra said Mr. Walker had responded that it had a lot to do with not adding to the drainage problem that already exists there. Mr. O'Dea said contributing to the drainage by putting more impervious surface in the area was not the best approach. Mr. Reynolds suggested getting a new design and new RFP.

Kristi MacDonald said it is important to look at the actual function of the materials and the purpose. She said a problem in our municipality is stormwater runoff.

Mr. McQueen said he appreciates the amount of work that has gone into this but it does not seem like the right design and that it is too much money. He said he feels it needs to be brought within the context of the bigger plan that is being developed for the Polo Grounds.

Laura Hartnett, Anderson Hill Road, said she agrees with Mr. Reynolds and Ms. Eich. She said the plans we have do not make sense for that amount of money. She suggested not making the path as wide which could help with the surface space. Mr. O'Dea responded that the side we are doing is six to eight feet wide and we wanted it wide enough so that two people could pass each other on the path.

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

Ms. Zamarra moved to pass Ordinance #2020-1853, **APPROPRIATING AN ADDITIONAL \$60,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR CONSTRUCTION OF THE POLO GROUNDS WALKING PATH** on final reading and adopt as published. Mr. O'Dea seconded. Mr. McQueen said he feels there should be more thought into it and a more comprehensive plan. Mr. O'Dea said there is a version in the agenda file is a more comprehensive version that paves the entire loop. He said there are three options in the agenda file. Mr. McQueen said the dollars and cents do not add up as it seems inappropriately priced. Mr. Hammond said this project is a must do and we should consider the plan that goes around the entire perimeter. He said it is more money but it is money well spent. He suggested connecting to the Audubon trail as suggested earlier by Ted Dolan. Ms. McCredie said there is a difference in what people refer to as the Audubon trail that Bernardsville has connecting the back area by the fields versus actual Audubon. She suggested the Recreation Committee and Public Works Committee have a meeting and have a plan for the walking path. She said we could have a better path if we increase the space and connect to different areas. She suggested handicapped areas and space for moms with strollers. She said we could hand this over to Bob Markowick, Recreation Director, and have him take over the planning with the Recreation Committee bringing in experts and keeping residents informed. Further discussion took place and Mr.

Donahue called the question. Following further discussion, which included possibly amending the ordinance and public hearing to the next meeting, Mr. Donahue's calling of the question was still intact and a roll call vote was taken based on Ms. Zamarra's earlier motion to pass Ordinance #2020-1853 on final reading and adopt as published along with Mr. O'Dea's second. Mr. Donahue, Mr. Hammond, Ms. McCredie, and Mr. McQueen voted no. Mr. O'Dea abstained. Ms. Zamarra voted yes. Ordinance #2020-1853 was not adopted.

### **ORDINANCES (Introduction)**

Mr. Hammond moved that Ordinance #2020-1855, **AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON PROSPECT STREET AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, 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 suggested different options or signage as residents in that area like to park on the street. Chief Valentine said there have been numerous complaints by motorists but he is open to other options. He said the Public Safety Committee can solicit ideas on how to proceed. Mr. McQueen seconded and the motion was approved with six yes votes.

### **RESOLUTIONS**

- #20-224      AUTHORIZING PAYMENT OF BILLS**
- #20-225      ACCEPTING MONTHLY REPORTS**
- #20-226      APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #20-227      AUTHORIZING RENEWAL OF A.B.C. LICENSES**
- #20-228      AWARDING A CONTRACT FOR POLO GROUNDS WALKING PATH**
- #20-229      AUTHORIZING THE MAYOR TO SIGN THE 2020 GRANT APPLICATION FOR SOMERSET HILLS MUNICIPAL ALLIANCE & YOUTH SERVICES COMMISSION**
- #20-230      SUPPORTING KNOCK OUT OPIOID ABUSE DAY**
- #20-231      AUTHORIZING REFUND OF PERMIT APPLICATION FEE FOR RONALD & KATHLEEN REDLING FOR 211 CLAREMONT ROAD**

- #20-232      AUTHORIZING SUBMISSION OF APPLICATION FOR NJ DOT  
TRANSPORTATION ALTERNATIVES GRANT**
- #20-233      APPOINTING LEN DELIA AS STREETS AND ROADS  
MANAGER**
- #20-234      AMENDING THE PROFESSIONAL SERVICES CONTRACT  
WITH COMMON GROUND**

Regarding Resolution #20-226, Ms. Zamarra thanked Luke Stauffer for volunteering to become a member of the Fire Company.

Ms. Zamarra moved to adopt Resolutions #20-224 to #20-234, except #20-228 which has been removed and will not be voted on. 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. Zamarra voted yes.

### **COUNCIL COMMITTEE REPORTS**

**Mayor’s Update,** Mayor Canose said she has been attending a four part series called Age Friendly Communities which discusses what different towns are doing to make their downtowns age friendly. Mayor Canose attended Summit Prep’s Strive For Excellence Scholarship award ceremony for one of our high school essay winners, Kensington Garvin. The rain garden opened at the Library on September 14<sup>th</sup> and the Environmental Commission has done a great job with getting that project accomplished. The Cultural Arts Committee met on September 16<sup>th</sup>. Mayor Canose met with Doug Walker on September 17<sup>th</sup> for the Transportation Set Aside Program funds, which the Public Works Committee also discussed. Library employee Madelyn English’s retirement party was held on September 19<sup>th</sup>. On September 22<sup>nd</sup>, Assemblywoman Aura Dunn had a Mayor’s roundtable with the President of the BPU and the Mayors discussed issues in their town. Assemblywoman Dunn responded to our resolution asking the BPU not to approve the rate increase for JCP&L. Mayor Canose attended the meeting on the New Jersey American Water Rate update and will provide information to council. Mayor Canose attended an Audubon program on how the new NJ budget is going to affect conservation. September 23<sup>rd</sup> was a Community Count Committee for the census and Mayor Canose thanked Terry Thompson for all the work she has done with the census. There was a Make-A-Wish parade that was attended by Mayor Canose and Ms. Zamarra and the Mayor thanked Police, Fire, First Aid, and Public Works for their participation. There was a Somerset County Planning Committee meeting on September 24<sup>th</sup> and they gave an update on the county preservation plan, a census update, and a presentation on a new stormwater utilities resource center. Mayor Canose and Mr. Hammond attended the Somerset County Business Partnership Diversity and Inclusion Seminar. Mayor Canose said the Diversity Council has come up with their mission statement which is to welcome, support, and celebrate the diverse cultures in Bernardsville and to help them flourish. So far they have purchased calculators for students that could not afford them. They are working

on having a virtual listening session. Mayor Canose congratulated Friends of Historic Bernardsville as they received the Historic Preservation History Award from the Somerset County Cultural and Heritage Commission. Mr. Pidgeon said last Thursday the federal court ordered the census bureau to continue counting residents through October 31<sup>st</sup>. Mayor Canose said Assemblywoman Dunn is going to have a follow-up meeting with answers to the questions asked at the Mayor's roundtable with the President of the BPU.

**Public Safety Committee**, Mr. Hammond said the focus of the committee is Covid, as there was a spike after Labor Day which has now leveled off, and speeding mitigation. An engineering study was approved for Lloyd Road. The committee is looking to identify other roads to see if there is a problem and if so, when is the problem and what can they do about it.

**Finance Committee**, Mr. O'Dea said the committee has not met since the last report and they will meet in the next two weeks.

**Personnel Committee**, Mr. McQueen said the committee has not met since the last report and they will meet next week.

**Engineering, Technology, and Public Works Committee**, Ms. Zamarra said the committee discussed the subdivision for 271 Mine Brook Road. She said the NJDOT requires approval for the driveway portion and we need Planning Board approval and county approval, so they are working on getting that resolved by the end of the year. The committee discussed developing a sidewalk study with details of all areas of town and determine where to prioritize the sidewalks. Ms. Zamarra said the committee talked about the walking path which was discussed earlier in this meeting. A Transportation Alternatives Grant was discussed and Ms. Zamarra said she is hopeful will help funding for a pedestrian walkway from Boylan Terrace to the train station. Hull Road and Lindabury Avenue have been paved on September 10<sup>th</sup>. Ms. Zamarra said we received a grant for Lloyd Road and have completed drainage, curbing, edge repair, milling, paving, and striping earlier in the month with plantings to be installed this week. Old Army Road was paved and striped from Mullens to Anderson Hill on September 15<sup>th</sup>. Pickle Brook Road milling and paving was completed September 10<sup>th</sup>. Meeker Road milling, paving, and striping was completed September 15<sup>th</sup>. There is stream repair work on Whitenack Road that is to begin this week. Ms. Zamarra said the Library roof and HVAC had some leaking and Mr. Walker is working with Library staff to have work done on that. The police station mold remediation is complete and they are doing final cleanup and air testing. The dam remediation at the Borough Pond, which the NJDEP required, has to be submitted before January 31<sup>st</sup>. Ms. Zamarra said later in the meeting, we have discussion on an ordinance to Ban Sump Pump and Gutter/Leader Stormwater Discharge onto the Roadway. The committee discussed doing something to prevent people from paving their driveway out into the road. She said we have the roads with drainage setup, but then if someone paves their driveway and it extends beyond their property line out into the road, it causes drainage problems.

**Land Use Committee,** Mayor Canose said the committee did not meet as a whole this month. She said we are introducing the downtown development plan for the Quimby project. The RFP for the Audi site will be issued probably next week and we will see what response we get. The council will then decide what to do once the Planning Board sends back their recommendation.

**Planning Board,** Mr. McQueen said they have been working on the zoning ordinance and sign ordinance which have now been completed. The Planning Board will meet on October 1<sup>st</sup> to finalize the remaining planning documents which support the new zoning.

**Library Board,** Mr. Hammond said we have hired two new assistants and they are familiar with the Library's computerized system. This will allow the Library to be open for more hours on weekends. The roof leak has been an ongoing issue. Mr. Hammond said Friends of the Library will have a drive-in concert on October 18<sup>th</sup>. The Library Foundation had to cancel the wine and cheese event due to the pandemic and will have a "non-event" with a silent auction. The Board discussed whether the Library should join one of the consortiums that are within the state, either the Somerset Library System or Morris Automated Information Network (MAIN) which is a predominantly Morris County based consortium. Mr. Hammond said the Strategic Planning Subcommittee presented to the whole Library Board, which approved unanimously, that we join MAIN. This should expand our offerings as it should double the amount of offerings we have for patrons and be cost neutral in the long run. Mr. Hammond said the first year should be a budget increase of about \$10,000 to \$20,000 but then levels off after year one. He said if we did not join the consortium, we would have to hire another assistant that has a technical ability for about a cost of \$60,000 per year.

**Cultural Arts Committee,** Ms. Zamarra said the mural is going to be printed on a parachute cloth and the community will still be invited to paint it in December. She said they have a strategy for raising funds that are necessary for this project. She said we will be applying for a grant from Somerset County in the coming weeks. Olivia Manning, Downtown Bernardsville, said they are trying to come up with creative ways to fundraise.

**Housing/Zoning,** Mr. Price said remote inspections are ongoing and they have completed over 30 last month. They should be caught up with annual inspections by December and then go into January with 400+ inspections to be done in 2021.

**Recreation Committee,** Ms. McCredie said last month the committee had Brandstetter Carrol come and facilitate a feedback session for the master plan.

**Board of Health,** Ms. McCredie said the Board met and discussed the increase in Covid cases just before school started. They also discussed flu shots and how to handle those from the Borough's perspective.

**ITEMS OF BUSINESS****St. Elizabeth Turkey Trot (5k Race) on November 27<sup>th</sup>**

Hilary Dudley was present on behalf of the committee that is organizing the race. Mr. Hammond said the Police Department is going to meet with the organizers of this race on Thursday. He said they have safety concerns and suggested this item be tabled until they meet with the Police Department. Ms. Dudley said she will be meeting on Thursday with the Police. She said they have a Covid responsible plan. She said they have been working with professionals for live races on specifics such as staggered starts and keeping socially distant. She said there have been other 5k events in other towns this fall that have been approved and they are following the model set by the public health department in Colorado and the New Jersey towns that are holding these types of events. She said she will work with Chief Valentine to plan a low risk Covid event. Mr. Hammond asked if they have met with the Bernards Township Board of Health. Ms. Dudley said she had not. Chief Valentine said while anyone can run on the road, there is an approval process if it is going to require traffic direction and road closures. He said the police have had concerns with this race in the past over the safety of the route, intersection crossings, and traffic control crossings. Ms. Dudley will meet with members of the Police Department on Thursday to work out details and safety, and depending on the outcome, she will meet with the Health Department at a future time and come back to council at a future meeting.

**271 Mine Brook Road Minor Subdivision**

Mayor Canose said Doug Walker and Bob Brightly have filed an application with NJDOT. Mr. O'Dea said this was discussed by the Public Works Committee and they sent the application for a shared driveway to NJDOT but the option for a second driveway was not part of the application. Mr. Pidgeon said he agrees with Mr. Brightly to just file for the existing driveway so we can get the subdivision from the Planning Board and then go back the NJDOT if necessary or maybe put the onus on the potential purchaser of the residential lot. Mr. O'Dea said we were going to get a perpetual easement for the driveway up to where it turns right and then if we get a second driveway at some point in the future, we could always vacate that easement if desirable. Mr. Pidgeon agreed. Mayor Canose asked how long approval from NJDOT would take. Mr. O'Dea said the Public Works Committee did not think it would take too long as the application they are filing is more expeditious but there is no time frame. Mr. Pidgeon said we have an option for bids or an auction.

**Recreation Needs Assessment**

Mayor Canose said the council has the results in their agenda file from the part that was sent in the mail and there is another part that was online survey and we are still trying to get more participants in the online version. She said we will put the results together once we have all the data. Mr. Hammond asked if we could find out if the information from the mail survey is still coming in due to slow mail delivery. Mayor Canose said we could find out. Mr. O'Dea asked if

the results would be presented. Mayor Canose said we are due for another Steering Committee meeting and then we can get an update of what the next steps are. Bob Markowick, Recreation Director, said he believes that Brandstetter Carroll sent 1,000 surveys and looking to receive 30 to 40 percent. Mayor Canose will follow up with Brandstetter Carroll.

### **Ordinance Vacating Old Oak Ridge Road Culdesac Right of Way**

The Public Works Committee recommends this ordinance as does John Macdowall. Mr. O'Dea said the only question that came up is that if we vacate it there is no more easement so we cannot use the property, but this is deeded property which is slightly different. He said we have a deed to this property and we wanted to offer the homeowners the option, at their expense, to buy the deed from us and it would become their property. He said either way if we vacate, we are not using it anymore and it becomes a stranded land in front of their house that they do not own. Mr. Pidgeon said we should ask them what they want and ask them to bear the expense of doing it. Mr. Pidgeon will contact the property owners and Mr. Maresca will discuss with Mr. Macdowall.

### **Ordinance to Ban Sump Pump and Gutter/Leader Stormwater Discharge onto the Roadway**

The Public Works Committee discussed this ordinance. Mr. Pidgeon will discuss with Mr. Walker and Mr. Macdowall and determine the wording of a proposed ordinance in order to take care of issues they have encountered and not put a burden on residents.

### **Correspondence** - None

### **Unfinished Business**

Further discussion on the 271 Mine Brook Road subdivision took place. There were no objections from council to move forward with the easement approach as long as it does not delay or stop the planning process, or NJDOT informs us of any problems.

### **New Business**

Mr. Hammond asked for a follow up on holiday displays. Bob Markowick was put in charge of holiday displays at a prior council meeting and Mr. Markowick said he has been in contact with Joe Rossi, Olivia Manning, and Richard Raciti and currently going over plans for holiday displays with each of them.

Mayor Canose said we have had issues with the Laurelwood Trail with people going into it with ATVs and bikes, and asked the Public Safety Committee to look into this. She said signs were ordered but not aware if they are posted. She said Open Space and Recreation have worked out rules but is unsure if they are posted. Mr. Hammond said we should make sure whatever prohibitions there are have been publicized and posted. Mr. O'Dea said there are electric

bicycles that could go on a trail depending on the design of the bicycle and he is not aware of the noise or damage it could cause. He said when the Recreation Committee is reviewing rules, the term motorized vehicle needs to be broken down to be specific.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Johanna Wissinger, Environmental Commission, suggested we investigate solar panels for the roof at the Library since it needs repair. Mr. Hammond said he had raised this before when he joined the Library Board and it is not a matter of aesthetics, but the stability of the roof and the way the roof is oriented, the panels would not all be facing in the right direction. He said he could raise this topic again.

Jeffrey Thomas King, Elizabeth Parkway, Eatontown, commended council on the diversity committee. He suggested council amend the ordinance adopted last year that zones medical cannabis out of the municipality and said that was a mistake. Mr. Hammond said he had introduced the ordinance to have a medical dispensary. He said just because that ordinance got defeated does not mean you cannot use it, it just means we could not have a dispensary.

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

**CLOSED SESSION - None**

**ADJOURNMENT**

The meeting was adjourned at 11:00 p.m.

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