

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
October 13, 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 and Anthony Suriano, Borough Clerk. Ralph A. Maresca, Jr., Administrator/CMFO 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 and revised on October 10, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS - None

OPEN SESSION

Mayor Canose said the Public Safety Committee has recommended an engineering study and not move Ordinance #2020-1855 forward at this meeting. Mayor Canose opened the meeting to the public. Prospect Street residents Brian McParland, David Rampe, John Gaut, Sharon Meckes, Samantha Ortiz, Jose Ortiz, Liz Roos, spoke in opposition of Ordinance #2020-1855. Mayor Canose said residents can email their suggestions and ideas on this topic to Mr. Hammond, Chair of the Public Safety Committee.

Olivia Manning, Downtown Bernardsville, said they will have an event called Back To The Future Day on October 21st which is 35 years since the movie was released. She said she is working with our local movie theater to show all three films for four straight days, October 21st to October 24th. She said they are being loaned props used on screen and items shown inside the movie theater. They will have three replica movie cars parked outside the theater on two days, Wednesday and Saturday. Ms. Manning said she spoke with Chief Valentine today and he directed her to NJDOT to inform them of what they are doing. She asked council for permission on parking the cars in front of the movie theater as the spaces are limited parking hours. She thanked Harvey Goldberg, owner of Olcott Square condos, for his help in allowing for use of the movie theater for this event. Mr. Goldberg said he is trying to have fun events at the movie theater and hopes that this event will be well attended and good for the downtown area. Council consent was given for use of the parking spaces for more than the limited time parking.

When asked by a resident from Prospect Street what the next steps are, Mayor Canose said council will approve an engineering study and residents can send comments to Mr. Hammond. Ms. Zamarra said Ordinance #1855 will not be adopted but we will try to find ways to mitigate the speed issue on Prospect Street. Residents on Prospect Street asked for data and Mr.

Hammond said he will get the data as requested by residents and make it available to residents. Chief Valentine said data will be given to the traffic engineer.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on 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**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. McQueen 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, Mr. McQueen, Ms. McCredie, Mr. O’Dea, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on 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)**. Downtown Revitalization Committee members Paul Sedlak, Bonnie Sellers, Jeff Horowitz, and Sam Maddaluna spoke about the history of Quimby Village Redevelopment Plan and urged council to act quickly and with transparency to direct Topology to develop an RFP, select a single Master Developer to make Quimby Village happen expeditiously and with coordination, and require the Master Developer to provide all of the Amenities previously promised to residents that will make this project the success our residents and businesses want and need it to be. Mayor Canose thanked Topology for their work on this project. Hearing no further 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. Ms. McCredie asked about the timeline for the RFP. Chris Colley of Topology said they could have an RFP by the end of the year. Mayor Canose said the RFP could be released to public at the first meeting in December and could be reviewed by council during November. She said it is possible to review at the second November meeting. Mr. Hammond said he would like to review the RFP at the November 23rd meeting. 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.

Mayor Canose opened the public hearing on Ordinance #2020-1855, **AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON PROSPECT STREET AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED “TRAFFIC”**.

Comments were made during open session on this ordinance and hearing no further comments from the public, Mayor Canose closed the public hearing. There was no motion made to adopt this ordinance. Mr. Hammond moved to adopt Resolution #20-243, **AUTHORIZING A TRAFFIC STUDY FOR PROSPECT STREET**, for amount not to exceed \$550. Mr. Donahue 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 #2020-1856, **AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND APPROPRIATING \$500,000 THEREFOR CONSTITUTING PROCEEDS OF GRANTS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**, 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, October 26, 2020. Mr. Hammond seconded and the motion was approved with six yes votes.

Mayor Canose asked if we should put money aside for replacement of the turf field. It was decided to see how much money is raised during the year and then set aside the difference and Mr. Donahue suggested making this part of the budget process. Mayor Canose and Ms. McCredie said we should remember the need to set money aside each year at the budget process. Mr. Donahue said that topic is always at the top of the Finance Committee’s list. There was no motion to introduce Ordinance #2020-1857, **APPROPRIATING \$_____ FROM THE BOROUGH OPEN SPACE TRUST FUND AND PLACING IT IN RESERVE TO COVER THE COST OF REPLACING THE TURF FIELD AT THE POLO GROUNDS AT THE END OF ITS USEFUL LIFE.**

Mr. McQueen moved that Ordinance #2020-1858, **AN ORDINANCE CONCERNING ACCESSORY BUILDING SETBACKS IN THE R-1-10 RESIDENTIAL ZONE AND SUPPLEMENTING AND AMENDING ARTICLE XII OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING”**, 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, October 26, 2020. Mr. O’Dea seconded and the motion was approved with six yes votes.

RESOLUTIONS

- #20-235 AUTHORIZING PAYMENT OF BILLS**
- #20-236 RESOLUTION REDUCING THE PERFORMANCE GUARANTEE AND THE SAFETY AND STABILIZATION BOND FOR THE HERITAGE AT CLAREMONT (NGC DEVELOPMENT)**

- #20-237 REJECTING ALL BIDS FOR THE WALKING PATH AT THE POLO GROUNDS**
- #20-238 SUPPORTING SUBMISSION OF APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM**
- #20-239 AUTHORIZING ENGINEERING IN SUPPORT OF THE TRANSPORTATION ALTERNATES GRANT APPLICATION**
- #20-240 AWARDING A CONTRACT FOR MUNICIPAL PARKING LOT SNOW PLOWING AND SIDEWALK CLEARING**
- #20-241 REGARDING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE AT REMOTE BOROUGH COUNCIL MEETINGS**
- #20-242 AUTHORIZING CONTRACT WITH THE CANNING GROUP, LLC, TO ASSIST THE BOROUGH IN ITS SEARCH FOR A NEW ADMINISTRATOR**

Mr. O’Dea moved to adopt Resolutions #20-235 to #20-242. 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

Before discussion of the items of business, Mayor Canose noted that Frank Bastone of The Canning Group was present as Resolution #20-242 was adopted earlier in the meeting and The Canning Group will assist in the search for a new Administrator. Mr. Bastone asked who the point person will be. Mayor Canose will be the first point person with Mr. McQueen, being Personnel Committee Chair, as the second point person. Mr. Bastone will work with the Borough Clerk in placing job advertisements.

Draft Sign Ordinance

An ordinance regarding signage was discussed and it was agreed to amend the draft as follows: 1) For Temporary Signs, Section 4, the last sentence “...more than four (4) special events per year...” is changed to “...more than six (6) special events per year...”; and 2) For General Sign Provisions, Section 12, last sentence “Any sign which fails to meet the maintenance provisions of this chapter shall be repaired or removed within sixty (60) days upon written notification by the Construction Official” changes to “Any sign which fails to meet the maintenance provisions of this chapter shall be repaired or removed within thirty (30) days upon written notification by

the Construction Official.” Noting these amendments, Mr. McQueen moved that Ordinance #2020-1859, **SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING” TO AMEND SECTION 12-23.15, SIGNAGE** 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, October 26, 2020. Mr. Hammond seconded and the motion was approved with six yes votes.

Diversity and Inclusion Program Update

With Mr. Maresca absent at this meeting, this item will be carried to a future meeting.

Somerset County Transportation

Mr. Suriano was directed to get more data from Somerset County about the number of resident riders who used the county van on Fridays during the years 2015-2020 along with a list of seniors to contact to see if we can gauge interest for 2021. This item will be carried to a future meeting when more data is available to help make a decision as to sign a contract for 2021 with Somerset County Transportation for use of the senior van on Fridays.

2021 Parking Decals

A resolution for 2021 parking decals will be on the October 26th agenda. It will include a refund policy for commuter decals with \$40 per month being subtracted from the \$300 annual fee if a refund is requested.

Holiday Displays

Mr. Hammond said the last time the holiday display ordinance was reviewed was in 2005 and asked for council to take a hard look at it again. He said we are moving in different directions about sensitivity, inclusion, diversity, and being a welcoming community and he does not feel the current code language is welcoming. Mr. Hammond said it will take some time, probably not be ready for 2020, but he is thinking of the future. Ms. McCredie said Bob Markowick, Recreation Director, was asked to coordinate with Downtown Bernardsville, Chamber of Commerce, and a local store owner who came to a prior meeting and expressed interest in coordinating holiday events, but she did not feel this ordinance regarding holiday displays should fall on Recreation. Mr. Donahue agreed. Mr. Hammond said Mr. Markowick was also asked to reach out to the Diversity Inclusion Committee about what thoughts they might have and make a list of possibilities. Mr. Hammond said he felt this would be part of Recreation. Mr. Pidgeon will search for various cases on this topic that might bring clarity to this.

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

Mr. Pidgeon said he had spoken to Doug Walker about this ordinance and Mr. Walker was satisfied with the wording. Mr. Price said he is satisfied as well. Mr. Macdowall will be asked to review this ordinance and have any comments taken into consideration and Mr. Pidgeon will have this ordinance for introduction at the next meeting.

Ordinance Establishing a Fee for Cancellation of Housing Inspections

Mr. Price said he would like to have this ordinance in effect for January 1st and have a monetary penalty for two cancellations. He noted he will look into a text system to notify people of their inspections. Mr. Pidgeon said in response to Ms. McCredie's comment for clarification in the ordinance, the phrase "or the tenant" (who scheduled and confirmed the inspection) could be added. There were no objections from council for this addition. Mr. McQueen moved that Ordinance #2020-1860, **AN ORDINANCE ESTABLISHING A FEE FOR CANCELLED HOUSING INSPECTIONS AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE"**, 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, October 26, 2020. Ms. McCredie seconded and the motion was approved with six yes votes.

271 Mine Brook Road – Sale of House Portion

Mr. Pidgeon will prepare an RFP to be sent to local realtors in Bernardsville for this project and report back at the next meeting.

Mayor's Update

Mayor Canose said she attended a stormwater seminar by NJ Future which has developed a resource center on stormwater utility. She said Downtown Bernardsville, in addition to Back To The Future Day, is having a Scarecrow Stroll where people make scarecrows and they are put up around town and people will vote on them. Instead of Downtown Bernardsville's Cookie Crawl, they will be doing a Cookie Cookbook with town wide cookie recipes. They are working on a virtual Turkey Trot in November. The Downtown Bernardsville website has information on their events. The Cultural Arts Committee is trying to organize pop-up art vendors in empty store fronts on weekends in December. Mayor Canose attended a meeting at St. Elizabeth's School about their 5K Race. Lt. Remian and Ptl. Richard also attended and they came up with alternate routes and it was agreed to move the race to St. Patrick's Day. On October 6th, Senator Bucco had a meeting with JCP&L and there were complaints from Mayors regarding JCP&L's lack of coordination and inaccurate estimated time of restoration (ETR). Mayor Canose said the BPU requires JCP&L to issue a global ETR and that is what people were most upset about. There is a plan going into the BPU to have smart meters which would produce more accurate readings per household. The Governor's call indicated indoor sports have been reopened. The Diversity Council is having a community listening center on October 20th. Somerset County Department of Human Resources has undertaken the stigma free campaign with a goal to remove

the stigma of mental illness and substance abuse disorders, and they would like us to do a resolution in support of their campaign on a future agenda. Mr. Hammond asked about the BPU looking into smart meters and the accuracy of the current meters in use. Mayor Canose said the smart meters are more accurate. Mr. Hammond asked if there would be a charge to install the smart meters. Mayor Canose said no, it is part of their storm hardening plan and part of their budget.

Correspondence Ordinance Public Notices

Mr. Suriano said the Bernardsville News changed their deadline for their Thursday newspapers which would mean we could not meet the legal requirement for ordinance notices. It was decided to contact the Bernardsville News and ask if they could make an exception for the borough otherwise we would publish notices in a daily newspaper, Courier News, and note that on the agenda. Ms. Zamarra suggested asking the Library if they had a subscription to the Courier News.

Unfinished Business

Walking Path, Ms. McCredie asked where we are on this topic since the last meeting. She said we had talked about asking a wetlands consultant and asked if that is moving forward. Mr. O’Dea said he had a conversation with Mr. Maresca and Mr. Walker and he asked them to come back to the Public Works Committee and full council with an estimate of what it would cost to engage a wetlands expert and do additional engineering. He said before we incur any costs, we would see if council wants to move forward with that before we give the go ahead. He said he is not sure where they are with obtaining that estimate. Mayor Canose said she thought the information would be sent to the Recreation Committee. Ms. McCredie said that it was done and she met with the Recreation subcommittee at the field, but has not heard anything since then. She said she would like to find out if there is any recourse for an engineering error and refunds for the payments made. Mr. O’Dea said we should ask that question.

New Business

Remote Meetings, Mr. Pidgeon said there are regulations for remote meetings that recently came from the state. As a result, Resolution #20-241 was adopted earlier in the meeting.

Special Events, Chief Valentine spoke about permission for special events. Mr. Price said Bedminster and Far Hills have ordinances on this topic and he will get a copy of each to be distributed to council as a sample ordinance for review.

Unfinished Business

Train Station Building RFP, Mr. O’Dea asked about the status of the RFP for the Train Station building. Mr. Pidgeon said he sent it to NJDOT and they asked for it to be resent in a different format and he is awaiting a response.

BOE/Council Liaison Group, Ms. McCredie asked about the status of having a group or committee of Board of Education members and Council members. Mayor Canose said there has been nothing new on this topic. She noted the Board of Education has a new Business Administrator and she will follow up.

Census, Mr. Hammond asked where we stand with the Census percentage as the deadline could be extended to the end of October but does not have to be. Mayor Canose said she we are at about 76% and she will follow up with Somerset County.

New Business

Halloween Costume Donations, Ms. McCredie said Ms. Pike at Bedwell School is organizing donations for Halloween costumes. She said it is being setup through the Guidance Counselors at school with Ms. Pike as the organizer.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Personnel Matters and that the time when and circumstances under which the matter can be disclosed to the public is when it is finally resolved. The motion was seconded and approved with six yes votes.

REOPEN

It was moved and seconded to reopen the meeting to the public.

Mr. McQueen moved adoption of Resolution #20-244, **APPOINTING RON SALKO AS ROAD FOREMAN**. 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.

ADJOURNMENT

The meeting was adjourned at 10:45 p.m.
