

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**November 9, 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, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO and Anthony Suriano, Borough Clerk. Thomas O’Dea, Jr. and John Donahue were 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**

Kevin Combe, Hull Road, said he is concerned with noise pollution from railroad crossings in town and he volunteered to help with this issue. Mayor Canose said while we looked into this in the past and it was found to be cost prohibitive to have a Quiet Zone, we could put a committee together to review this topic. Ms. McCredie volunteered to serve on the committee.

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

**ORDINANCES (Public Hearing)**

Mayor Canose opened the public hearing on Ordinance #2020-1861, **ESTABLISHING SPEED LIMITS ON LLOYD ROAD AND WASHINGTON CORNER ROAD AND SUPPLEMENTING AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED “TRAFFIC”**. Vincenza Caruso, Lloyd Road, thanked Chief Valentine and Ms. Zamarra for their efforts in moving this ordinance forward and said she is looking forward to the next step. Chris Caponigro, Lloyd Road, said he is grateful for Chief Valentine’s attention to this matter. Chief Valentine said signs will be installed as soon as Public Works completes markouts. Hearing no further comments from the public, Mayor Canose closed the public hearing.

Mr. Hammond moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Hammond, Mr. McQueen, Ms. McCredie, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2020-1862, **CONCERNING SUMP PUMPS AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE**

**BOROUGH CODE ENTITLED “POLICE REGULATIONS”**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Hammond moved to pass this ordinance on final reading and adopt as published. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

### **ORDINANCES (Introduction)**

Mayor Canose said Ordinance #2020-1863, **REMOVING THE DESIGNATION OF BERNARDS AVENUE AS A THROUGH STREET AND AMENDING CHAPTER 7 OF THE BOROUGH CODE ENTITLED “TRAFFIC”**, will be tabled to a future meeting and not introduced at this meeting.

Mr. McQueen moved that Ordinance #2020-1864, **REQUIRING RECORDED DEED DECLARATIONS FOR PRIVATE STORMWATER MANAGEMENT FACILITIES AND SUPPLEMENTING AND AMENDING CHAPTER 12 OF THE BOROUGH CODE 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, November 23, 2020. It was noted the Housing Committee will discuss this ordinance at their next meeting. Ms. Zamarra seconded and the motion was approved with four yes votes.

### **RESOLUTIONS**

- #20-259      AUTHORIZING PAYMENT OF BILLS**
- #20-260      APPOINTING MARK SYLVESTER AS FIRE PREVENTION OFFICIAL**
- #20-261      AUTHORIZATION OF TAX REFUND**
- #20-262      AUTHORIZATION OF SEWER REFUND**
- #20-263      ACCEPTING A DONATION FOR THE ENVIRONMENTAL COMMISSION CLASS OF 2020 GARDEN**
- #20-264      AWARDING A CONTRACT FOR SLUDGE REMOVAL**

Regarding Resolution #20-263, council members thanked Rosalie Ballantine for her donation.

Mr. McQueen moved to adopt Resolutions #20-259 to #20-264. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

**ITEMS OF BUSINESS****Environmental Commission, Recognition of Rosalie Ballantine's 20 Years of Service**

Johanna Wissinger read a letter recognizing her 20 years of service with the Environmental Commission. Kerry Haselton, Environmental Commission member, also offered thanks to Ms. Ballantine for her years of service.

**Bernardsville Flower Market**

Annette Jennings, Spring Hill Flower Farm, was present to request holding a Flower Market during April and May at the Bernardsville Train Station lot with a portion of the proceeds going to the Garden Club. Mr. Hammond suggested partnering with Friends of a Greener Bernardsville and contacting an empty store front to use as a location. Mr. McQueen said he is concerned that vendors who come for one day to sell flowers will take business away from our local flower shop. Mr. Hammond agreed. Ms. McCredie suggested talking to the local flower shop to see if they have any concerns. Mr. McQueen said if the local flower shop has no issues, he would be more in favor. Mayor Canose said we can look at the Municipal Land Use Law (MLUL) and see what our zoning allows. Ms. Jennings will come back with more information in the future.

**Diversity and Inclusion Program Update**

Mr. Maresca discussed the latest draft of the Borough's Diversity and Inclusion Policy as prepared by Lisa Barre-Quick, Labor Counsel. It was noted to remove the word "the" as it was a typo in paragraph three of the document. Mayor Canose said the next step is to get an action plan and come up with the training program that we need. Mr. Maresca will work with Ms. Barre-Quick for this next step.

**Outdoor Dining**

Mr. Price created an application for outdoor dining based on the language as approved in the new downtown zoning ordinance. He said he made an adjustment to the fee to make it \$500 which covers review of the plans by our engineering staff and an inspection once outdoor dining is in place. Mayor Canose asked if a restaurant would have to apply every year if they take their outdoor dining down and want to put it back up. Mr. Price said he can add to the permit that it is required each year but if the layout is the same, it will be a modest permit fee and no engineering review will be needed. Mayor Canose said we would add the part about renewal as discussed earlier and the application will be finalized. There were no objections from council and Mr. Price will make the change and begin using the application.

### **Best Practices**

Mr. Maresca discussed the Best Practices document. He said these questions are required to be answered by the NJDCA and the number of yes answers equals a score which dictates state aid amounts. He said we are required to score 16 or more to get full state aid and we scored 19 and we will receive full state aid. No action needed to be taken.

### **Contractors Use of Municipal Property**

Mr. Pidgeon said we could charge for use of municipal property for organizations doing public projects and he is opposed to renting out public land to people/organizations not doing public projects as that would have to be publicly bid. Mayor Canose suggested putting a fee schedule in place for use of borough property by contractors and then anytime it is requested, we have to see if it's worth it. Ms. McCredie moved to adopt **Resolution #20-265, SETTING A FEE FOR RENTING BOROUGH OWNED LOTS FOR CONTRACTORS**. Mr. Hammond seconded and the motion was adopted with four yes votes.

### **271 Mine Brook Road – RFP's for Sale of House Portion**

This topic was held for closed session.

### **Discussion on Ordinance for Open Space Money for Pool Repairs**

Mr. Maresca said he and Leslie Roberson met with Neil Mastrobuono and Bob Markowick of the Recreation Department and went over some equipment that needed repair and replacement and how it would be paid for. They came up with this ordinance to appropriate funds to make these improvements to the pool for next season. Pursuant to a resolution from 2010, an ordinance appropriating money from the Open Space Fund needs to go to five committees (Recreation, Environment, Shade Tree, HPAC, Open Space). Mr. Suriano will send this ordinance to those committees and the ordinance will be on the November 23<sup>rd</sup> council meeting for introduction.

### **Appointment of Magdala Trofnas Gonzales to the Cultural Arts Committee (Mayor's Appointment with Council Consent)**

Mr. McQueen moved appointment of Magdala Trofnas Gonzalez to the Cultural Arts Committee. Ms. Zamarra seconded and the motion was approved with four yes votes.

### **Mayor's Update**

Mayor Canose said she attended a Human Services Advisory Committee meeting for Somerset County where they discussed Community Development Block Grants, an update from Certified Community Behavioral Health Clinics, Department of Children and Families, Workforce Board,

Family Crisis Intervention Unit. She said they talked about the Onpoint Program that Ocean County has that will be piloted in Bridgewater. On October 29<sup>th</sup>, there was a walkability and bike-ability webinar. She said part one was on the process of audits, and we did one on Bernards Avenue. Mayor Canose attended the annual meeting at Robert Wood Johnson University Hospital Somerset. There is an uptick in Covid19 cases in the hospital with younger patients but they have better treatment so there are less critical cases. They are working on a vaccine for Covid19 but it will probably take another six months before it is widely distributed. The Governor is recommending small family gatherings for Thanksgiving. Mayor Canose attended part two of the walkability and bike-ability webinar which focused on how to take your audit and make it into a travel plan. She said she attended a meeting of the Mayor's Reentry Task Force. Community In Crisis is moving from the old Library to the former Gallaway and Crane Funeral Home on Church Street. Mayor Canose said she sent letters to residents on Boylan Terrace, Prospect Street, Center Street, and West Street to let them know about the Transpiration Alternatives Set Aside Grant, and she heard back from one person who is in favor of this opportunity. She received a letter from Kings' informing us their Bernardsville store may close if they don't get a buyer and they have given their employees 60 days notice.

**Correspondence** - None

**Unfinished Business**

Mr. Hammond said on November 4<sup>th</sup>, the Public Safety Committee discussed the increase in day to day Covid19 cases. He said it is important for people to not let their guard down and remain vigilant.

Mayor Canose said Pat Hoagland of Brandstetter Carroll went to the Farmers' Market and Little League field, and then a listening session at the pool regarding the Recreation Master Plan and it was very well attended. She said he got a lot of good information and feedback from those he talked to.

Mayor Canose said the Governor is supposed to announce that restaurants/bars are to close by 10:00pm. Mr. Pidgeon said that was announced today. Mr. McQueen said that in addition to restaurants/bars closing by 10:00pm, there are to be no interstate sports.

Mr. Hammond said we got the engineering report for Prospect Street. The recommendation is there is no need for additional no parking restrictions because they are already covered by state regulation. The engineer recommends the Police Department use discretion, based on circumstance, in terms of enforcement the existing state regulation and have a speed limit of 15MPH advisory speed limit with a lighted sign to get people's attention.

Mr. McQueen said the sign ordinance had a portion where a change was made to permit a single illuminated Open sign. He said through the various revisions, this section was removed at some point, and proposed that it get added back into the ordinance. Mr. Pidgeon said it's possible this

could have been removed due to a court case in Morris County but that has no binding on Somerset County so he has no legal objection of adding that section back in if council wants to. There was no objection from council of adding it back in. Mr. McQueen said it was originally written to be a 2' x 3' sign and a single sign per storefront.

**New Business** - None

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Personnel Matters and Property Acquisition 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 four yes votes.

**REOPEN**

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

Ms. McCredie moved to retain Feel @ Home Realty to assist the Borough in the marketing and sale of 271 Mine Brook Road under conditions that it will be a three month listing, maximum commission of 3.75% (1.25% for the seller's realtor plus up to 2.5% for the buyer's realtor), and the contract must be in the form acceptable to the Borough Attorney. Mr. McQueen seconded and the motion was adopted with four yes votes.

**ADJOURNMENT**

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

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