

## **BOROUGH OF BERNARDSVILLE**

### **Mayor & Borough Council Meeting Minutes**

June 11, 2018

Mayor Kevin Sooy called this meeting to order at 7:00 p.m. Present were Council Members Jeffrey J. DeLeo, John Donahue, Thomas O'Dea, Jr., Michael Sullivan and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO and Anthony Suriano, Borough Clerk. Chris Schmidt 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 December 12, 2017.

### **PLEDGE OF ALLEGIANCE**

### **OPEN SESSION**

At this point in the meeting, the Mayor & Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes.

Mayor Sooy opened the public session. Hearing no comments or questions, Mayor Sooy closed the open session.

### **PRESENTATIONS**

Mike Kerwin, Somerset County Business Partnership (SCBP), distributed a handout and talked about how the organization assists with applying for grants and helps businesses grow. Their mission is to lead businesses to a prosperous and sustainable future. Ms. Zamarra talked about the creation of a guide to opening a business in Bernardsville that was discussed at the last council meeting. Mr. Kerwin said SCBP can provide guidelines to assist. Bernardsville is currently a member of SCBP and the renewal fee is \$1,250 for the period April 1, 2018 to March 31, 2019. Mayor Sooy said we will put renewal of membership in SCBP on the next agenda.

### **ORDINANCES**

Mayor Sooy opened the public hearing on Ordinance #18-1772, **AN ORDINANCE ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE BOROUGH'S MT. LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS**

**OF THE BOROUGH LAND DEVELOPMENT CODE.** Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. Pidgeon said Dan Levin, CGP&H, made some changes after discussion by the Planning Board at their recent meeting. Mr. Pidgeon read and explained the amendments. Some of those include section 13-2.3, the Planning Board added “whichever is lesser”, to the end of subparagraph a3. In 12-17.1.2, the Planning Board added “which shall include” to subparagraph (h) and added subparagraph (i), “there shall be a minimum of three affordable family rental units provided for every 24,000 square feet of lot area”. In 12-17-1.3, the Planning Board revised subparagraph (b) to read “new buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site and noted in subparagraph (i) “green building strategies are encouraged in the AHO-3 Overlay Zone”. They also clarified that four bedrooms are not allowed in any zone and three bedrooms is the maximum. Ms. Zamarra asked if the 30% minimum requirement for Open Space in Section 13-2.3 subparagraph 8 and 8b can be increased. Mr. Levin said he could not say for sure as that section was drafted some time ago when those parcels (Fox Hollow) were developed. Mr. Pidgeon said that was drafted by former Planner David Zimmerman. Mr. Levin said in the overlays there are minimums and not maximums. Mr. Pidgeon said it is part of the site plan approval process. Mr. DeLeo said the idea is to build the units and meet our commitment and does not understand why we would dedicate part of the land to open space when they are small parcels of land. He said he does not think we should be taking away units from the property that is going to be developed. Ms. Zamarra moved to amend Ordinance #18-1772 as discussed. Mr. DeLeo seconded and a roll call vote followed. Mr. DeLeo, Mr. Donahue, Mr. O’Dea, Mr. Sullivan, and Ms. Zamarra voted yes. Mayor Sooy opened the public hearing on Ordinance #18-1772 as amended. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. DeLeo moved to adopt Ordinance #18-1772 as amended. Ms. Zamarra seconded and a roll call vote followed. Mr. DeLeo, Mr. Donahue, Mr. O’Dea, Mr. Sullivan, and Ms. Zamarra voted yes.

## **RESOLUTIONS**

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| <b>#18-147</b> | <b>AUTHORIZING RENEWAL OF A.B.C. LICENSES</b>                     |
| <b>#18-148</b> | <b>AUTHORIZING REFUND OF ESCROW FEES</b>                          |
| <b>#18-149</b> | <b>AUTHORIZING RELEASE OF BONDS FOR STREET OPENING PERMITS</b>    |
| <b>#18-150</b> | <b>AUTHORIZING FORFEITURE OF BONDS FOR STREET OPENING PERMITS</b> |

**#18-151      AWARDING A CONTRACT TO SUMMIT MEDICAL GROUP  
FOR THE LEASE OF SUITE 102 IN THE LOWER LEVEL OF  
THE BOROUGH LIBRARY**

**#18-152      AUTHORIZING AN AGREEMENT WITH THE SOMERSET  
HILLS REGIONAL SCHOOL DISTRICT TO PROVIDE SPECIAL  
POLICE OFFICERS IN DISTRICT SCHOOLS**

**#18-153      AUTHORIZING PAYMENT OF BILLS**

Mr. DeLeo asked to remove #18-152 and consider it at a future meeting when Chief Valentine and a representative from the school can be present. Mr. Pidgeon agreed. Mr. DeLeo moved to adopt Resolutions #18-147 to #18-151, and #18-153. Mr. Donahue seconded and a roll call vote followed. Mr. DeLeo, Mr. Donahue, Mr. O'Dea, Mr. Sullivan, and Ms. Zamarra voted yes.

Draft Ordinance - Adopting Borough Facility Naming Policies

Mr. Pidgeon said this latest draft includes changes to the procedures in section 25-3. Ms. Zamarra said that regarding tree species, plaques and benches, the borough should decide of its style and then each would be of a uniform style. Mr. Donahue said Section 25-4 is superfluous and suggested striking that section. Ms. Zamarra suggested incorporating that section into Section 25-1 instead of striking it. Mr. DeLeo was also in favor of removing Section 25-4. Mr. O'Dea suggested changing the header on Section 25-2 to "facilities and fields", and adding wording to Section 25-2 subparagraph 5. There were no more comments from council. Mayor Sooy asked if there was a motion to introduce Ordinance #18-1773, which will be revised by Mr. Pidgeon. Mr. Pidgeon said the changes will be in Section 25-2, the title will be "Facilities and Fields". Also in Section 25-2, paragraph 5 will read "the cost and design of installation of a plaque or monument for the facility that is being named or renamed pursuant to this section will be determined by the governing body and will be paid by the requestor. Ms. Zamarra moved that **Ordinance #18-1773, ADOPTING BOROUGH FACILITY NAMING POLICIES AND CREATING A NEW CHAPTER XXV IN THE BOROUGH CODE ENTITLED "FACILITIES NAMING PROGRAM"**, as revised by Mr. Pidgeon, 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., June 25, 2018. Mr. O'Dea seconded the motion, which was approved with four yes votes. Mr. DeLeo abstained.

Ridewise

Ms. Zamarra said she met with Donna Allison of Ridewise and the Police Department with a timeline of how the program works. The campaign is called street smarts and it is a statewide program funded entirely by grants. It involves members of the governing body and businesses who help educate people to understand the best way to keep safe and from getting into any type of accident on the street. The campaign lasts anywhere from six to eight weeks. There is a pre-campaign observation where Ridewise representatives come out and watch the area for things like jaywalking and how often crosswalks are being used. They collect this data for one to two weeks. Then for three to four weeks after that, there is a period of education, outreach, and enforcement. It would be best to do this at Olcott Square and the five corners intersection. Chief Valentine is on board with this and endorsed it earlier in the year. It is anticipated to start after Labor Day.

Transit Hub Pilots Program

Ms. Zamarra said every year NJTPA accepts applications to a transit hub pilot program. It is a way to improve the train station without spending a lot of funds. They consider any train station in NJ that is in need of revitalization. She said Bernardsville was not selected in the past, but wanted to let council know this program exists and hopefully we can revisit it in the future. Mr. DeLeo said we already have an agreement in place, so this may not apply to us, but we would have to look into it.

Correspondence

Mayor Sooy asked Mr. Donahue about a meeting he had with representatives of NJ Transit last Monday. Mr. Donahue said NJ Transit initiated that meeting after he had contacted them to gather information about the train station. Mayor Sooy said he had a meeting scheduled with NJ Transit last Wednesday and they give permission to do the lot, part of the curbing, and we are looking at an August date for paving. Mr. O'Dea said it's important when communicating with an entity like NJ Transit that there is value as a coordinated voice, and we can get all of our information and questions answered, and then communicate that information in a public forum. He also suggested making sure the NJ Transit representatives that were met with on Monday and Wednesday know what was discussed on each meeting day.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Personnel Matters and Contract Negotiations 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.

**ADJOURNMENT**

Mayor Sooy adjourned the meeting at 9:45 p.m.

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Anthony Suriano, Borough Clerk