

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Minutes  
September 24, 2018

Mayor Sooy called this meeting to order at 7:00 p.m. Present were Council Members Jeffrey J. DeLeo, 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 Members John Donahue, Chris Schmidt, and Michael Sullivan 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 December 12, 2017.

**PLEDGE OF ALLEGIANCE**

**PRESENTATION**

**FAA Response to Commercial Aircraft Traffic**

Diana and Steven Kramer, Charlotte Hill Drive, gave an update to their presentation at a prior council meeting about FAA aircraft noise. The FAA wrote a letter saying that they will not make any adjustments for the continuous and repetitive air traffic over our town. Ms. Kramer asked council to take a firm stance on this matter and demand the FAA adjust the air traffic to be less concentrated over Bernardsville, spread out over a greater area, and the altitudes be increased. Ms. Kramer asked for a council member to be an advocate and work with them to address this issue. Ms. Kramer said they have drafted a letter of support for council review that will be sent to the governor, senators, congressmen, and the eastern region head of the FAA. Ms. Zamarra said she would represent council to assist Mr. and Mrs. Kramer in trying to limit aircraft noise. In addition to Mr. and Mrs. Kramer’s efforts, Ms. Zamarra suggested individuals write to the FAA to report noise complaints.

**Proclamation - Mayor’s Wellness Campaign, Conversation of Your Life**

Mayor Sooy read a proclamation regarding the Conversation of Your Life program. Madelyn English said there will be a discussion about this topic tomorrow night at 7:00pm at the library.

**APPROVAL OF MINUTES**

Ms. Zamarra moved adoption of minutes of August 13<sup>th</sup>, August 21<sup>st</sup>, and September 10<sup>th</sup>. Mr. O’Dea seconded and the motion was approved with three yes votes.

**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.**

Karen LaRosa, Charlotte Hill Drive, said she supports the presentation by Mr. and Mrs. Kramer and that the noise is excessive. Hearing no additional questions or comments, Mayor Sooy closed the open session.

### **ORDINANCES**

Mayor Sooy opened the public hearing on Ordinance #17-1780, **ORDINANCE INCREASING TOWING FEES AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**. Mr. O'Dea asked who gets the towing fees? Mr. Pidgeon said the fees go to the towing company. Chief Valentine said Lieutenant Gardner worked on the fees listed in the ordinance after reviewing those of surrounding towns. Mr. DeLeo moved to pass Ordinance #18-1870 on final reading and adopt as published. Mr. O'Dea seconded and a roll call vote followed. Mr. DeLeo, Mr. O'Dea, and Ms. Zamarra voted yes.

Mr. Schmidt opened the public hearing on Ordinance #17-1781, **AN ORDINANCE APPROPRIATING \$15,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR A SURVEY AND A WETLANDS DELINEATION FOR MORRAINE CREST**. Mary Jane Canose thanked council for their support of this ordinance on behalf of the Open Space Advisory Committee and added it would be great to have trails. Mr. O'Dea moved to pass Ordinance #18-1871 on final reading and adopt as published. Mr. DeLeo seconded and a roll call vote followed. Mr. DeLeo, Mr. O'Dea, and Ms. Zamarra voted yes.

Mr. O'Dea moved that Ordinance #17-1782, **CONCERNING SIGNS AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "ZONING" OF THE BOROUGH LAND DEVELOPMENT CODE**, 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., October 9, 2018. Ms. Zamarra seconded the motion, which was approved with three yes votes.

### **RESOLUTIONS**

**#18-206      AUTHORIZING PAYMENT OF BILLS**

- #18-207      ACCEPTING MONTHLY REPORTS**
- #18-208      AUTHORIZING REFUND OF ESCROW FEES -  
BOA APPLICATION #16-05, CARTON**
- #18-209      ACCEPTING A DONATION FROM FRIENDS OF HISTORIC  
BERNARDSVILLE**
- #18-210      AUTHORIZING REFUND OF ESCROW FEES**
- #18-211      AUTHORIZING REFUND OF POLICE ESCROW FEES**
- #18-212      RESOLUTION AUTHORIZING SUBMISSION OF 2019  
MUNICIPAL AID GRANT FOR LLOYD ROAD**
- #18-213      RESOLUTION AWARDED A CONTRACT FOR ANN STREET  
DRAINAGE IMPROVEMENTS**
- #18-214      AUTHORIZING REVISIONS TO THE PERSONNEL POLICIES  
AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK**

Regarding #18-209, Dan Lincoln, Olcott Avenue, explained the work on the Dunster Squibb property. Money will be donated from Friends of Historic Bernardsville to the borough and then the borough will pay the contractor. Mr. DeLeo moved to adopt Resolutions #18-206 to #18-214. Mr. O’Dea seconded and a roll call vote followed. Mr. DeLeo, Mr. O’Dea, and Ms. Zamarra voted yes.

**REPORTS**

Municipal Attorney

Mr. Pidgeon’s confidential report as of September 19, 2018 was received. Two items will be discussed in executive session.

Council Committee Reports

**Public Safety Committee**, Chief Valentine said they need new volunteers for OEM. There is no paid staff and they rely on volunteers. There are three groups, CERT, Shelter Volunteers, and Damage Assessment Team. Interested persons can contact him and he will provide details about training. Kerry Haselton, Mine Brook Road, volunteered to serve.

**Finance and Personnel Committee**, Mr. O’Dea discussed a handout regarding outstanding debt. Mr. DeLeo said this is a very useful document that can be helpful in preparing future budgets.

**Engineering, Technology, and Public Works**, Mr. Macdowall said Conti completed work between Claremont Road and Stevens Street. Curbing and sidewalks are being worked on for Mine Mount Road. Drainage work on Chapin Road is anticipated to begin in early October. Contracts have been awarded for improvements to Pill Hill Road and we are hoping drainage work will be done this year through the winter. Curb and ramp work may be done on Anderson Hill Road. Paving on both Pill Hill and Anderson will be done next year. Mine Mount Road should be completed in four to five weeks, with paving anticipated to be done in late October. The fall landfill cleanup will be held on October 13<sup>th</sup>. It is anticipated that next month we will get bids for milling, paving, and possibly drainage on Stevens Street and since reconstruction is needed, it will be a spring project. Speed radar signs are on order for Mullens Lane, Anderson Hill Road, Claremont Road, and Bernards Avenue. There is a Madonna cemented into the watering trough on Claremont Road which will be removed as it not appropriate for a municipality. Train station improvements will take place and either effect commuters or the Farmer’s Market. Mr. Macdowall will follow up with an email.

Other committee/commission reports

Ms. Zamarra said October 3<sup>rd</sup> is walk to school day.

**ITEMS OF BUSINESS**

**St. Elizabeth’s School - Youth in Government Proposal**

This topic was tabled to a future meeting when a school representative can be present to talk about the program. Mayor Sooy said it would be a spring program.

**Ordinance Vacating Alexander Avenue**

Mr. Pidgeon suggested referring this topic to the Planning Board. Chip Baird, Washington Avenue, spoke about his request for the vacation of Alexander Avenue. Mr. Pidgeon said he has no objection to the ordinance. Mr. Macdowall will review and Mr. Pidgeon will prepare an ordinance for introduction at the next meeting.

**Little Free Library Sample Ordinance**

Ms. Zamarra said residents want to put a little free library on their front lawn. She looked at guidelines from other towns that have them. It can be placed on a front lawn, at a park or pocket

park, and there is no charge. Kerry Haselton, Mine Brook Road, said it is a small movement toward books. No decision was made and this topic was carried to a future meeting.

**Pets on Fields**

Mr. Walker said in the summer months dogs are allowed on fields. He asked if we should ban dogs from going on fields at all times as this is especially critical at the turf field. Mr. Pidgeon will prepare an ordinance for introduction at the next meeting and note it will be for all fields.

**Mayor's Appointment of Ben Foster, Chairperson of the Environmental Commission**

Mayor Sooy appointed Ben Foster as Chairperson of the Environmental Commission.

**NGC Development LLC - PILOT Program**

This item was tabled to a future meeting.

**Correspondence, NY Times Article, Re: Libraries**

This item was just for council information and not discussed

**Correspondence, Library Fundraiser - Mini Golf**

Terry Thompson of the Library Board of Trustees was present. The council concurred that the minigolf fundraiser at the library, to be sponsored by the Friends of the Bernardsville Public Library with the support of the Library Board of Trustees in February, 2019, is appropriate under Borough Code Section 3-9 c, which allows serving wine and beer at this event.

**OPEN SESSION**

Hearing no comments, Mayor Sooy closed the open session.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Attorney/Client Privilege, Contract Negotiations, and 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 three yes votes. It was noted that the meeting may be reopened to the public following the session.

**REOPEN**

The meeting was reopened to the public.

Ms. Zamarra moved that Ordinance #17-1783, **CONCERNING USES PERMITTED IN THE I INDUSTRIAL DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND DEVELOPMENT 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., October 9, 2018. Mr. O’Dea seconded the motion, which was approved with three yes votes.

Mr. O’Dea moved adoption of **RESOLUTION #18-215, AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH DECOTIIS FITZPATRICK COLE & GIBLIN LLP**. Mr. DeLeo seconded and a roll call vote followed. Mr. DeLeo, Mr. O’Dea, and Ms. Zamarra voted yes.

Mr. O’Dea moved adoption of **RESOLUTION #18-216, RETAINING WILLIAM YOUNGBLOOD AS AGENT FOR A SPECIFIC PIECE OF OPEN SPACE PROPERTY**. Mr. DeLeo seconded and a roll call vote followed. Mr. DeLeo, Mr. O’Dea, and Ms. Zamarra voted yes.

**ADJOURNMENT**

Mayor Sooy adjourned the meeting at 11:00 p.m.

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