

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
October 22, 2018

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

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

PRESENTATIONS - None

APPROVAL OF MINUTES

Mr. DeLeo moved adoption of minutes of September 22nd and October 9th. Ms. Zamarra seconded and the motion was approved with six 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.

Pat Riley, Bodnar Street, discussed hunting on private property. Per the current borough ordinance, a lot has to be a minimum of five acres in order to hunt on it. He said five acre lots are tough to find and suggested changing the borough ordinance to allow hunting on properties with a minimum of three acres for bow and arrow only. Mayor Sooy said the Public Safety Committee will review this request.

John Roberts, Washington Avenue, asked for clarification on Ordinance #18-1785, Vacating Alexander Avenue. Mr. Pidgeon responded that it reverts to the prior owner, usually it is 50/50.

Steve Reynolds, Stevens Street, asked if a date was decided on to have the county engineer come and discuss the field. Mayor Sooy said there is not a date at this time and asked Mr. Walker to follow up and reach out to the county engineer.

Robert Geilich, Tower Mountain Drive, asked for clarification on Ordinance #18-1874, which would prohibit pets on athletic fields. Mr. Pidgeon said it would ban pets from being on the playing field and not the whole park. Mayor Sooy said we have received complaints of dog debris on the fields. Mr. Geilich said there should be a reasonable compromise as this is not a problem in other towns. Mr. Pidgeon said the ordinance says it is limited to playing surfaces and posting signs at specific areas of the Polo Grounds. Mr. Walker said our concern is people letting dogs run on fields with fenced in areas which results in the infield getting rough. Mr. O'Dea suggested changing the ordinance to apply to all fenced fields. Mr. Pidgeon said if that change is made we can carry the public hearing to the November 13th meeting with no further notice. Mr. Schmidt moved to make the change stated by Mr. O'Dea and carrying the public hearing to the November 13th meeting with no further notice. Mr. O'Dea seconded and the motion was approved with six yes votes.

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

ORDINANCES

Mr. Donahue moved that the public hearing on Ordinance #18-1782 **CONCERNING SIGNS AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "ZONING"** be continued, with no additional notice, to the regular meeting of the governing body on November 13, 2018, to allow the planning board additional time to complete its review of the ordinance. Ms. Zamarra seconded and a roll call followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. Schmidt moved that the public hearing on Ordinance #18-1783 **CONCERNING USES PERMITTED IN THE I INDUSTRIAL DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED "ZONING"** be continued, with no additional notice, to the regular meeting of the governing body on November 13, 2018, to allow the planning board additional time to complete its review of the ordinance. Mr. O'Dea seconded and a roll call followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, and Zamarra voted yes. Mr. Sullivan abstained.

Ordinance #18-1784, **AN ORDINANCE PROHIBITING DOGS AND OTHER PETS ON ALL BOROUGH ATHLETIC FIELDS AND SUPPLEMENTING AND AMENDING CHAPTER V OF THE BOROUGH CODE ENTITLED "ANIMAL CONTROL"**, was discussed earlier in the meeting and carried to the November 13th meeting with no further notice.

Mayor Sooy opened the public hearing on Ordinance #18-1785, **AN ORDINANCE VACATING A PAPER STREET KNOWN AS ALEXANDER AVENUE**. Hearing no comments from the public, Mayor Sooy closed the public hearing. Mr. Donahue moved to pass

this ordinance on final reading and adopt as published. Mr. Schmidt seconded and a call of the roll followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

RESOLUTIONS

- #18-225 AUTHORIZING PAYMENT OF BILLS**
- #18-226 ACCEPTING MONTHLY REPORTS**
- #18-227 AUTHORIZING THE EMPLOYMENT OF EFFIE
VLASSOPOULOS AS PART TIME ADMINISTRATIVE
ASSISTANT**
- #18-228 AWARDING A CONTRACT FOR EXCAVATION OF TEST PITS**
- #18-229 AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
FOR TRAIN STATION CURBING**
- #18-230 AUTHORIZING TRANSFER OF FUNDS**
- #18-231 RESOLUTION APPOINTING HUMANE LAW ENFORCEMENT
OFFICERS**

Mr. O'Dea moved to adopt Resolutions #18-225 to #18-231. Mr. Schmidt seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

REPORTS

Municipal Attorney

Mr. Pidgeon's confidential report as of October 18, 2018 was received. No comments or questions from council.

Council Committee Reports

Public Safety Committee, Mr. Schmidt said electronic speed signs and truck route signs are being installed. Speed radar signs on Mullens Lane and Seney Drive will be installed with the location to be determined. Mr. DeLeo suggested one for Mine Mount Road. Mr. Schmidt said

the Police Department is handing out Halloween safety materials. Ms. Zamarra said the Police Department is doing a Street Smarts campaign. Chief Valentine said Street Smarts is being focused on the downtown area and crossing guards are handing out literature.

Finance and Personnel Committee, Mr. O'Dea said there was nothing new to report.

Engineering, Technology, and Public Works, Mr. Macdowall said the Mine Mount Road project will take two more weeks. Drainage work on Chapin Road started this morning. Milling and paving at the train station lot will take place on October 29th and 30th. Curb ramps are being done on Anderson Hill Road, Seney Drive, and Olcott Avenue. Paving on Anderson Hill Road and Pill Hill Road will be done in 2019. Drainage work on Ann Street will begin shortly. Markouts for speed signs are to be done. Mr. Walker said paving of the train station lot is expected to go well as notices were posted and decal holders were notified of the project in advance. Ms. Zamarra suggested adding a crosswalk in the train station parking lot. Mr. Macdowall said that was not in the original plan and would result in losing parking spaces if done. Chief Valentine said there have been no issues of pedestrians being struck in the lot. Mr. Walker said there is a meeting with the library staff for energy savings. Security cameras are to be installed at the library. The boiler replacement at borough hall has been done. Old playground equipment will be recycled.

Other committee/commission reports

Housing, Mr. Donahue discussed multi-family homes in zones that are not multi-family, such as 56 Mount Airy Road. Geoff Price, Zoning Officer, said the Zoning Department is compiling a list of homes that are non conforming. They will need to have a letter and if they do not have one, they will have to go to the Board of Adjustment. Mr. DeLeo asked if homes before 1971 (when the ordinance was adopted) are grandfathered. Mr. Pidgeon answered yes. Mr. Price said they are going to send a letter in mid-November to multi-family owners. Mr. Pidgeon will review the notice before it is sent out.

Public Works, going back to this committee report, Mr. Schmidt asked if we had a supply of salt. Mr. Macdowall said we should be in good shape.

ITEMS OF BUSINESS

Board of Adjustment Vacancies

David Yale, Charlotte Hill Drive, spoke of his background and said he would like to join the

Board of Adjustment. After discussion between Mr. Yale and council, Mr. DeLeo moved to the following appointments to the Board of Adjustment. Thomas Carton from Alternate #1 to regular member to 12/31/20; Rich Traynor from Alternate #2 to Alternate #1 to 12/31/19; Ed McDowell from Alternate #3 to Alternate #2 to 12/31/18; David Yale to Alternate #3 to 12/31/19. Mr. Sullivan seconded and the motion was approved with five yes votes. Mr. O'Dea abstained.

Hardship Exemption for Road Moratorium, 120 Post Kunhardt Road

A request for a hardship exemption from road moratorium for street opening was discussed. Mr. Macdowall said this request was made by a new home owner for new gas service for 120 Post Kunhardt Road. It is a twelve foot by two foot area. Ms. Zamarra moved to approve the hardship exemption for 120 Post Kunhardt Road. Mr. DeLeo seconded and the motion was approved with six yes votes.

Request for Cub Scouts

Mr. Donahue discussed a request from the Cub Scouts to use borough hall on Sunday, October 28th from 4:00pm - 5:30pm. Due to the low hazard nature of this event, Meeker Sharkey has advised that an insurance certificate and hold harmless agreement from the Cub Scouts is not necessary. Council consent was given for this request.

OPEN SESSION

Hearing no comments, Mayor Sooy closed the open session.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Property Acquisition 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 six 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 #17-1786, **APPROPRIATING \$950,000 FROM THE**

BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 251

CLAREMONT ROAD, 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, November 13, 2018. Mr. Schmidt seconded and the motion was approved with six yes votes.

Mr. DeLeo moved adoption of **RESOLUTION #18-232, AUTHORIZING A CONTRACT WITH WILLIAM YOUNGBLOOD TO REPRESENT THE BOROUGH IN CONNECTION WITH THE PROPOSED ACQUISITION OF BLOCK 125, LOT 25 LOCATED ON NORTH FINLEY AVENUE FOR THE CONSTRUCTION OF INCOME-RESTRICTED SENIOR CITIZEN HOUSING**. Discussion took place on which property this resolution would pertain to, (Block 125, Lot 25, Claremont Road) or (Block 17, Lot 28, North Finley Avenue). The resolution was adopted stating Claremont Road but after the meeting was adjourned, it was deemed it should have been North Finley Avenue. A resolution clarifying North Finley Avenue will be done at the November 13th meeting. Mr. Donahue seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. DeLeo moved adoption of **RESOLUTION #18-233, AUTHORIZING THE PURCHASE OF 251 CLAREMONT ROAD**. Mr. Schmidt seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

ADJOURNMENT

Mayor Sooy adjourned the meeting at 9:00 p.m.

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