

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
June 8, 2020

Mayor Canose called this meeting to order at 7:00 pm. 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, 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 January 3, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Mayor’s Proclamation - Tourette Syndrome Awareness Day

Mayor Canose read a proclamation proclaiming June 9, 2020 Tourette Syndrome Awareness Day in Bernardsville.

Redevelopment Plan for 65 Morristown Road

Chris Colley and Phil Abramson were present from Topology to discuss the redevelopment plan for 65 Morristown Road. Mr. Colley said the procedure would be that council would introduce an ordinance (#2020-1844) later in this meeting. The ordinance would go to the Planning Board to determine if it is consistent with the Master Plan, then the ordinance would come back to council for potential adoption following a public hearing. Mr. Hammond asked about arcades as we have an ordinance that limits four to a location which is not financially viable. He said if in the future we overturned that ordinance to permit arcades, could that be incorporated into this plan or do we have to go through the process all over again. Mr. Abramson said that the plan would most likely need to be amended. He said they could create a definition of the term arcade and include it as a permitted use. Mr. Abramson said there are parts of the borough code regarding arcade machines that are antiquated and those would need to be amended as well as the zoning code being amended for this use. Mr. McQueen asked if we could list it as a permitted use in the redevelopment plan. Mr. Abramson said yes, and maybe council could do an at table amendment to the redevelopment plan with the inclusion of an amusement type use. Mr. Pidgeon said that could be done with adding an amusement center to the permitted use. There were no objections to an arcade as an acceptable use and Topology will amend the redevelopment plan. Ms. McCredie said in the residential piece, the affordable housing was only at 15% for this location and asked if there was a reason. Mr. Pidgeon said that is standard for

rentals. Ms. McCredie asked about permitted uses for a performing arts theater or community center. Mr. Colley and Mr. Abramson said those were included in the plan. Mayor Canose said regarding a traffic study, it was to be left up to the Planning Board if they wanted to do that. Mr. Colley said they gave the right to waive the traffic study to the Planning Board.

OPEN SESSION

Mayor Canose opened the meeting to the public session.

Rebecca Perkins, representing Healthier Somerset, congratulated Bernardsville for having a resolution on this agenda for consideration of endorsing and adopting a Complete Streets policy.

Ed English, Olde Town Court, asked permission to hold the Farmers' Market at the pool parking lot instead of the train station parking lot for the rest of the Saturdays in June. He said it was moved to the pool parking lot for this Saturday due to activity going on near the train station and it was a success. Steve Reynolds, Stevens Street, said that if the borough pool were to open on July 4th, this would pose a problem to have the pool open with the Farmers' Market in that same area. Mr. English said he is not planning on having the Farmers' Market at the pool parking lot on July 4th and it would be there only in June. It was noted the pool is not likely to reopen in June. Mr. Hammond moved to allow the Farmers' Market to be held at the borough pool parking lot for the rest of the Saturdays in June unless the pool opens sooner than expected. Mr. McQueen seconded and the motion was approved with six yes votes.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on **Ordinance #2020-1842, APPROPRIATING THE SUM OF \$125,780 FOR THE MILLING, PAVING & STRIPING OF MEEKER ROAD, MT. HARMONY ROAD & LAKEVIEW ROAD.** Hearing no comments from the public, Mayor Canose closed the public hearing. Ms. Zamarra moved to pass this ordinance on final reading and adopt as published. Mr. O'Dea 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 #2020-1843, AN ORDINANCE 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 pm., Monday, June 22, 2020. Mr. McQueen seconded and the motion was approved with six yes votes. Mr. Pidgeon stated that Ordinance #2020-1844

also needs to be sent to the Planning Board for recommendation. The Planning Board has informed us they would not get to review Ordinance #2020-1844 until June 25th, so the public hearing on Ordinance #2020-1844 is July 13th. He suggested Ordinance #2020-1843 also have the public hearing on July 13th to allow the Planning Board to make its recommendation. Ms. Zamarra moved that **Ordinance #2020-1843, AN ORDINANCE 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 pm., Monday, July 13, 2020. Mr. McQueen seconded and the motion was approved with six yes votes.

Ms. Zamarra moved that **Ordinance #2020-1844, ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 125 LOT 13 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. (AUDI SITE)**, 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 pm., Monday, July 13, 2020. Mr. McQueen seconded and the motion was approved with six yes votes

RESOLUTIONS

- #20-158 AUTHORIZING PAYMENT OF BILLS**
- #20-159 RENEWAL OF THE CONTRACT WITH COMMON GROUND**
- #20-160 AMENDING THE CONTRACT WITH DECOTIIS, FITZPATRICK AND COLE**
- #20-161 AUTHORIZING ESTIMATED TAX BILLS 3RD QUARTER, 2020 INSTALLMENT**
- #20-162 APPROVING USE OF THE MORRIS COUNTY CO-OP CONTRACT #6 FOR ROAD RESURFACING (MILLING AND PAVING), AND MORRIS COUNTY CO-OP CONTRACT #36 FOR THE STRIPING OF LLOYD ROAD**
- #20-163 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**

Mr. O’Dea moved to adopt Resolutions #20-158 to #20-163. Mr. Hammond seconded the motion and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

Regarding **Resolution #20-164, ENDORSING AND ADOPTING A COMPLETE STREETS POLICY**, Mr. McQueen suggested removing the phrase “require when possible” from #5 and change the review date in #7. Linda Rapacki of Ridewise was present and said they worked hard on the wording of this resolution and it’s the model for grants. She suggested not changing the wording. Mr. Hammond moved to adopt Resolution #20-164. Ms. Zamarra seconded the motion and a roll call vote followed. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O’Dea, and Ms. Zamarra voted yes.

Council discussed various options related to **Resolution #20-165, INTRODUCTION OF 2020 MUNICIPAL BUDGET**. Mr. O’Dea discussed two budget proposals. He said Proposal A does not allow for conducting the Recreation Program Summer Camp or allow for opening the pool for any portion of the summer. He said Proposal B has no negative impact on taxes to be raised and carries very limited or no risk to the Borough financially. The main points of Proposal B are as follows for Recreation Camps: the budget expenses will be set proportional to the number of weeks that the camp could potentially be open; The revenue target for the camp will be set at \$5,000 above the amount of the expenses, to allow for incremental costs related to cleaning/PPE; the quantity of participants will be determined by the amount of revenue required to break-even, based on the assumptions above; the Recreation Department will be asked for a date for when the go/no-go decision needs to be made to allow for the camp to be opened, so if we need 10 days to prepare for the camp to begin on July 6th, the go/no go date would be set for June 26th; the Recreation Camp will be publicized and the go/no go criteria will be published along with the terms that a minimum numbers of campers will be needed; campers will be required to pay in full ahead of the go/no go date; campers will be issued a full refund if sufficient campers do not register by the deadline and the camp is canceled. The caveat is that if the camp does not open due to lack of sufficient interest to break even then the Borough will need to cancel the appropriation in the budget. As long as this internal borough action is done in a timely manner, then the situation effectively reverts to the same financials as the original (Proposal A). Mr. O’Dea said the same can be replicated for the pool. Discussion about opening the pool took place. Ted Dolan, Recreation Chair, said they have been looking to the NJRPA for guidance on opening the pool. Mr. Donahue said the Governor is due to give guidelines tomorrow and suggested a special meeting to discuss this resolution to introduce the budget. It was decided to have a special meeting for Resolution #20-165 on Friday, June 12th at 5:00pm. There was discussion on \$43,000 that was available to include either in capital reserve or to give it back to the taxpayers. A straw poll was taken. Mr. Donahue, Ms. McCredie, and Mr. McQueen said to put it in capital reserve, and Mr. Hammond, Mr. O’Dea, and Ms. Zamarra said to give it back to the taxpayers. Mr. Donahue suggested splitting the money for both purposes. Ms. Zamarra said she would like part of the split to go to Recreation. Following further discussion, Mr. McQueen and Ms. McCredie said they would give the \$43,000 back to the taxpayers.

ITEMS OF BUSINESS**Request for Parking Decal Refund**

A request for a refund for a parking decal was received. Council asked Mr. Suriano to get more information on the requestor's job status before making a decision on issuing a refund.

Draft Temporary Outdoor Dining / Display Permit

The application for a temporary outdoor dining/display permit was discussed. Mayor Canose thanked Mr. Price for putting this together quickly. Mr. McQueen said he would like to have this approved and on the website tomorrow for use by local businesses. Mr. Price said he had five restaurants inquire about it today. Mr. McQueen thanked Mr. Price, Mr. Maresca, and Chief Valentine for their efforts. No changes were suggested to the application and it will be posted on the borough website tomorrow.

Workplace COVID-19 Infection Prevention Policy

No changes were suggested to this policy. Mr. McQueen moved to approve the Workplace COVID-19 Infection Prevention Policy. Ms. McCredie seconded and the motion was approved with six yes votes.

Mayor's Update

Mayor Canose said there was a webinar on June 4th for the NJEDA. They put out \$50,000 for small businesses and she informed our local businesses of this. There was a peaceful protest on Saturday which was very well attended. Mayor Canose thanked Chief Valentine and the Police Department for doing an outstanding job of being helpful and supportive. She said Ed English did a great job moving the Farmers' Market to the pool parking lot. The Freeholders invited Mayor Canose to serve on the County's Economic Recovery Task Force. The borough will be sending an application to NJDOT for permission to close Route 202 from Claremont Road to Mount Airy Road on Friday nights to allow restaurants to have more of an open public space. Mayor Canose heard from four council members about having a vision plan meeting on June 29th. She said graduation banners will go up on Monday and the movie theater will put congratulations to the class of 2020 on their marquee. The Road Department will assist with both of these installations. The Planning Partners Forum is tomorrow morning at eight o'clock and our participation in Complete Streets will be announced. Mayor Canose announced her appointment of Rob Wilson as Environmental Commission Member.

Correspondence - None

Unfinished Business

Mr. McQueen said the Planning Board is reviewing the zoning overlay for the revitalization plan project at a slow pace. He suggested limiting the amount of time that the Planning Board deliberates on this topic until the council takes this up to move it forward. Mr. Hammond asked if the Planning Board has a deadline to complete their review and Mr. McQueen said they do not. Mr. Hammond suggested the Planning Board have additional meetings. Mr. O'Dea suggested giving them a certain number of days and then they can have additional meetings, possibly weekly if necessary, to meet the goal of finishing review in a certain amount of time. Mr. McQueen said he would follow up with Frank Mottola and Bob Graham. Mr. McQueen said Keith Covington of Common Ground has attended Planning Board meetings since he wrote the zoning standards proposal and could consult with the Planning Board as to explain why he wrote them the way he did. Ms. Zamarra suggested having joint meetings with the Planning Board.

New Business

Mr. McQueen said he, Mr. Hammond and Mayor Canose worked on the project of reopening downtown and a project for 2021 would be to get a quote for what a Downtown Manager would cost and how it would be funded. Mr. O'Dea said Olivia Manning had sent a proposal about a year ago that talked about a Downtown Manager as part of a Special Improvement District. He said we considered it at that time and a Special Improvement District comes with fees or incremental taxes. He said maybe this is a time to revisit this topic. Mayor Canose said she believes they would first do a feasibility study and she would talk to Olivia Manning to see if she could get some people to do a presentation on how this works. Mr. O'Dea said at the Finance Committee meeting on May 22nd they talked about a study with a similar goal and objective as this, and asked if this is different to what Mr. McQueen is asking about. Mayor Canose said no, it is the same thing. Mr. O'Dea said it is then already incorporated into the budget. Mayor Canose said there is money in the budget for it. Mayor Canose said she will find companies to come and give a presentation to see if it is something we would like to pursue.

Mayor Canose said she had a call from Ann Peterson from Friends of a Greener Bernardsville and they are no longer going to maintain the Millicent Fenwick Park and the slope by the parking lot across from the Fire Company because they do not have enough funds or volunteers. She said Ms. Peterson said it costs \$7,000 and asked if the borough could pick up the cost. Mayor Canose said that is an all volunteer and all donation organization, and they have not received enough donations to cover these costs. Mr. McQueen said maybe this could be a 2021 budget item.

Mr. Hammond asked for a resolution in recognition of June as LGBTQ month. He said flying the pride flag is not something he would want to pursue because if we do that for one organization it opens us up to require and do it for others. He said he feels we should acknowledge June as LGBTQ month via resolution but remove the part about flying the flag.

Ms. Zamarra suggested raising the flag and passing the resolution. Mr. McQueen said he feels as a local borough, we should just fly the American Flag, State Flag, and Veterans' Flag otherwise if we fly one other flag then we have to fly anything. He said he was in favor of the recognition resolution. Ms. Zamarra asked if we could display the flag for only one day. Mayor Canose said no because then we would have to do it for someone else for one day. Mr. Hammond moved **Resolution #20-166, ACKNOWLEDGING JUNE AS LGBTQ MONTH**. Ms. Zamarra seconded and the motion passed with six yes votes.

271 Mine Brook Road Concept Plan, Mr. O'Dea said the tax information he received from Ed Kerwin, Tax Assessor, was that transferring anything .49 acres or less would be the only thing that would guarantee that the property would not reach the five acre minimum that would allow for farmland assessment. He said the answer to the tax question of how much would the revised assessment be is a difference of about \$3,000 per year at the current tax rate which means we would collect \$3,000 less than what we are collecting now if we go with the current drawing. The next question to the Tax Assessor was is there an amount we can transfer to leave the tax revenue unchanged, and the effective answer was .49 acres or less. Mayor Canose asked about approving the concept plan done by John Szabo. She said then we could get a survey done for the property. Mr. O'Dea said council needs to determine whether to do two or three pieces. Mr. Donahue suggested doing two pieces as this would be fiscally responsible and save us money. Mr. Hammond asked if we knew the intent of the owner of lot 27, and Mr. Pidgeon said according to the Tax Assessor, the owner is seeking additional land to have a farmland assessment. Ms. Zamarra asked if we could do it in the future and Mr. O'Dea said no, once we buy the land with open space money it is locked up. Mr. Pidgeon suggested getting proposals for a two and three lot subdivision. Mayor Canose suggested directing Mr. Maresca to contact Ferriero Engineering to get quotes based on the concept plan we had with the easement. There were no objections from council.

ADJOURNMENT

The meeting was adjourned at 10:55 pm.
