

## **BOROUGH OF BERNARDSVILLE**

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

February 26, 2018

Mayor Kevin Sooy called this meeting to order at 7:00 p.m. Present were Council Members Jeffrey J. DeLeo, 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**

Mayor Sooy read a proclamation into the record honoring Kristi MacDonald, resident and member of the Environmental Commission and Green Team, on her being named for a 2018 Outstanding Woman in Somerset County award in the Environmental category.

The topic of Morraine Crest was held for future meeting

### **APPROVAL OF MINUTES**

Mr. Schmidt moved approval of minutes of the meeting held January 22, 2018 and February 12, 2018 (Mr. Sullivan was absent). Mr. O'Dea seconded the motion, which was approved with five yes votes.

### **OPEN SESSION**

<p>At this point in the meeting, the Mayor &amp; 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.</p>
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Rosalie Baker, Olcott Avenue, gave an update on the cats at the compost site. The project is almost done as trapping started last week, and there is only one more cat that has to be fixed. People For Animals did a great job.

Ana Risoli spoke about a community event that the Chamber of Commerce would like to hold at Nervine Pond on June 9<sup>th</sup>. Council consent was given for this event. Insurance certificates naming the borough as additional insured and hold harmless agreements will be provided by each vendor.

Josh Wood, Hull Road and President of Somerset Hills Lacrosse, said an insurance certificate has been filed and they would like the field to be open as soon as possible. Council consent was given to open the field on March 1<sup>st</sup>.

Tom Wood, Grove Street, read a statement about his experience of going before the Republican Committee to be named one of three candidates to fill the current council vacancy of Michael dePoortere.

Josh Wood said there are locks on the field and asked how to get access. Mayor Sooy said to contact the Recreation Office and scheduling will be done through that department.

Kevin Jelinek, Hillside Avenue, said he is glad the field is being opened and asked if there will be a charge for kids playing community softball? Mayor Sooy said Recreation will have priority for the scheduling of the field, but there will be no charge for community softball.

Annie Ferrante, Mullens Lane, followed up about her request of naming a field after Lou Ferrante. Mayor Sooy said we have other similar requests and asked for a bio to be submitted for consideration. Mr. Pidgeon will send information to council for review and discussion at the next meeting.

## ORDINANCES

Mayor Sooy opened the public hearing on Ordinance #18-1759, **AN ORDINANCE APPROPRIATING \$100,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR VARIOUS IMPROVEMENTS TO THE BOROUGH TURF FIELD LOCATED AT THE POLO GROUNDS**. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. DeLeo 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, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Mr. O'Dea moved that Ordinance #18-1760, **BOND ORDINANCE APPROPRIATING \$1,743,115.50, AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF BERNARDSVILLE,**

**IN THE COUNTY OF SOMERSET, NEW JERSEY** 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., March 12, 2018. Mr. DeLeo seconded the motion, which was approved with five yes votes.

Mr. Schmidt moved that Ordinance #18-1761, **APPROPRIATING \$269,250 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2018 MUNICIPAL BUDGET**, 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., March 12, 2018. Mr. Schmidt seconded the motion, which was approved with five yes votes.

Mr. DeLeo moved that Ordinance #18-1762, **AN ORDINANCE ADOPTING RULES AND REGULATIONS AND FEES FOR THE TURF FIELD LOCATED AT THE POLO GROUNDS**, 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., March 12, 2018. Mr. O'Dea seconded the motion, which was approved with five yes votes.

Mr. DeLeo moved that Ordinance #18-1763, **AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON CLAREMONT ROAD AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, 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., March 12, 2018. Mr. Schmidt seconded the motion, which was approved with five yes votes.

#### **RESOLUTIONS**

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| <b>#18-49</b> | <b>ACCEPTING MONTHLY REPORTS</b>   |
| <b>#18-50</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>  |
| <b>#18-51</b> | <b>AUTHORIZATION OF TAX REFUND</b>   |
| <b>#18-52</b> | <b>APPROVING EMERGENCY TEMPORARY APPROPRIATIONS</b>  |
| <b>#18-53</b> | <b>APPOINTING A PUBLIC DEFENDER FOR THE SHARED MUNICIPAL COURT</b>                             |
| <b>#18-54</b> | <b>AUTHORIZING THE MAYOR AND CLERK TO SIGN A TRANSPORTATION SERVICE CONTRACT WITH SOMERSET</b> |

**COUNTY**

- #18-55      APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE #1803-33-001-007**
- #18-56      AUTHORIZING THE MAYOR OR ADMINISTRATOR TO SIGN APPROVAL OF THE SOMERSET COUNTY CODE BLUE ACTIVATION PLAN**
- #18-57      AUTHORIZING THE ADMINISTRATOR AND CHIEF OF POLICE TO SIGN THE SHARED COURT AMENDED SECURITY PLAN**
- #18-58      AUTHORIZING EXECUTION OF A TREATMENT WORKS APPROVAL (TWA-1) AND STATEMENT OF CONSENT (WQM-003) FOR THE WASTEWATER TREATMENT PLANT FILTER REPLACEMENT PROJECT**
- #18-59      AUTHORIZING SUBMISSION OF 2017 RECYCLING TONNAGE GRANT APPLICATION**
- #18-60      AUTHORIZING FILING OF A SUSTAINABLE JERSEY GRANT APPLICATION**
- #18-61      AWARDING A CONTRACT TO SPORTSFIELD SPECIALTIES FOR A BACKLINE NETTING SYSTEM AT THE TURF FIELD**
- #18-62      AUTHORIZING THE MAYOR TO SIGN A HOLD HARMLESS AGREEMENT WITH SOMERSET COUNTY FOR USE OF CONTAINERS/SIGNS FOR E-WASTE CLEANUP**
- #18-63      AUTHORIZING TRANSFER OF FUNDS**
- #18-64      APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**

Mr. DeLeo moved to adopt Resolutions #18-49 to #18-64. Ms. Zamarra seconded and a call of the roll followed. Council Members DeLeo, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

**REPORTS**

Municipal Attorney

Mr. Pidgeon's confidential report as of February 23, 2018 was received. Council had no comments or questions.

Council Committees

**Public Safety Committee**, Mr. Schmidt said Claremont Road parking is being reviewed. The committee is looking into placing electronic speed signs and considering whether to use solar or hardware power.

**Finance & Personnel Committee**, Mr. DeLeo said the committee met to go over the budget. Introduction of the 2018 budget is set for the March 12<sup>th</sup> meeting. .

**Engineering, Technology, and Public Works**, Mr. DeLeo said road drainage work is complete. Bids are due in for Mine Mount Road. The trail bridge has been completed. Work is being done around the Polo Grounds. The Public Works storage garage has been completed. Mr. Macdowall said we will be getting a letter from the state indicating we are getting a grant for \$250,000 for Anderson Hill Road. The five year moratorium on roads will be revisited to make sure it is a true hardship or emergency repair. A letter regarding Mountview Lane was sent with a request that the borough take over the private road. Mr. Walker said work on the roof of the Public Works building has been completed.

Other committee/commission reports

Mr. DeLeo said the **Shade Tree Committee** is working on a forestry management plan. Ms. Zamarra said a lot of hard work has been put in for the grand opening of a new trail to potentially be May 5<sup>th</sup>. Mr. Pidgeon said that can be done by council consent. Ms. Zamarra said the upcoming e-waste day will be April 28<sup>th</sup>. Mr. DeLeo said saplings will also be given out at the e-waste day. Ms. Zamarra said well testing kits will be available for purchase at the e-waste day. Ms. Zamarra said there will be a Raritan Headwaters stream cleanup. People can signup online to pick up litter along the stream. Terry Thompson, Mine Mount Road, suggested the earlier mention of May 5<sup>th</sup> for the grand opening of the trail may conflict with the VNA sale. Ms. Zamarra reported that the **Green Team** met and a Clean Up Day is planned for March 24<sup>th</sup>. The Raritan Headwaters Clean Up is on April 14<sup>th</sup>. On February 21<sup>st</sup>, a documentary about global warming will be at the Library titled Before the Flood. On February 22<sup>nd</sup>, the Green Team will hold their next meeting at the Audubon. **Open Space** will meet January 30<sup>th</sup> at 7:30 p.m. at Borough Hall. Mr. DeLeo said the **Board of Health** held their reorganization meeting on January 15<sup>th</sup> and selected their President and Secretary for 2018. Ms. Zamarra said signups for the Raritan Headwaters cleanup day for the Bernardsville location is done online.

Chamber of Commerce Event

The Chamber of Commerce event was discussed earlier in the meeting.

Proposal For Borough Email

A request was considered to allow former council members to access their borough email. A proposal to allow access to their borough email account for 60 days after they leave office was considered. A roll call vote was taken. Mr. DeLeo, Mr. O'Dea, Mr. Schmidt, Mr. Sullivan, and Ms. Zamarra voted no.

Radio Towers

Glenn Miller, Fire Chief, talked about responding to recent calls and having no communication at some locations. He asked council to authorize public safety towers without Planning Board approval. He mentioned three locations of Pill Hill, Clark/Mountain Top, and Washington Corner/Jockey Hollow. Mr. Pidgeon said the council cannot take jurisdiction from the Planning Board. Mayor Sooy said we will move forward.

Turf Field

Turf field rules were introduced by ordinance earlier in the meeting.

Sample Ordinance for Registration of Abandoned/Vacant Properties

The Housing Advisory Committee suggested adoption of an ordinance for registration of abandon/vacant properties. Mr. Pidgeon explained the fees and they should cover the cost of administration. Mr. DeLeo asked to find other towns with similar ordinances. This topic will be discussed further at the March 12<sup>th</sup> meeting.

Correspondence

There was no correspondence to discuss.

Council Vacancy for Michael dePoortere

A.Q. Orza, II, Lloyd Sems, and John Donahue were the three nominees as named by the Republican County Committee to fill the council vacancy of Michael dePoortere. Each candidate spoke about their desire to fill the vacancy and answered questions from council.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Attorney Client Privilege 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.

**REOPEN**

Mayor Sooy reopened the meeting to the public.

Mr. DeLeo moved to appoint John Donahue to fill the council vacancy of Michael dePoortere. Mr. Sullivan seconded and a roll call vote followed. Mr. DeLeo, Mr. O'Dea, Mr. Schmidt, Mr. Sullivan, and Ms. Zamarra voted yes. Mr. Donahue read the oath of office, signed the council confidentiality agreement and took his seat on council. A formal swearing in will take place at the March 12<sup>th</sup> meeting.

**OPEN SESSION**

Glenn Miller, Fire Chief, said the Health Department in Bernards Township does a great job.

Tom Wood, Grove Street, spoke about dispatch services.

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

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Land Acquisition and Anticipated Litigation 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.

**REOPEN**

Mayor Sooy reopened the meeting to the public.

Resolution #18-65 was moved by Ms. Zamarra and seconded by Mr. O'Dea. The amount of the standard fee noted in the resolution is \$145,903. Mr. DeLeo, Mr. Donahue, Mr. O'Dea, Mr. Schmidt, Mr. Sullivan, and Ms. Zamarra voted yes.

**ADJOURNMENT**

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

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