

BOROUGH OF BERNARDSVILLE

Mayor & Borough Council Meeting Minutes

March 12, 2018

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

Swearing in of new council member John Donahue

This item was moved up on the agenda. Council Member John Donahue was sworn into office by Borough Clerk Anthony Suriano.

OPEN SESSION

<p>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.</p>

Mayor Sooy opened the public session.

Annie Ferrante, Mullens Lane, followed up from last meeting about naming a field after her father-in-law, Louis Ferrante, who recently passed away. Discussion was held until later in the meeting.

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

PRESENTATIONS

Mayor Sooy read a proclamation for National Nutrition Month. Allie Sanderson, Registered Dietician at ShopRite, was present to talk about nutrition and healthy recipes.

ORDINANCES

Mayor Sooy opened the public hearing on 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**". A.Q. Orza, II, Old Fort Road, asked about the \$201,000 in the ordinance from the Open Space Trust for Peters Park. John Macdowall, Public Works Manager, said that is for replacement of playground equipment. Mr. O'Dea read a statement explaining the financial ordinances on tonight's meeting agenda and the budget introduction. Hearing no further comments or questions from the public, Mayor Sooy closed the public hearing. Mr. O'Dea moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and a call of the roll followed. Council Members Donahue, O'Dea, Schmidt, Sullivan and Zamarra voted yes. Mr. DeLeo was absent.

Mayor Sooy opened the public hearing on Ordinance #18-1761, **APPROPRIATING \$269,250 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2018 MUNICIPAL BUDGET**. Hearing no comments or questions from the public, Mayor Sooy closed the public hearing. Mr. O'Dea moved to pass this ordinance on final reading and adopt as published. Mr. Sullivan seconded and a call of the roll followed. Council Members Donahue, O'Dea, Schmidt, Sullivan and Zamarra voted yes. Mr. DeLeo was absent.

Mayor Sooy opened the public hearing on Ordinance #18-1762, **AN ORDINANCE ADOPTING RULES AND REGULATIONS AND FEES FOR THE TURF FIELD LOCATED AT THE POLO GROUNDS**. Mr. Macdowall said he recommends removing the line "Veterans Field Snow Removal. Snow will be removed by authorized Bernardsville Public Works staff only to prepare the field for March usage but not before". Mr. Macdowall said the county does not recommend snow removal on the turf field. Mr. O'Dea said the public is not allowed to remove snow from the field. Lloyd Sems, Mendham Road, suggested allowing the public to remove snow, and then finding out the proper equipment needed to do the job. Ms. Zamarra said she feels the public should not remove snow. Gina Sems, Mendham Road, said high school students remove snow on their own. Mr. Schmidt made a motion to carry this ordinance to the March 26th meeting. Mr. Sullivan seconded and the motion was approved with five yes votes. No further notice of this ordinance will be given.

Mayor Sooy opened the public hearing on Ordinance #18-1763, **AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON CLAREMONT ROAD AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**. Mary Jane Canose, Autumn Hill Drive, said she is in favor of this ordinance and thinks it is a good thing. Mr. O'Dea said the police department and county have recommended the ordinance. It may cause parking problems on nearby streets/areas. Chief Valentine said those streets/areas

are Thompson, Orchard Hill, Mine Mount Road, free parking area on Claremont, and Seney/Claremont Tavern. Chief Valentine said the ordinance indicates its effectiveness is contingent upon signs being erected as required by law, so in that time frame we can review it. Hearing no further comments or questions from the public, Mayor Sooy closed the public hearing. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published. Mr. O'Dea seconded and a call of the roll followed. Council Members Donahue, O'Dea, Schmidt, Sullivan and Zamarra voted yes. Mr. DeLeo was absent.

Mr. O'Dea moved that Ordinance #18-1764, **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**, 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 26, 2018. Mr. Schmidt seconded the motion, which was approved with five yes votes.

Ms. Zamarra moved that Ordinance #18-1765, **AN ORDINANCE CONCERNING PERFORMANCE AND MAINTENANCE GUARANTEES AMENDING SECTION 11-1 IN VOLUME II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERNARDSVILLE (1997) ENTITLED "IMPROVEMENT GUARANTEES"**, 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 26, 2018. Mr. Sullivan seconded the motion, which was approved with five yes votes.

RESOLUTIONS

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| #18-66 | AUTHORIZING PAYMENT OF BILLS |
| #18-67 | AUTHORIZING A TAX REFUND |
| #18-68 | AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATION
#16-00022, 207 FINLEY AVENUE |
| #18-69 | APPOINTING ROBERT ROSENDALE AS PART TIME
BUILDING SUBCODE OFFICIAL |
| #18-70 | AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT FOR
LIBERTY ROAD IMPROVEMENTS |
| #18-71 | AWARDING A CONTRACT FOR RENTAL OF SNACK BAR AND
RIGHT TO SELL FOOD AND SOFT DRINKS AT THE
BERNARDSVILLE MUNICIPAL POOL |

- #18-72 RESCINDING RESOLUTION #18-64 DUE TO A DUPLICATE LISTING**
- #18-73 RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT WITH NGC DEVELOPMENT, LLC IN CONNECTION WITH PROPERTY LOCATED AT 88 AND 108 CLAREMONT ROAD, (BLOCK 37, LOT 18.01 AND BLOCK 68, LOT 9)**
- #18-74 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #18-75 AWARDED A CONTRACT FOR MINE MOUNT ROAD SECTION 2 AND 3 IMPROVEMENTS PROJECT**

Mr. O'Dea moved to adopt Resolutions #18-66 to #18-75. Ms. Zamarra seconded and a call of the roll followed. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes. Mr. DeLeo was absent.

#18-76 INTRODUCTION OF 2018 MUNICIPAL BUDGET

Mr. O'Dea moved to adopt Resolution #18-76. Mr. Schmidt seconded and a call of the roll followed. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes. Mr. DeLeo was absent. Public hearing will be on April 9, 2018 at 7:00pm.

Naming of Fields

Council discussed the request from Annie Ferrante to name a field after her father-in-law, Louis Ferrante, who recently passed away. She distributed a letter to the council with all of Mr. Ferrante's accomplishments in the Fire Department, Post Office, Somerset Hills Little League, and teaching math in the school system. Mr. O'Dea said there needs to be a policy to look at every request such as this one. Council will consider introducing an ordinance at the next meeting.

Links on Borough Website

Council discussed a request to put a link to a community calendar on the borough's website to list events in Bernardsville. Mr. Pidgeon suggested a policy and will have one at the next meeting for council consideration.

Somerset Hills Little League Parade

Council consent was given Somerset Hills Little League to hold their annual parade on April 14th. The route will be up Maple Street onto Pine Street and into the Kiwanis Complex.

Moraine Crest Trail Proposal

Mr. Donahue spoke about the trail and said he feels it would be useful and has potential. The Open Space Committee in a memo to council, is asking for approval to begin the process of researching resources such as available trail grants, and gathering input from the Recreation Committee, Green Team, Environmental Commission, Land Conservancy, interested residents, and town officials such as Doug Walker, Facilities Manager. Council consent was given to the Open Space Committee's request.

Sample Vacant Property Registration Ordinances

Sample ordinances from other towns regarding vacant property registration were reviewed. Glenn Miller, Fire Chief, said he is in favor of such an ordinance. Mr. Pidgeon will draft an ordinance for council consideration at the next meeting.

Public Hearing on Contract Award

No one from Total Lawn Care was present for this hearing. Mr. Pidgeon said they were invited to tonight's meeting because Doug Walker, Facilities Manager, has recommended that their bid be rejected on the grounds that they are not a responsible bidder based on their past performance. Total Lawn Care was given the opportunity to be heard but chose not to exercise it. Mr. O'Dea asked Mr. Maresca if the difference between the lowest bidder and second lowest bidder impacts the budget as introduced. Mr. Maresca said it does not. Mr. O'Dea moved adoption of **Resolution #18-77, Resolution Rejecting Bid Submitted by Total Lawn Care & Landscape Services, LLC For 2018 Grass Cutting And Lawn Maintenance And Awarding Contract to Second Lowest Bidder.** Ms. Zamarra seconded and the motion was approved upon the following call of the roll. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes. Mr. DeLeo was absent.

Correspondence

Mr. Schmidt said PSE&G gave him a partial list of insurance companies that will give money back for the cost of running a generator during a storm. The companies are Liberty Mutual, NJ Manufacturers, Ace Private Risk, Chubb, Allstate and Farmers. If anyone has these companies for homeowner's insurance and ran a generator during the storm, they will give up to 80% of the cost to run the generator based on a formula to calculate usage.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Attorney Client/Privilege, Property Acquisition 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.

REOPEN

Ms. Zamarra moved adoption of **Resolution #18-78, Appointing Tom Anderson as Part Time Fire Prevention Official**. Mr. Schmidt seconded and the motion was approved upon the following call of the roll. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes. Mr. DeLeo was absent.

Mr. Schmidt moved adoption of **Resolution #18-79, Appointing Tony Tarinelli as Part Time Fire Inspector**. Mr. Sullivan seconded and the motion was approved upon the following call of the roll. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes. Mr. DeLeo was absent.

Ms. Zamarra moved that **Ordinance #18-1766, AN ORDINANCE APPROPRIATING \$1,200,000 FROM THE BOROUGH OPEN SPACE TRUST FUND (OF WHICH \$500,000 IS TO BE REIMBURSED FROM A GREEN ACRES GRANT) FOR THE PURCHASE OF 20 DRYDEN 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., March 26, 2018. Mr. O'Dea seconded the motion, which was approved with five yes votes.

ADJOURNMENT

Mayor Sooy adjourned the meeting at 9:40 p.m.

Anthony Suriano, Borough Clerk