

BOROUGH OF BERNARDSVILLE

Mayor & Borough Council Meeting Minutes

October 9, 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. Jeffrey J. DeLeo arrived at 8:15pm.

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

Letter to FAA, re: Aircraft Noise

Mayor Sooy moved this item to this time in the meeting. Steven and Diana Kramer, Charlotte Hill Drive, discussed a letter to be sent to the FAA regarding aircraft noise over Bernardsville and asking for adjustments to flight patterns. Mr. Pidgeon said he has no objection to the contents of the letter. Ms. Kramer thanked Ms. Zamarra for her efforts in assisting on this matter. Minor changes to the letter concerning the number of jets will be made and sent to the Borough Clerk. Tom Stavron, Tysley Street, asked if the town is taking this on and if there were legal fees involved. Mayor Sooy responded there are no legal fees.

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.

Tom Curnin, representing Bernardsville Centre, distributed a letter to council asking for permission to work at nights at Bernardsville Centre. The type of work would be as follows: Install smart water meters requiring shutting off potable water to all tenants for approximately three hours beginning at 9:30pm or as soon as possible. Closing the exit which requires rerouting for trucks, employees, customers, contractors, and the associated striping. This can be accomplished in one to two nights beginning at 8:00pm for twelve hours. It would begin in one

to two weeks. Remove existing sidewalks and install new ones. This could begin in four weeks and take place from 8:00pm to 12:00am. The work will be done intermittently and not night after night and they would like to start the work this week, weather permitting, and anticipate completion by November 30th. Mr. Donahue made a motion to grant the request of night work at Bernardsville Centre. Mr. Schmidt seconded and the motion was approved with four yes votes (Donahue, O'Dea, Schmidt, Sullivan). Ms. Zamarra voted no. Mr. O'Dea noted that he voted yes if Mr. Curnin comes back to council if resident's complaints are received.

The subject of a pathway connecting the school property to Kings shopping center was addressed. Mr. Curnin agreed to investigate a mutually agreeable solution and asked for the best point of contact to the school system and specifically asked to work with someone who has "decision authority". Ms. Zamarra provided Mr. Curnin with contact information of Gretchen Dempsey, School Superintendent.

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

ORDINANCES

Mr. O'Dea 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 October 22, 2018, to allow the planning board additional time to complete its review of the ordinance. Mr. Schmidt seconded and a roll call followed. Council Members 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 October 22, 2018, to allow the planning board additional time to complete its review of the ordinance. Philip Mahlik, Liberty Road, had questions about this ordinance. Mr. Pidgeon responded that this ordinance returns to the status quo of the 2015 ordinance and should not change any uses currently at the quarry. Mr. Donahue seconded and a roll call followed. Council Members Donahue, O'Dea, Schmidt, and Zamarra voted yes. Mr. Sullivan abstained.

Mr. Schmidt moved that 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"**, 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 22, 2018. Mr. Donahue seconded the motion, which was approved with five yes votes.

Mr. Schmidt moved that Ordinance #18-1785, **AN ORDINANCE VACATING A PAPER STREET KNOWN AS ALEXANDER AVENUE**, 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 22, 2018. Mr. Donahue seconded the motion, which was approved with five yes votes.

RESOLUTIONS

- #18-217 AWARDING A CONTRACT FOR SLUDGE REMOVAL**
- #18-218 AUTHORIZING PAYMENT OF BILLS**
- #18-219 AUTHORIZING RENEWAL OF INACTIVE A.B.C. LICENSE**
- #18-220 ACCEPTING A DONATION FROM FRIENDS OF HISTORIC BERNARDSVILLE**
- #18-221 AUTHORIZING REFUND OF ESCROW FEES -
BOA APPLICATION #18-05, YORK**
- #18-222 AMENDING RESOLUTION #18-210, WHICH AUTHORIZED A
REFUND OF ESCROW FEES**
- #18-223 AWARDING A CONTRACT FOR MUNICIPAL PARKING LOT
SNOW PLOWING AND SIDEWALK CLEARING**
- #18-224 APPOINTING DANIEL J. HART AS DRIVER/LABORER, PUBLIC
WORKS DEPARTMENT**

Mr. O'Dea moved to adopt Resolutions #18-217 to #18-224. Mr. Schmidt seconded and a roll call vote followed. Council Members Donahue, O'Dea, Schmidt, Sullivan, and Zamarra voted yes.

Turf Field

Joe LaSpada, Varsity Boys Soccer Coach, said he asked the people working on the field if we are making the field long enough and wide enough for all sports. They said yes, we are going by the specifications, but no one asked him or any other sports person about the dimension of the turf

field. He said the dimensions as they stand are not conducive to playing games and it can only be used for practicing.

Ned Ginty, Mountaineers Youth Football, requested a working committee be established among all youth sports to determine how best to use the facility that is there and be financially affordable for the organizations. He said their fundraising has been substantially hurt because they are unable to have advertising signage on the field. He said he would like this committee to have people from every sports group, borough council, one or two members of the Recreation Committee, and experts in the field. He said they did a survey that was taken by parents where about 100 families responded and ultimately all of them were dissatisfied with the fees that would meet what the Recreation Committee proposed. He said the bottom line is the football program can meet its obligations in 2019 by practicing and playing at the high school without using the turf field in any capacity. They will be in deficit of \$20,000 if they use the turf field, which is unsustainable. He wants the committee to work to make it sustainable.

Mr. O'Dea mentioned that Mr. Maresca and Mr. Walker had a meeting with the county to talk about the issue of the distance between the fence and the end goal line on both ends of the field. ASTM STP 1073 Natural and Artificial Playing Fields Characteristics and Safety Features provides safety guidance on playing fields and specifically fence placement. The county's response was that the furthest game line of the end zone shall be no closer than 30 feet or if a closer dimension is required, a padded fence or wall shall be installed. The county has taken position that they will provide padding for the fence at no cost to the borough for the existing field. Beyond that, it is up to the municipality to make any other changes deemed necessary, but the county's position is that the ASTM STP 1073 standard applies and a padded fence is sufficient.

Steve Reynolds, asked how the design engineer did not know the setbacks of the fence behind the end zone. Mr. Schmidt said we cannot speak for the engineer but the ASTM spec mentioned earlier that indicates it is acceptable to pad it if it is less than 30 feet was taken into consideration because of the wetlands and constraints in that area. He said he brought up why it was not padded then and is possibly being padded now, but no one has an answer for that. Josh Wood, Hull Road and President of Somerset Hills Lacrosse Club, said he supports the committee being formed that was suggested by Mr. Ginty. He added that we have to be concerned about where the seating is located. In our league and U.S. Lacrosse, teams have to be on one side of the field and spectators on the opposite side. He said games cannot be played if this requirement is not met. (Mr. DeLeo arrived at 8:15p.m.) He said that netting is not required to start the season but from a safety perspective it should be like the type of netting at the high school.

Jeffrey Hammond, Flintlock Court, asked if the ASTM standard indicates a minimum below which you cannot go. Mr. O'Dea read what the county sent which indicates the furthest game

line of the end zone shall be no closer than 30 feet or if a closer dimension is required, a padded fence or wall shall be installed. It was stated that is the entirety of what they sent us, but that could be just a fragment of it. Mr. Ginty said regardless of what the county states, sports leagues have governing bodies that have minimum standards that must be met.

Matt Marino, Fox Hollow Trail, asked if the fence was installed knowing there was going to be a problem down the road. Mayor Sooy said that is a question for county engineering. Mr. Marino said rules are changing as to safety. There is now concussion protocol and heat stroke protocol. He said it is important to make safety a priority.

Mr. Schmidt suggested having someone from Somerset County Engineering come to a future meeting for a question and answer session. He said they were responsible for design and specifications of the field and could provide answers.

Mary Jane Canose, Autumn Hill Drive, said she is also in favor of having a committee with the heads of each sport and experts helping us move forward. She suggested maybe having a representative from the county on this committee.

Lloyd Sems, Mendham Road, asked if the county is still holding the performance bond. Mr. Maresca said he is not aware if they still are. Mr. Pidgeon said that would not effect the design of the field. Mayor Sooy said we can check to see the status of the performance bond.

Jen Walsh, Crestview Drive, said that's only lacrosse can use the field right now. She said the committee is a good idea because it is a waste if the field is not usable. She said a sports engineer would have been a better option to design the field instead of the county engineer. She said there was money put aside to growing grass and feeding it, but now with the turf field that money could be used elsewhere. Mr. Schmidt and Mayor Sooy said that money is needed to maintain the turf and it costs more.

Mr. Ginty said the commitment is to make the field viable, functional, and affordable.

Josh Wood said that due to the existing fees for lacrosse, there are kids who can't or won't participate.

Steve Reynolds said having the county engineer come to answer questions is a good idea and suggested also having the town engineer review the plan as well.

Lloyd Sems asked if our attorney looked at it and if we received what we paid for. Mr. Pidgeon said yes we did. Mayor Sooy said with what the specs represented, we did.

Mayor Sooy thanked everyone for their input.

Request for BHS Student Parking Decals at Library Lot

Council discussed a request from Michael Corbett, Assistant Principal, for 15 parking decals for Bernards High School students to allow them to park in the Church Street section of the Library Parking Lot. Chief Valentine said he monitored that area of the parking lot and it is very crowded. He said suggested ten spaces instead of 15. Council agreed and consented to providing Bernards High School with ten parking decals at \$100 each.

CLOSED SESSION

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

ADJOURNMENT

Mayor Sooy adjourned the meeting at 10:00 p.m.

Anthony Suriano, Borough Clerk