

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
December 10, 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, 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

Downtown Revitalization – present from the Downtown Revitalization Committee were Bonnie Sellers, Sam Maddaluna, and Paul Sedlak. Phil Abramson from Topology was also present. The committee asked council if they could release an RFP with hopes to receive sufficient responses from one or more developer. The RFP included a description for the overall vision of a reinvented Quimby Village, detailed property information, conceptual design study, and the borough's process and submission structure. Council consent was given to move forward and release the RFP for the project. The timetable is to release the RFP by December 21, 2018 with a due date of April 1, 2019. The committee will come back to council approximately May 1, 2019.

Mayor's Proclamation Honoring Paula Stuart – Mayor Sooy read a proclamation in honor of Paula Stuart recognizing all of her accomplishments on the Environmental Commission and Friends For A Greener Bernardsville.

Mayor's Proclamation Honoring John Sternick – Mayor Sooy read a proclamation in honor of John Sternick for all his volunteer work for the Borough of Bernardsville.

Green Team Sustainable Jersey Request for Trees – Wanda Knapik, Green Team, and Mike Anderson, NJ Audubon, were present to ask council if they could proceed to apply for a grant from Sustainable Jersey in the amount of \$2,500 in 2019 for Sycamore trees. Council consent was given for this request.

Grant for Stream Restoration – Doug Walker said Public Works has worked with Raritan Headwaters in the past and they are looking to do the same thing for stream restoration behind Claremont Park. He asked council if they can proceed with a grant for stream restoration in the amount of \$780 for plantings to be done by volunteers. Council consent was given to apply for the grant.

Mr. DeLeo made a statement that his term is expiring at the end of this year and he will no longer be on council. He thanked the residents for electing him twice and being able to serve this great community. He also thanked the Mayor and Council, Mr. Pidgeon, and borough staff members. He said he completed all the campaign promises he made during the primary election in 2012.

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.

Melanie dePoortere, Mine Brook Road, thanked Mayor Sooy and Mr. DeLeo for their years of service to the town.

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

ORDINANCES

Mayor Sooy continued the public hearing on Ordinance #18-1786, **APPROPRIATING \$950,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR THE PURCHASE OF 251 CLAREMONT ROAD** from November 26th.

Jamie Vieser, Ballantine Road, thanked Bonnie Sellers for her work on the Downtown Revitalization Committee. He said they have a plan for downtown revitalization and said there should be a plan for 251 Claremont Road. He said he feels there is better use for money than purchasing this property.

Mike Anderson, NJ Audubon, said parking for open space should be provided, and not having a plan is not a reason to hold off on purchasing the property. Mr. O'Dea said the property at 251 Claremont Road connects to borough open space and conforms to the Borough's Open Space Plan and Master Plan.

Amanda Falk, Post Kunhardt Road, asked how many members have walked the property. Mayor Sooy, Mr. Donahue, Mr. O'Dea, Mr. DeLeo, and Ms. Zamarra raised their hand. Mr. O'Dea said if acquired, then it would be appropriate to have a discussion with the public over usage. Ms. Falk asked how much it would be to demolish the house. Mr. O'Dea said there's sufficient space for parking eight cars and there is no requirement for demolishing the house.

Melanie dePoortere, Mine Brook Road, said the people opposed to the ordinance live in the area of Peters Tract and knew it was there before they moved in. She said she is for the ordinance and has low income going in near her home that was not known about when she moved in.

Paula Stuart, Mount Harmony Road, asked if there was a new opportunity to purchase another property. Mr. Pidgeon answered no.

Steve Reynolds, Stevens Street, asked if the owner of 261 Claremont Road is entertaining offers. Mr. Pidgeon suggested going into closed session at this point.

CLOSED SESSION

It was moved to adjourn to an executive session to consider 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

It was moved to reopen the meeting to the public. The motion was seconded and approved with five yes votes.

Following closed session, Steve Reynolds, Stevens Street, asked about the property at 261 Claremont Road. Mr. Pidgeon said there is no time frame on that property and he has had ongoing conversation with the attorney handling that property.

Bob Baker, Olcott Avenue and member of the Green Team, said the Green Team supports purchase of 251 Claremont Road and they want to connect parks, not cut down trees.

Skip Orza, Old Fort Road, suggested saving open space money and buying Ruschmann's property when it comes up for sale. Mr. Orza mentioned an agreement from 1994 and asked if access could be via Youngs Road. Mr. Pidgeon said that is not public access.

Melanie dePoortere, Mine Brook Road, asked why council needed to go into closed session earlier in the meeting. Mr. Pidgeon explained that the topic of acquisition of property is held in closed session and the sale of property is discussed in open session. This matter is for acquisition of property so closed session was held.

John Ruprecht, Youngs Road, asked how the deal for 251 Claremont Road happened. Mayor Sooy said a realtor came to the town via Mr. DeLeo and then Mr. DeLeo came to council. Mr.

Ruprecht asked if there are trails on the property, will there be a buffer? Mr. O'Dea said that would be appropriate when talking with the public about use.

Danielle Ginty, Youngs Road, asked what Mr. Orza was referring to when asking about access via Youngs Road? Mr. Pidgeon said it is not a defacto public road. Ms. Ginty mentioned safety aspects as there's wetlands on the property.

Pat McFadden, Open Space Committee Chair, said it would take two years to put parking on property.

Mr. Pidgeon said you can buy property for open space and not develop it.

Ms. Ginty mentioned Little Brook Sanctuary maintenance and Ms. McFadden said that is maintained by Somerset County.

Peter Birnbaum, Mine Mount Road, said 251 Claremont Road is not on the open space plan, but meets the criteria.

Wanda Knapik, Tysley Street, said access to Peters Tract is important and council should be applauded for considering it.

Ned Ginty, Youngs Road, said he is against the purchase of 251 Claremont Road and agrees with what Mr. Ruprecht said at the last meeting, which was that we should have a referendum. Mr. Ginty suggested council contact residents in the area and go over these topics together.

Kerry Haselton, Mine Brook Road, asked for straw poll, and Mayor Sooy said that cannot be done. Ms. Haselton wanted to know how to have this topic at a future meeting to discuss use of the property with the public. Mr. DeLeo said she would have to ask to be on a future agenda.

Hearing no further comments from the public, Mayor Sooy closed the public hearing. Mr. DeLeo 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 DeLeo, Donahue, O'Dea, and Zamarra voted yes. Mr. Schmidt abstained.

Ms. Zamarra gave a statement following the adoption of Ordinance #18-1786. She said she trusts the current council, the 2019 council, and the borough staff, and we will do the very best process regarding this ordinance. She said we have heard public input on this topic and that she is 100% in favor of open space acquisition because of conservation and the environment. She said the open space plan talks about the feasibility of a loop and a parking lot, which has been our plan for years.

Mayor Sooy opened the public hearing on Ordinance #18-1787, **AN ORDINANCE REDUCING THE MINIMUM AREA REQUIRED FOR THE DISCHARGE OF A BOW AND ARROW AND SUPPLEMENTING AND AMENDING CHAPTER III OF THE BOROUGH CODE ENTITLED “POLICE REGULATIONS”**.

Peter Birnbaum, Mine Mount Road, said regarding deer management, the council goes by state guidelines and this ordinance makes sense to adopt.

Ed English, Old Towne Court, said there is deer management in town now and he hopes that someday it will be available to all people. He asked if there is some way to add public safety to the ordinance. Mr. Pidgeon responded that the state regulates hunting.

Doug Walker said the goal is to bring the ordinance into state regulations and hunters would have to register with the Police Department.

Hearing no further comments, Mayor Sooy closed the public hearing. Mr. DeLeo moved to pass this ordinance on final reading and adopt as published. Mr. Donahue seconded and a call of the roll followed. Council Members DeLeo, Donahue, O’Dea, Schmidt, and Zamarra voted yes.

Mayor Sooy opened the public hearing on Ordinance #18-1788, **AN ORDINANCE SETTING 2019 SALARIES AND HOURLY RATES FOR NON-CONTRACTUAL EMPLOYEES**

Skip Orza, Old Fort Road, asked if the average increase in the ordinance is 2%. Mr. Maresca answered it is 2% across the board.

Hearing no further comments, Mayor Sooy closed the public hearing. Ms. Zamarra moved to pass this ordinance on final reading and adopt as published. Mr. Donahue seconded and a call of the roll followed. Council Members DeLeo, Donahue, O’Dea, Schmidt, and Zamarra voted yes.

Mr. O’Dea moved that Ordinance #18-1789, **AN ORDINANCE AMENDING SHOPPERS PARKING SPACES IN THE MOUNT AIRY ROAD PARKING LOT AND AMENDING SECTION 8-4 OF THE BOROUGH CODE**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 8:00 a.m., December 27, 2018. Mr. Donahue seconded the motion, which was approved with five yes votes.

RESOLUTIONS

#18-257 AUTHORIZING PAYMENT OF BILLS

- #18-258 2019 SCHEDULE OF MEETINGS OF THE MAYOR AND COUNCIL**
- #18-259 ACCEPTING THE DESIGN OF A BENCH FOR DONATIONS TO THE BOROUGH OF BERNARDSVILLE**
- #18-260 AWARDED A CONTRACT FOR EMERGENCY TREE PRUNING/REMOVAL**
- #18-261 AUTHORIZATION OF TAX REFUND**
- #18-262 AUTHORIZING CANCELLATION OF CHECKS**
- #18-263 AWARDED A CONTRACT FOR ANIMAL CONTROL SERVICES**
- #18-264 AUTHORIZING TRANSFER OF FUNDS**
- #18-265 RENEWING THE SHARED COURT SERVICES AGREEMENT WITH THE TOWNSHIP OF BEDMINSTER AND BOROUGH OF PEAPACK/GLADSTONE**
- #18-266 APPOINTING A MUNICIPAL PROSECUTOR FOR SHARED MUNICIPAL COURT IN 2019**
- #18-267 APPOINTING A PUBLIC DEFENDER FOR SHARED MUNICIPAL COURT IN 2019**

Mr. Schmidt moved to adopt Resolutions #18-257 to #18-267. Mr. O'Dea seconded and a roll call vote followed. Council Members DeLeo, Donahue, O'Dea, Schmidt, and Zamarra voted yes.

ITEMS OF BUSINESS

Special Meeting to Address Council Vacancy

Mr. Pidgeon explained the process of filling a vacancy. There were enough council members who said they will be available for the 8:00am meeting on December 27th to form a quorum, so there is no need for a special meeting to address the council vacancy.

Aflac

A request from the PBA to sign up for Aflac was discussed. Council consent was given.

Correspondence

Mr. DeLeo said the work on Mine Mount Road has been completed and a great job was done on it.

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.

ADJOURNMENT

Mayor Sooy adjourned the meeting at 10:45 p.m.

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