

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Minutes  
May 28, 2019

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Diane Greenfield, Jeff Hammond, 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 11, 2018.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**Swearing In Of Police Officer – Tyler DeMott**

Patrolman Tyler DeMott was sworn in by Borough Clerk, Anthony Suriano.

**Eagle Scout Project**

Andrew Gsell asked for permission to fix the bullpen area at Kiwanis Field as part of his Eagle Scout project. This project would take place during the summer and be completed by fall. He said he will coordinate the project with Doug Walker, Facilities Manager. Somerset Hills Little League endorses this project. Council consent was given.

**APPROVAL OF MINUTES**

Ms. Greenfield moved approval of minutes from April 22, 2019. Mr. Schmidt seconded and the motion was approved with six yes votes. Ms. Greenfield moved approval of minutes from May 13, 2019. Mr. Donahue seconded and the motion was approved with six yes votes.

**OPEN SESSION**

Bob Frawley, Carriage House Road, said he does not think debt service should be in the expenses of the referendum.

Melanie Moran, Liberty Road, said the butterfly garden at Kiwanis Playground is progressing well and a fence was put up. She said the grand opening of Kiwanis Playground is June 1<sup>st</sup>. She requested writing the names of the companies who donated on the pickets. It was decided not to proceed with this request since it would be a form of advertising and this has not been the borough's practice in the past. Ms. Moran discussed synthetic versus organic field maintenance as discussed and voted on at the last council meeting. She said she felt more time and voices needed to be heard and felt that the vote should not have taken place.

Alice Struble, Old Army Road, spoke about field maintenance and said it is good that there is an IPM plan in place. She asked council to consider the general welfare of the public when making these decisions.

Samara Albom, Orchard Hill Road, said she was disappointed that not enough people knew there would be discussion on synthetic versus organic field maintenance at the last meeting and they were not to speak their mind.

Greg DeGrandpre, Flintlock Court, said he heard pesticides are on the fields. He also talked about a topic from last meeting of renting houses on the mountain and asked why the law would be changed. Mr. Hammond responded that the existing ordinance seemed outdated and this was a proactive move.

Chad McQueen, Sycamore Hill Road, said there is an affordable housing resolution on this agenda tonight, and if approved, could RPM come and start building. Mr. Pidgeon explained this is to finalize the agreement with RPM and is nothing new.

Ms. Zamarra said we are approving \$700 at tonight's meeting for soil testing. She read a statement.

Kerry Haselton, Mine Brook Road, read a statement and suggested the Recreation Field Study ad hoc committee be disbanded.

Michael Long, Crest Drive and Somerset Hills Lacrosse, said he supports the referendum and said everyone's concerns regarding it should be heard.

Mark Walden, Liberty Road, asked council to come up with a decision that is sustainable regarding the referendum. He said one lump is not sustainable and suggested looking to the future.

Mayor Canose said there will be a special meeting on June 5<sup>th</sup> at 7:00pm at Borough Hall that will solely be on the topic of the referendum.

Ms. Zamarra said a volunteer, who is a member of the high school lacrosse team, pulled weeds at the Rose Bowl because he did not want pesticides on the field. She said pulling weeds makes for a good community service project.

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

### **ORDINANCES (Public Hearing)**

Mayor Canose opened the public hearing on Ordinance #2019-1803, **APPROPRIATING \$90,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2019 MUNICIPAL BUDGET**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

### **RESOLUTIONS**

- #19-110      AUTHORIZING PAYMENT OF BILLS**
- #19-111      APPOINTING A MUNICIPAL PROSECUTOR FOR THE SHARED MUNICIPAL COURT IN 2019**
- #19-112      AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT FOR PILL HILL ROAD SECTIONS 2 AND 3 - PHASE 1 DRAINAGE IMPROVEMENTS**
- #19-113      APPOINTING DENNIS BETTLER AS ACTING FIRE PREVENTION OFFICIAL**
- #19-114      AUTHORIZING THE MAYOR TO SIGN THE 2019 GRANT APPLICATION FOR SOMERSET HILLS MUNICIPAL ALLIANCE & YOUTH SERVICES COMMISSION**
- #19-115      AUTHORIZING THE CHIEF OF POLICE TO SIGN A CONTRACT WITH CARFAX**
- #19-116      RESOLUTION AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT WITH RPM DEVELOPMENT LLC IN CONNECTION WITH BOROUGH'S SCATTERED SITES AFFORDABLE HOUSING DEVELOPMENTS**
- #19-117      AUTHORIZING DISPOSAL OF VEHICLES WITH NO VALUE**

- #19-118        AUTHORIZING THE SOLICITATION OF BIDS**
- #19-119        ACCEPTING MONTHLY DEPARTMENT REPORTS**
- #19-120        AUTHORIZING EMPLOYMENT OF PART TIME CLERICAL  
ASSISTANT TO FACILITIES PROJECT MANAGER**

Regarding Resolution #19-116, it was decided to add the phrase “subject to borough attorney approval” for the contract with RPM. Ms. Greenfield moved to adopt Resolutions #19-110 to #19-120. Mr. Donahue seconded the motion and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

### **Municipal Attorney’s Report**

Mr. Pidgeon said one item will be discussed in executive session. There were no comments or questions from council on Mr. Pidgeon’s report of May 22, 2019.

**Public Safety Committee**, Mr. Donahue said the committee is working on standard operating procedures for special events. He said Atlantic Health Care provides backup to the borough’s volunteer First Aid Squad only if the volunteers are unavailable to form a squad. Chief Valentine explained that residents can opt out if Atlantic Health shows up and there has been no change to the procedure. Matt Kneafsey, member of the Fire and First Aid Squad, said the squad wants to provide the best service to its residents and is behind any way to provide such service. Mr. O’Dea said he would like questions answered on this topic about billing. Chief Valentine said that discussion would be for closed session. Mr. Donahue said during a review of traffic violations, the most were issued for texting while driving. Mr. Hammond said the speed limit on Round Top Road will be discussed at their next committee meeting. He said various training programs are being done throughout the police department.

**Finance Committee**, Mr. O’Dea said we are aligned with the budget plan and are monitoring it closely.

**Personnel Committee**, Ms. Zamarra said the committee has not met since the last report.

**Engineering, Technology & Public Works Committee**, Mr. Macdowall said slope section work is proceeding. Paving will take place on Anderson Hill Road once school is out. Mr. Schmidt mentioned Morris County will be paving Mendham Road so the entire stretch of road from the Blackhorse Inn in Mendham to the Bernardsville Library will be paved. Mr. Macdowall said we will coordinate the different time schedule for that paving project. He said work on Hull Road and Lindabury Avenue are the number one priorities for next year. He said Route 202 will be paved from Spring House Road to Far Hills. We received a \$200,000 local aid

grant for Lloyd Road. Work on Pill Hill Road will start in early July after the work on Anderson Hill Road is complete. Mount Harmony Road is good for a local aid grant and if we get the grant, work will start next year on this road. He said for now, potholes have to be patched on Mount Harmony Road.

### **Other committee/commission reports**

**Housing**, Mr. Hammond said the committee would like to make information on housing and zoning more accessible and to do this they are creating a FAQ and better links for the website. They are also looking at some conflicting language in the fire prevention ordinance.

### **Council Liaison Reports**

**Green Team**, Ms. Zamarra said the committee met last week and discussed the community garden and maintaining bronze status from Sustainable Jersey. There will be a ribbon cutting at the opening of Kiwanis Playground on June 1<sup>st</sup> from 11:00am to 1:00pm with activities for kids. The butterfly garden is also at Kiwanis Playground.

**HPAC**, Ms. Greenfield said on May 22<sup>nd</sup>, Basking Ridge Glass Company will fix the windows of the Dunster Squibb House. Painting will follow.

**Board of Health**, Ms. Greenfield said the Bernards Township Health Department is having skin cancer screenings on July 8<sup>th</sup> from 3:00pm to 7:00pm and July 16<sup>th</sup> from 2:00pm to 6:00pm at Fellowship Village Wellness Center in Basking Ridge.

**Recreation**, Mr. Donahue said the committee supports the 80/20 referendum and is looking at pool upgrades.

**Shade Tree**, Mr. Hammond said the committee is almost finished in revising the shade tree ordinance. They are about to embark on a tree inventory and funds are secured to do an inventory of the whole town.

### **Open Space Trust Fund Question**

Mayor Canose read the following five options regarding the open space referendum:

- 1) 100% of Open Space Tax revenue may be used for either acquisition or improvements.
- 2) 20% of Open Space Tax revenue will be only for acquisition; 80% may be used for either acquisition or improvements.

- 3) Withdrawal of \$2 million from Open Space Trust Fund for improvements; maintain current formula of 20% for improvements/80% for acquisition.
- 4) Withdrawal of \$1 million for improvements; 20% for acquisition/80% for either acquisition or improvements, with a sunset date after a specified period of years when revenue will go back to 20% improvements/80% acquisition.
- 5) Do not have a referendum question to change the Ordinance, but instead use bonding for improvements.

Mayor Canose said she would like to get these options to the community and residents can attend the meeting on June 5<sup>th</sup>. She said we could also put this on the website and the bubble if council agrees. There were no objections from council. Mr. O'Dea asked Mr. Maresca to work with Chris D'Amato in IT to have an online form to complete for those who cannot attend the special meeting on June 5<sup>th</sup>. Mr. O'Dea said he would like the public to see the financial result of each option.

#### **Draft Resolution Adopting a Pesticide-Free Policy**

Mr. Pidgeon said the draft resolution provided to council was based on an organization from Washington DC. Mayor Canose asked council to review the draft resolution and provide comments.

#### **Drive Less Somerset Campaign**

Mr. Hammond discussed a campaign from Somerset County urging people to drive less during the month of June and asked council if they would take the pledge. Council agreed to take the pledge and put a notice about the campaign on the borough's website for residents to participate.

#### **Face Painting at Kiwanis Playground Grand Opening**

Mr. Schmidt moved approval for face painting at the grand opening of the Kiwanis Playground on June 1<sup>st</sup> subject to receipt of a certificate of insurance naming the borough as an additional insured and a hold harmless agreement. Ms. Greenfield seconded and the motion was approved with six yes votes.

#### **Swim Pool Management/Lifeguards**

Mr. Maresca informed council about the lifeguard situation for the upcoming pool season. The state has doubled the required number of lifeguards needed and it is hard for the borough to staff lifeguards to meet these requirements. He said we are ok with staffing at the moment but scheduling is tight, so it is possible that if staffing is low at any given time, we may have to close

half of the pool. He mentioned there are outside agencies that provide lifeguard services that may be worthwhile to look into for the future. No action was taken at this time.

### **Mayor's Update**

Mayor Canose said she attended a cultural and heritage meeting in Green Brook. Melissa Provost had sent an email stating she was interested in serving on the Recreation Committee. Ms. Zamarra moved to appoint Melissa Provost to the Recreation Committee. Mr. Hammond seconded and the motion was approved with six yes votes. Mayor Canose said she met with the District Manager of Sherwin Williams and he would like to help with the mural on the Mount Airy Road Bridge. She said an art teacher would like to help as well, so we could have multiple designs and have an artist come in and fix it up. She suggested forming a cultural arts committee and Mr. Pidgeon can draft an ordinance to get it started. She said it could take a year to complete the mural project, possibly by early spring next year. She mentioned the special meeting on the open space referendum on June 5<sup>th</sup> at 7:00pm at borough hall. She said there are 500 milk weed plants and June 9<sup>th</sup> will be a planting day.

### **Correspondence**

There was none.

### **Unfinished Business**

Mr. Hammond asked why we could not have the names of donators on the pickets of the fence at Kiwanis Playground and suggested doing it temporarily. Mr. O'Dea asked if we could do a sandwich board sign with the names of the donators. Mr. Pidgeon answered yes. Mr. Hammond said we could create a sandwich board to be up for a few weeks.

### **New Business**

There was none.

### **OPEN SESSION**

Joe Rossi, Crest Drive, spoke about synthetic versus organic field maintenance. He said Bernards Township had all organic field maintenance and had nothing but problems. He said synthetic allows the grass to get a root base and be able to grow.

Mark Walden, Liberty Road, asked if the developer's agreement for scattered sites is available to the public. Mr. Pidgeon answered yes.

**CLOSED SESSION**

It was moved to adjourn to an executive session to consider Personnel Matters 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**

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

It was moved to adopt **Resolution #19-121, Granting a Leave of Absence With Pay to Daniel Hart**. The motion was seconded and approved with six yes votes.

**ADJOURNMENT**

The meeting was adjourned at 9:20pm

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