

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
March 25, 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

Ridewise

Donna Allison from Ridewise was present and spoke about the outcome of the Street Smarts campaign which was done to promote safe travel behavior. Ms. Allison asked council if they could do a second campaign in the fall as a follow up. The second campaign will focus on different intersections. Melanie dePoortere, Mine Brook Road, suggested observing pedestrian behavior as well as driver behavior. Jeff DeLeo, Mine Mount Road, suggested bumpouts by Bernardsville Print Center be redone. Ms. Zamarra said the Street Smarts report is on the Borough's website and Ridewise's website. Council consent was given to do a second Street Smarts campaign. Mr. O'Dea said this would be no cost to the borough.

Farmer's Market

Ed English, Olde Town Court, asked for approval of the 2019 Farmer's Market which will be held in the Bernardsville Train Station Parking Lot from June 8th to November 23rd from 9:00am to 1:00pm. Ms. Zamarra moved approval, Mr. Hammond seconded and the motion was approved with six yes votes.

Proclamation for National Donate Life Month

Mayor Canose read a proclamation declaring April as National Donate Life Month.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from February 25, 2019 and March 11, 2019 (Mr. Schmidt was absent). Ms. Greenfield seconded and the motion was approved with six yes votes.

OPEN SESSION

John Fennimore, Bernards Avenue, said the non-conformance letters being sent out to owners of multi-family units are effecting a lot of his deals and he feels the ordinance is unfair. Geoff Price, Zoning Officer, said letters are being sent when rental inspections are due and when a house is sold it has to get records clearance.

Melaine dePoortere, Mine Brook Road, said she received a non-conformance letter and does not understand why she needs proof of a multi-family unit since it has been multi-family for a lot of years and she has paid taxes on it as multi-family. Mayor Canose said if a unit cannot be proven as multi-family, a variance would need to be applied for with the Board of Adjustment.

David Neill, Prospect Street, asked about Resolution #19-72. Mr. O'Dea said it is to increase the amount of the contractor (Decotiis, FitzPatrick, Cole & Giblin, LLC) who is representing the borough in the Old Quarry Road matter. Mr. Neill asked about Resolution #19-75. Mayor Canose said that resolution will be removed from the agenda.

Frank Clancy, Peachcroft Drive, spoke about accessory buildings in the R-1 zone. He said he received a letter of non-compliance and requested redrafting the ordinance for accessory buildings. Mayor Canose said this will be discussed as an item of business later in the meeting.

Steve Reynolds, Stevens Street, asked if the tax records are proof for those owners of multi-family units that receive a non-conformance letter. Mr. Pidgeon said the tax assessment is proof. Jeff DeLeo, Mine Mount Road, asked if there was an alternative to applying for a variance with the Board of Adjustment as it can be costly. Mr. Pidgeon said we have to act according to the Municipal Land Use Law (MLUL).

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2019-1799, **AN ORDINANCE APPROPRIATING \$75,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR VARIOUS IMPROVEMENTS**. Jeff DeLeo, Mine Mount Road, said the turf field was put into

place in 2018 and in 2028 it will to be need replacemed. He said money was put aside for this purpose and asked if the \$75,000 in this ordinance will impact open space money. Mr. Maresca stated that there will be no impact and we will be canceling existing ordinances to put money this money back. Hearing no further comments, Mayor Canose closed the public hearing. Ms. Greenfield 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, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

ORDINANCES (Introduction)

Mr. O'Dea moved that Ordinance #2019-1800, **AN ORDINANCE CONCERNING FEES FOR APPLICATIONS FOR CERTIFICATIONS OF NONCONFORMITY AND USE VARIANCES AND SUPPLEMENTING AND AMENDING ARTICLE 15 OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED "FEES AND ESCROW DEPOSITS" AND ARTICLE 3 ENTITLED "BOARD OF ADJUSTMENT"**, 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., April 8, 2019. Mr. Hammond seconded the motion, which was approved with six yes votes.

RESOLUTIONS

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| #19-61 | AUTHORIZING PAYMENT OF BILLS |
| #19-62 | ACCEPTING MONTHLY DEPARTMENT REPORTS |
| #19-63 | AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7000-0043 FOR CHARLES & RHONDA PISANO FOR 75 MOUNT AIRY ROAD |
| #19-64 | AUTHORIZING THE RECREATION DIRECTOR TO SUBMIT AN APPLICATION TO NJDOT FOR A ROAD CLOSURE PERMIT FOR THE ANNUAL MEMORIAL DAY PARADE |
| #19-65 | AUTHORIZING REFUND OF POLICE ESCROW FEES |
| #19-66 | AWARDING A CONTRACT FOR RENTAL OF SNACK BAR AND RIGHT TO SELL FOOD AND SOFT DRINKS AT THE BERNARDSVILLE MUNICIPAL POOL |
| #19-67 | AUTHORIZING THE MAYOR AND CLERK TO SIGN A TRANSPORTATION SERVICE CONTRACT WITH SOMERSET COUNTY |

- #19-68 AUTHORIZING REFUND OF OVERPAYMENT OF 2018 TAXES
FOR TAX COURT OF NJ APPEAL 141 MOUNTAIN TOP ROAD**
- #19-69 AUTHORIZING REFUND OF OVERPAYMENT OF 2018 TAXES
FOR COUNTY BOARD OF TAXATION APPEAL 80
CLAREMONT ROAD**
- #19-70 RESOLUTION AUTHORIZING THE ISSUANCE OF NOT
EXCEEDING \$1,821,000 BOND ANTICIPATION NOTES OF THE
BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF
SOMERSET, NEW JERSEY**
- #19-71 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #19-72 AMENDING RESOLUTION #18-215, WHICH AUTHORIZED A
PROFESSIONAL SERVICES CONTRACT WITH DECOTIIS,
FITZPATRICK, COLE, & GIBLIN LLP**
- #19-73 AUTHORIZING REFUND OF ESCROW FEES - BOA
APPLICATION #16-03, MAFFEI**
- #19-74 RESOLUTION TO CANCEL UNEXPENDED BALANCE OF
CAPITAL PROJECT – BERNARDSVILLE TRAIL**
- #19-75 AUTHORIZING THE BOROUGH PLANNING BOARD TO
UNDERTAKE AN INVESTIGATION TO DETERMINE
WHETHER ALL OR A PORTION OF CERTAIN
PROPERTY IDENTIFIED ON THE BOROUGH TAX MAPS
AS BLOCK 125, LOT 13, CONSTITUTES A
CONDEMNATION REDEVELOPMENT AREA**
- #19-76 CHANGING THE STATUS OF CHRISTINE TSELES FROM
PART TIME TO FULL TIME**
- #19-77 AUTHORIZING A SALARY ADJUSTMENT FOR
KRISTINE MCNAMARA**
- #19-78 AUTHORIZING A SALARY ADJUSTMENT FOR GLENN
PLESNARSKI**
- #19-79 RESOLUTION AUTHORIZING TRANSFER OF
APPROPRIATION RESERVES**

#19-80 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS

Resolution #19-75 was pulled from the consent list. Regarding Resolution #19-71, Mr. O'Dea thanked Sage Ecko for volunteering as a junior member of the Bernardsville Fire Company. Mr. Hammond agreed and said they receive numerous calls and it is appreciated what they do. Mr. O'Dea moved adoption of Resolution #19-61 to #19-74 and #19-76 to #19-80. Ms. Greenfield seconded the motion, which was approved by a roll call vote. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

Mr. O'Dea said the Finance Committee along with the borough's Finance staff met several times since January and reviewed each line item in the budget. A public hearing will be held on April 22, 2019 at 7:00pm at borough hall. Mr. O'Dea discussed increases in the budget.

Mr. O'Dea moved adoption of **Resolution #19-81, INTRODUCING THE 2019 MUNICIPAL BUDGET**. Ms. Zamarra seconded the motion which was approved with the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. O'Dea, Mr. Schmidt, and Ms. Zamarra voted yes. Ms. Greenfield voted no.

Municipal Attorney's Report

There were no comments or questions from council on Mr. Pidgeon's report of March 19, 2019.

Public Safety Committee, Mr. Hammond said there is a posting for an open sergeant's position in the Police Department. Installation on a new parking kiosk began today. Electronic speed signs have been effective with speed enforcement and two more will be installed. Pedestrian safety and walkability studies have been discussed. New speed signs on Anderson Hill Road and Mount Harmony Road will be installed, but we are waiting for ground to thaw before we can proceed. The committee is deciding whether to install speed humps on Wesley Avenue to alleviate speeding. Lighting will be installed for safety purposes between the train tracks and behind the buildings where the Latin American Grocery Store, Bernards Café, and Mastro Shoes are. Mr. Hammond said we have received a grant to focus on distracted driving in April. Jeff DeLeo, Mine Mount Road, asked if more speed radar machines would be purchased. Chief Valentine said not this year but maybe in the future. Ms. Zamarra mentioned she noticed an increase in traffic summonses on the Police Department monthly report.

Finance Committee, no report was given as Mr. O'Dea said there was finance discussion earlier in the meeting.

Personnel Committee, Ms. Zamarra said there were resolutions adopted earlier in the meeting regarding pay increases.

Engineering, Technology & Public Works Committee, Mr. Schmidt said this summer and early fall, Anderson Hill Road and Mendham Road will be paved by Somerset County. Morris County will pave their portion of Mendham Road, so the entire road from the Black Horse Inn to

the Bernardsville Library will be paved. Mr. Macdowall said work on the slope and drainage for the Claremont sidewalk has begun. Hopefully it will be completed by the end of the week and then curbing will begin on the Somerset and Chilton culdesac. Work on resetting inlets will take place this week on Pill Hill Road. There will be a meeting on March 27th with the NJDEP about a project at Memorial Park and Whitenack Road bank stabilization. The Wastewater Treatment Plant filter replacement project is about to begin. The location of Welcome To Bernardsville signs are being determined. We are working with Tom Wood of Ludlow regarding the sidewalk/walkway by the Claremont Field parking area to keep vehicles clear of this space. We could paint stripes to designate it is a walkway and should not be parked on.

Other committee/commission reports

Zoning, Mr. Hammond said they looked at the sign ordinance as it relates to businesses and they found that there may be 19 stores not in compliance. The Zoning Officer is reviewing this topic. The property maintenance ordinance is being reviewed to see if any language needs to be revised for residential properties. Any revisions will be presented to the council at a future meeting. Terry Thompson, Planning Board member, offered to share a copy of a revision to the sign ordinance that the Planning Board has been working on.

Personnel Committee, Ms. Zamarra said the committee discussed allowing more hours for Fire Prevention. Mr. Maresca said while we do not have an employee to fill that spot right now, he wanted council to be aware of this for when the time comes for authorization later in the year for additional hours and an additional employee in Fire Prevention. There were no objections from council.

Council Liaison Reports

Shade Tree, Mr. Hammond said four plots of borough land were walked last weekend and dying trees will be taken down.

Green Team, Ms. Zamarra said the e-waste recycling day is on April 27th at the Bernards High School parking lot. Other events upcoming will be the 2019 opening of the community garden and the Farmer's Market.

Board of Health, Ms. Greenfield said Morraine Crest was tested and we are awaiting results. Health screening will take place in Bernards Township and stroke screening will take place in Peapack/Gladstone.

HPAC, Ms. Greenfield said contractors' qualifications are being reviewed for work on the Dunster Squibb main house.

Shade Tree, Mr. Hammond said four plots of borough land were walked last weekend by the committee with Public Works and they starting planning which trees have to come down that are dead or dying.

Environmental Commission, Ms. Zamarra said a stream cleanup will take place on April 13th.

Mr. Macdowall said in addition to Mr. Hammond's Shade Tree report, there is a white pine tree that is growing into wires and has some storm damage that would need to be removed by Tree Tech. Ed English, Shade Tree Committee member, agreed it should be taken down. Mr. Hammond said this will allow existing trees to expand. Council consent was given to take down the white pine.

NJ Transit Quiet Zone

Mayor Canose said the borough would have to pay \$25,000 for a transit quiet zone and we have five crossings. Mr. Walker said since the borough's train crossings are so close together it will be difficult to do. Mr. Walker will find out if we have to do all of our zones.

Gran Fondo Cycling Event

Chief Valentine said this event has been done in the past and he does not see an issue with the request. Council consent was given to Gran Fondo to hold their cycling tour on September 8, 2019 subject to providing a hold harmless agreement and certificate of insurance naming the borough as an additional insured.

Conditional Uses of Accessory Dwellings and the R-1 District Ordinance

This item will be referred to the Planning Board for review.

Stream Cleanup, Request for use of Borough Hall for Restrooms

Ms. Zamarra asked if the restrooms could be used at borough hall for those who are participating in the stream cleanup on April 13th from 8:00am to 1:00pm. Council consent was given.

Review of Planning Board Recommendation Regarding Parking Decals

Mr. O'Dea read options as provided by the Planning Board including allowing free parking in the Ammerman Parking Lot for up to four hours and lowering the decal cost. A change could be put in place for one year but can be tweaked after six months. Mr. O'Dea added that there are 46 parking spaces in the Ammerman lot. Terry Thompson, Planning Board member, said the Planning Board will work with the appropriate departments on ways to enforce parking. Mr. Pidgeon said we would need an ordinance to change parking hours and need to amend the resolution to lower parking fees. Ms. Thompson said cars park illegally in the Library lot. Chief Valentine will follow up. Mr. Pidgeon will prepare an ordinance with amended parking hours for review at a future meeting.

Mr. Schmidt left the meeting at 8:50pm.

Housing Rehabilitation Program & Affordability Assistance Program

Both items were discussed at the same time. Mr. Pidgeon spoke about both programs and said council authorization is needed for CGP&H to start our programs. It was noted that there is money available in the affordable housing trust fund. Council consent was given.

Mayor's Update

Mayor Canose said she met with people who want to have a garden at the entrance to the Kiwanis Playground and this ties in with the Mayor's Monarch Butterfly Pledge. The grand opening for the new playground is June 1st. The Fireman's dinner was successful. The Mayor's Wellness group met and with the help of Olivia Manning, they have a flyer to post on the website for the couch potato program to be held on April 6th at borough hall. A notice will be on our Facebook page about NJ Local Government Week which will include a contest to submit pictures as to what's best about living in Bernardsville. The Mayor attended a Chamber of Commerce meeting and updated them on the Downtown Development Committee's presentation, the sign ordinance, and the Somerset County Business Partnership networking meeting on May 30th. Mayor Canose will meet with the NJDEP this week along with Mr. Macdowall and Mr. Walker.

Mr. O'Dea moved approval of the Little League parade for April 6th. Mr. Donahue seconded and the motion was adopted with five yes votes.

Melanie dePoortere, Mine Brook Road, said she thought all affordable housing were rentals and asked if they can be purchased. It was noted that the borough can have an assistance program to assist a buyer in fixing the home and make it become affordable housing, but it must be a single family unit.

Jeff DeLeo, Mine Mount Road, asked about a parking enforcement officer. Chief Valentine said it is already in our budget and a special officer (SLEO) is performing those duties.

REOPEN

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

ADJOURNMENT

The meeting was adjourned at 10:00pm
