

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**April 26, 2021**

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, Jeff Hammond, Chad McQueen, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk. Council members Jena McCredie and Thomas O'Dea, Jr. were 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 24, 2020.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**Animal Control Solutions**, Peter Vastola of Animal Control Solutions was unable to attend tonight's meeting and will attend a future meeting.

**Farmers' Market**, Ed English was present to discuss the Bernardsville Business District Corporation (BBDC)'s request to sponsor the 2021 annual Farmers' Market for the 27th year starting Saturday, June 5 and running through Saturday, November 20 at the Bernardsville Train Station. Market hours will be from 9:00 am to 1:00 pm, with an hour for set-up. All necessary insurance forms and Hold Harmless forms will be filed with the Borough Clerk. Vendors will pay \$50 each to the Borough for their licenses for the season. They also pay a weekly table fee to the BBDC to cover expenses for market expenses. Council consent was given for the 2021 Farmers' Market.

**APPROVAL OF MINUTES**

Mr. McQueen moved approval of minutes from March 22, 2021, April 12, 2021, and April 14, 2021. Ms. Zamarra seconded and the motion was approved with four yes votes.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Heather Eckel, Maple Street, said there are many people in the autistic community who despise the month of April (Autism Awareness Month) even though it seems like a positive and straightforward cause to spend a month raising awareness about autism, but the fact is that most of this is taking place without listening to the voices of autistic people and without understanding

of what the autistic community wants or needs. She said she was happy to hear that this small town was addressing autism, but it is problematic when non-autistic people control the narrative about autism and autism education, and for the past 50 plus years that's exactly what this campaign has entailed. She said in more recent years the autistic community has made a push to change the term awareness to acceptance and making April Autism Acceptance Month. She said she just wanted to ask that the council consider inviting autistic voices to be included in the future when initiating proposals or plans that directly affect the autistic community.

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

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

Mayor Canose opened the public hearing on Ordinance #2021-1878, **AN ORDINANCE AMENDING ORDINANCE #2020-1849 ENTITLED "AN ORDINANCE APPROPRIATING \$11,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR REIMBURSEMENT TO THE SOMERSET HILLS LITTLE LEAGUE FOR RENOVATIONS TO THE KIWANIS LITTLE LEAGUE FIELD", BY INCREASING THE AMOUNT APPROPRIATED (NUNC PRO TUNC) TO \$21,200.** Hearing no comments or questions, Mayor Canose closed the public hearing. Mr. Donahue moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, and Ms. Zamarra voted yes. Mr. McQueen abstained.

### **ORDINANCES (Introduction)**

Mr. Hammond moved that Ordinance #2021-1879, **CONCERNING THE PERSONNEL COMMITTEE AND SUPPLEMENTING AND AMENDING THE ADMINISTRATIVE CODE AS SET FORTH IN CHAPTER II 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 7:00 p.m., Monday, May 10, 2021. Mr. McQueen seconded and the motion was approved with four yes votes.

### **RESOLUTIONS**

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|---------------|---|
| <b>#21-97</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>   |
| <b>#21-98</b> | <b>AUTHORIZATION OF TAX REFUND</b>  |
| <b>#21-99</b> | <b>AUTHORIZING EXECUTION OF AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THROUGH SEPTEMBER 30, 2026</b> |

**#21-100      AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT  
WITH RIPPLING WATERS ENGINEERING LLC FOR  
PRELIMINARY DAM RELATED STUDIES**

**#21-101      APPROPRIATING NOT TO EXCEED \$17,900 FROM THE  
BOROUGH OPEN SPACE TRUST FUND FOR THE CLEANUP OF  
HAZARDOUS WASTE ON THE CHARLOTTE HILL OPEN  
SPACE PARCEL**

Mr. McQueen moved to adopt Resolutions #21-97 to #21-101. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. McQueen, and Ms. Zamarra voted yes.

**#21-102      ADOPTION OF THE 2021 MUNICIPAL BUDGET**

Mayor Canose opened the public hearing on Resolution #21-101. Hearing no comments or questions, Mayor Canose closed the public hearing. Mr. Czerniecki gave a presentation showing the economic overview of the Borough, the distribution of the municipal tax levy, top expense increases and reductions, municipal appropriations, revenue summary, and capital projects. Mr. McQueen moved to adopt Resolution #21-102. Mr. Donahue seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. McQueen, and Ms. Zamarra voted yes.

**ORDINANCES (Public Hearing)**

Mayor Canose opened the public hearing on Ordinance #2021-1880, **APPROPRIATING \$400,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2021 MUNICIPAL BUDGET.** Hearing no comments or questions, Mayor Canose closed the public hearing. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. McQueen, and Ms. Zamarra voted yes.

**COUNCIL COMMITTEE REPORTS**

**Mayor's Update,** Mayor Canose said April 13<sup>th</sup> was our first Memorial Day planning meeting with Recreation and Downtown Bernardsville. She said there is another meeting later this week and we are looking to combine honoring the veterans along with the unveiling of the mural. She said we spotted a lot of garbage behind the stores, in the Amerman lot, and by the train tracks. Geoff Price is handling this matter and has reached out to NJ Transit as well as some of the store owners as some of this is their responsibility. Mayor Canose said she attended the 2021 greater Somerset YMCA Spirit Awards ceremony, which was all virtual this year. She said attended

half of the Somerset County Governing Officials as that same night we held our special council meeting on downtown redevelopment which was very well attended. She said anyone from the public can view the presentations from that meeting on our website. April 16<sup>th</sup> was opening day of girls' softball at Kiwanis. Mayor Canose and Ms. Zamarra attended and Ms. Zamarra threw out one of the first pitches. April 17<sup>th</sup> was Little League opening day and Mayor Canose attended that ceremony, which was a great turnout. April 17<sup>th</sup> was also the day of the stream cleanup and Mayor Canose thanked Ms. Zamarra for being the organizer of that event. There was a great amount of volunteers that got a lot of work done. Raritan Headwaters will give a report in the coming weeks with the total pounds. On April 19<sup>th</sup> we had a meeting about the dam with representatives from the Environmental Commission, NJ Fish & Wildlife Services, The Nature Conservancy, Raritan Headwaters, and our engineers. Mayor Canose said it was really productive to get input from everyone who have expertise in what needs to be done to remediate the dam. She said Mr. Hammond also attended. Mayor Canose attended a Somerset County tourism meeting and the county is starting a film commission. The guest speaker was Janice Kovach who is the Mayor of Clinton, President of NJ League of Municipalities, and founder of the Hunterdon County Film Commission so she is helping Somerset County start its own film commission. Mayor Canose said we had the first race of the Cyclocross and Mr. Macdowall and Mr. Markowick did a great job getting that organized and it ran very smoothly. The Cultural Arts Committee also met and are sponsoring a trivia night on May 4<sup>th</sup> called "May the 4th be with you" and the subject will be Disney. This will be a fundraiser for the mural. Mayor Canose said on the county call this week there will be guidance on pools, graduations, and proms coming from the Governor's Office. This past Saturday was the last painting day for the mural for residents and today was the last for the students. Mayor Canose said the mural is coming along beautifully and she thanked Olivia Manning for pulling this all together.

**Administrator's Report,** Mr. Czerniecki said we received a donation offer from Trek Bicycle in Stirling of five thousand dollars in prizes to distribute at the cyclocross races. He said in order for us to be able to accept the donation and then distribute it at Wednesday's race, we would need a motion from the governing body. Mr. McQueen moved to accept the donations from Trek Bicycle for the cyclocross. Mr. Donahue seconded and the motion was approved with four yes votes. Mr. Czerniecki said there will be a household cleanup day on May 15<sup>th</sup> when residents can bring their various items to the compost facility. More details are on our website. He said registration is open for the pool and some spring sports. He said we had a good staff meeting today with our new Recreation Program Coordinator, Leah Horowitz, and one of her responsibilities is going to help develop a social media strategy, not just for Recreation but also for the municipality. Mr. Czerniecki said Chief Valentine had a note in the departmental reports that our police responded to a 911 call on two occasions, each time to administer oxygen and preliminary care before an ambulance arrived. He said he did not have the names of all four patrolmen, but would like them to know they were instrumental in saving lives and the work they do is vitally important and very much appreciated.

Mr. McQueen asked about concerts and events at the pool, as he has received a question from a resident about that topic. Mr. Markowick said we had a great local band play at the ice cream

social last year which was well received, so we are going to have four different bands at four times this year with at least once per month. He said we are going to have cornhole and spike ball tournaments. He said they are looking at different types of activities associated with days such as Christmas in July where they would light up the pool, sliding down the hill which would be a slip and slide similar to sleigh riding. He said there will be different unique opportunities at the pool this summer. He said they will be promoting these activities through flyers and social media. Mr. McQueen said he is very excited about these new events and opportunities and thanked the Recreation staff for their efforts. Mr. Hammond asked if you have to be a member of the pool to go to the local band events with or the tournaments. Mr. Markowick said the plan right now is for just members but looking forward to the future when there's no regulations, we would like to expand and hold some nights where we invited the public. He said according to regulations right now, these events are something that the pool members are going to really enjoy. He said we have a good number of pool members returning so we will be able to hit the right capacity and the right distancing. Mayor Canose asked about accommodations for senior membership at the pool. Mr. Markowick said pool membership is free for residents 62 and over. Mr. Hammond asked how it works if a senior is over 62 but their spouse is not. Mr. Markowick said the spouse can get a single membership so they would not have to go the whole family route.

Ms. Zamarra moved to accept the department monthly reports. Mr. Hammond seconded and the motion was approved with four yes votes.

**Public Safety Committee**, Mr. Donahue said they did not meet since the last report, although they will this month because they have a couple of items to address.

**Finance Committee**, Mr. O'Dea said there is no report as the budget was adopted earlier in the meeting.

**Personnel Committee**, Mr. Hammond said they are in the process of developing a table of organization, and listing the tasks in the process for each office. He said we are really taking a very business approach to this and reached out to the Rutgers group to see whether we can resume the strategic planning project.

**Engineering, Technology, and Public Works Committee**, Mr. Hammond said Ms. McCredie gave him a brief report on her behalf. The Public Works Committee met on April 20<sup>th</sup>. He said the dam remediation has been at the top of their list. There was a meeting on April 8<sup>th</sup> with NJ Transit about determining what their involvement is in terms of how much of that territory and land area they are responsible for. He said on April 19<sup>th</sup> we had a site visit where we had the three proposals and the recommendation was to go with the hydrology group of Rippled Waters Engineering LLC. He said the next step would be to do engineering studies and then the silt examination. He said the Polo Grounds walking path requires two different permits, one to NJDEP and one for construction to the state. These have been submitted and once they are obtained, the next step would be cost analysis. He said we anticipate that happening in June or

July and then we go out to bid. The anticipated start of work on the walking path would be September or October. Mr. Hammond said the scope of the Bernards Avenue project was discussed and has yet to be determined. He said it is thought that more extensive projects would be to have something that lasts for a considerable amount of time that would reinvigorate the area, so it may be a focus for a 2022 grant. Mr. McQueen said the Finance Committee discussed the same item and from a finance perspective, they officially moved the expenditure into next year in line with a more extensive repair. Mr. Hammond said Washington Corner Road work is in progress. The next projects would be Crestview Drive, which is currently under final review, and Chestnut, which is out for contract. The road survey had been delayed due to both weather and Covid, but it's been resumed and should be completed by the end of next month. The contracts for the lower level of the Library generators have been received and the equipment has been ordered. The Train Noise (Quiet Zone) ad hoc committee met and has had conversations with NJ Transit and the Federal Railroad Administration (FRA). The next step is to write a formal letter of intent, which is not binding, but would require the FRA and NJ Transit to give us their advice in writing. We would then know what is possible and could start determining what the costs would be with our six crossings. Mayor Canose said she sent the letter of intent to Mr. Pidgeon. Mr. Pidgeon said the council would have to act on it before it is sent. Ms. Zamarra said we have an aerial view of the proposed walking path at the Polo Grounds and asked if we can put it on the borough website. The consensus was to post it on the borough website.

**Land Use Committee**, Mayor Canose said Mr. Czerniecki has been reaching out to the two developers to set up individual meetings. She said we will be doing more of a deep dive into their proposals and get information we need to help the council make a decision. She said this should be happening next week.

**Housing/Zoning Committee**, Mr. Price was absent and no comments were made.

**Mayor's Update (continued)**, Mayor Canose said she is forming another ad hoc committee that goes along with organizational development and it will consist of herself, Mr. Czerniecki, and Mr. McQueen. They will review mission statements that our various committees were asked to provide. The goal is to have a cohesive message to give to the public on what every committee does, why it does it, and to see if there are ways we can get them to work together or have cross meetings.

**Planning Board**, Mr. McQueen said the item from that meeting will be discussed under new business. Mr. Czerniecki said we noticed some buildings in the downtown area are doing some improvements but they are pre-existing buildings. He said we are going to be developing a digital pattern book which provides a link to what the broader vision is for the downtown area and it gives you images of what is encouraged and what is discouraged. He said this should help a lot of business owners who may struggle with knowing what to do.

**Library Board**, Ms. Zamarra said our library essentially is filling in the void for a lot of the kids who do not have a full day of school at the moment. She said there is a poetry event this week

on Wednesday which is the conclusion of poetry month. She said they have chair yoga every Wednesday. She encouraged people to look at the Library's offerings. Ms. Zamarra said there is an autism talk tomorrow sponsored by the Library. She said there is an outdoor safari on May 4th that is in person now that the Covid restrictions are beginning to lessen.

**Environmental Commission,** Mr. Hammond said they met on April 21<sup>st</sup>. This past weekend there was a sapling and free tree giveaway along with available well testing kits. He said about 20 people picked up a well testing kit. He said they had a really good presentation from Mara Tippettt who is an expert in the state on our wells. He said it is important to test your water for the things you might expect like cold form bacteria but also for lead, even if you don't have a well. Mr. Hammond said in this particular area of Bernardsville where you have high levels of radon, 65 of the wells had radon levels that were above what is recommended. On April 29<sup>th</sup> from 8:00am to 10:00am, well testing kits will be available at borough hall. Mr. Hammond said the Environmental Commission also discussed the dam. They are moving forward to excavate for installation of a rain garden at the library later in May. They are working on creating educational opportunities for people who may want to develop a rain garden on their property and applied for a grant that would make us able to have a type of rebate program for people who want to install a rain garden. Mr. Hammond said styrofoam containers will be prohibited effective next May so the Commission has been working with all the food establishments and food service establishments in the borough to look at what they've been using for takeout. He said if they're using something that's not ecologically or environmentally friendly, the Commission has been able to give them samples and if they like it, the Commission will be able to give them an actual hundred free samples. He said a couple of restaurants have already taken them up on this. He thanked Kathy Redling of Public Works for getting a grant to help support this project. Mr. Hammond said they have had discussions about alternative energy, both solar as well as electric vehicles, and have researched several grants that they intend to pursue in the future. He said they will have a presentation at the next council meeting on May 10<sup>th</sup> about proposed e-vehicle and e-charger initiatives.

**Shade Tree Committee,** Mr. Donahue had a conflict for the last meeting. Johanna Wissinger said they did three main things at their meeting. She said Mr. Pidgeon attended as they wanted to tweak the tree protection ordinance. Renee Apuzzo, Tree Conservation Office and Dennis Galway, Committee Member and Forester were also present and gave input. They also had representatives from the girl scouts discussing the Mayor's Butterfly Garden. The Shade Tree Committee is giving two trees and discussed the best specimen and the best location. Mayor Canose said Ann Wazeter, Chair of Shade Tree, is resigning and she has done an outstanding job and has made such a commitment to Shade Tree Committee over the years.

**Recreation,** Mr. Markowick said we are expanding the adult workouts and it is going be the most robust adult workout program we have ever had. He said that will be out around the second week of May. He said this will go along with the cyclocross race as we are really looking to get people in Bernardsville fit. Mr. Hammond asked if there were any plans to do Tai chi. Mr. Markowick said it is a possibility and he will put it on the list.

**ITEMS OF BUSINESS****Sign For Round Top, Borough Springs & Laurelwood Trail**

Ed English discussed a request for a sign to be placed at the Round Top/Borough Springs/Laurelwood trail to better identify it. He said it is a very difficult trail to find and better signage would help. He said John Macdowall offered assistance in installing the sign and it would be out by Route 202. There were no objections from council in installing the sign to better indicate where the Round Top/Borough Springs/Laurelwood trail is located.

Mr. Hammond asked if there is a dog waste bag on the trail. Mr. English said there is not. Mr. McQueen said he wanted to discuss some conflicting language discovered in the ordinance code about whether dogs are allowed in certain locations throughout the borough. This will be discussed under New Business.

**Stormwater Ordinance Revisions**

Council discussed revisions to the stormwater ordinance and recommended having Bob Brightly and Geoff Price present for the public hearing. Mr. Czerniecki said under the concept that's proposed now, if a system is malfunctioning then we have the authority to compel. Mr. Pidgeon said yes, the intent of this ordinance is redirecting.

Mr. McQueen moved that Ordinance #2021-1881, **AN ORDINANCE AMENDING ORDINANCE #2021-1872, "AMENDING STORMWATER REGULATIONS AND SUPPLEMENTING AND AMENDING SECTION 29 IN CHAPTER 12 IN THE BOROUGH LAND USE 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 7:00 p.m., Monday, May 10, 2021. Ms. Zamarra seconded and the motion was approved with three yes votes. Mr. Hammond voted no.

**Draft Resolution – Concerning Autism Awareness in Bernardsville**

Mr. Hammond moved to adopt **Resolution #21-103, CONCERNING AUTISM AWARENESS IN BERNARDSVILLE**. Ms. Zamarra seconded and the motion was approved with four yes votes.

**Correspondence** - None

**Unfinished Business**- None

**New Business**

Dogs Ordinances, Mr. McQueen said a question came up about whether dogs on a leash were permitted on the non-playing surfaces at the Polo Grounds. He said there was an incident at



Kiwanis Field and Claremont Field so he looked at the ordinances on this topic, and there were two, one of which was 5-9.1 which prohibits dogs in certain parks during certain time periods but there was a conflicting ordinance in 5-10.1. He said the old ordinance speaks generically about the Polo Grounds and the new ordinance singles out the turf field. Mr. Pidgeon agreed. Mr. Pidgeon will prepare an ordinance for next meeting cleaning up the wording.

### **OPEN SESSION**

Mayor Canose opened the meeting to the public.

Matt Kneafsey, Mine Mount Road, spoke regarding the dog ordinance on playing fields. He said it has been his interpretation and understanding that the previous councils had banned dogs from the complex because children have been bitten at the Kiwanis Field. He said he would like the council to consider keeping the ban in effect at Kiwanis Field through the playing season from April 1<sup>st</sup> until October 15<sup>th</sup> which is when the season ends at that complex. He would also like the ban to be in effect at the Polo Grounds. Mr. Pidgeon will prepare an ordinance for council to consider at the next meeting.

**CLOSED SESSION - None**

### **ADJOURNMENT**

The meeting was adjourned at 8:54pm.

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