

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
May 10, 2021

Mayor Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, Jeff Hammond, Jena McCredie, Thomas O'Dea, Jr. and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk. Chad McQueen arrived at 8:00pm.

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

Rob Wilson of the Environmental Commission was present to discuss E-vehicles (EV), EV Chargers, and plans for grant applications for EV Charger Stations. Various locations throughout the borough for EV Charger Stations were discussed such as the Library, Train Station, and Amerman Lot. The consensus of the council was supportive of E-vehicles and EV Charging Stations in the borough. The Environmental Commission will do additional research as well as speaking with the Public Works Committee and Public Safety Committee. The Finance Committee will look into whether we can work it into the budget 2022.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Carol Bianchi, JCP&L, said JCP&L filed their application with the Board of Public Utilities (BPU) to provide incentives to their customers to encourage the development of E-vehicle charging infrastructure throughout their territory. She said JCP&L was recognized with an Environmental Leadership Award by the Commerce and Industry Association of New Jersey and Commerce Magazine for their stewardship and leadership of the environment. She said they recently planted trees throughout their territory for Earth Day and Arbor Day. She said they had their annual meeting with Somerset County and we will be inviting local OEM Coordinators to attend in order to grow the relationship and to review the processes during storms. They completed their reliability plus work and invested almost an additional 100 million dollars into their infrastructure in 2020 which included an additional 39 miles alone in Bernardsville.

Johanna Wissinger, Environmental Commission, said she has some concerns about Ordinance #2021-1881. She said she wants to make sure that she understands the difference between the prior ordinance and this one regarding minor compliance with annual reporting. Mayor Canose said we were supposed to have a public hearing on that ordinance but are going to postpone it

because we received her letter, a letter from Kristi MacDonald of NJ Highlands, and we are also awaiting Planning Board recommendation. It was noted that we have done what we had to do to meet the NJDEP requirements. Ms. Wissinger will contact Mr. Czerniecki and Mr. Brightly for specific questions.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2021-1879, **CONCERNING THE PERSONNEL COMMITTEE AND SUPPLEMENTING AND AMENDING THE ADMINISTRATIVE CODE AS SET FORTH IN CHAPTER II OF THE BOROUGH CODE**". Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Hammond 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, Ms. McCredie, Mr. O'Dea and Ms. Zamarra voted yes.

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 from the public, Mayor Canose closed the public hearing. Mr. O'Dea 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, Ms. McCredie, Mr. O'Dea and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on 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"**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Hammond moved to continue the public hearing with no further notice to May 24, 2021, @7:00pm. Ms. McCredie seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. O'Dea and Ms. Zamarra voted yes.

ORDINANCES (Introduction)

Mr. Hammond moved that Ordinance #2021-1882, **AN ORDINANCE SETTING 2021 SALARIES AND HOURLY RATES FOR NON-CONTRACTUAL EMPLOYEES**, 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 24, 2021. Ms. McCredie seconded and the motion was approved with five yes votes.

Ms. McCredie moved that Ordinance #2021-1883, **AN ORDINANCE CONCERNING DOGS IN BOROUGH PARKS AND AMENDING CHAPTER 5 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., Monday, May 24, 2021. Mr. O’Dea seconded. Matt Kneafsey, Mine Mount Road, was present since he raised questions about this ordinance at the last council meeting. Discussion took place on the fields to include, which area of the fields to allow dogs, whether to allow dogs from April 1 to June 30, or April 1 to October 31, and control of dogs on leashes. (Mr. McQueen arrived) Mr. Markowick will look at each field individually so that we have rules for each facility rather than an overall policy. Mr. O’Dea withdrew his motion to second and Ms. McCredie withdrew her motion to introduce.

RESOLUTIONS

- | | |
|----------------|--|
| #21-104 | AUTHORIZING PAYMENT OF BILLS |
| #21-105 | AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7007-0100 FOR SCANDIC BUILDERS FOR 130 CHAPIN ROAD |
| #21-106 | AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7000-0033 FOR MARINO REALTY IV LLC FOR 280 MENDHAM RD. |
| #21-107 | AUTHORIZATION OF SEWER REFUND |
| #21-108 | REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 2020 MUNICIPAL YOUTH SERVICES GRANT |
| #21-109 | REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 2018 RECYCLING TONNAGE GRANT |
| #21-110 | AMENDING RESOLUTION #21-95 ENTITLED “APPOINTING AN INSPECTOR FOR THE CONSTRUCTION OFFICE WHEN A CONFLICT OCCURS WITH THE REGULAR INSPECTOR” |
| #21-111 | APPOINTING MICHAEL T. PHILLIPS, JR. AS BOROUGH MECHANIC |

Ms. McCredie moved to adopt Resolutions #21-104 to #21-111. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes. Mr. O'Dea stepped away from the meeting and was not present at the time this vote was taken.

ITEMS OF BUSINESS

Mayor's Update

Mayor Canose said on April 27th, she attended a webinar titled "Marijuana, What We Don't Know Can Hurt Our Kids", which can be viewed on the Community In Crisis website. She said Heather Eckel did an excellent job at the library on myths about autism. We are still working on the Memorial Day parade because the rules keep changing and we hopefully will get that resolved this week or next. Mr. McQueen said Little League participates in the parade and asked how likely it is that the parade will go on as to give enough time for Little League to prepare. Mayor Canose said she, Mr. Czerniecki, Bob Markowick, and Olivia Manning will talk about what we can do that's celebratory but a little more than what we were originally planning, but we will still have a ceremony. The mural will be unveiled. There will be one or two food trucks at the Amerman lot. The veterans will be given vouchers so that they can have a free lunch, and then anybody that comes would be able to go to the food trucks. Mayor Canose said we had a meeting with Chris Colley of Topology to talk about the transit village application and it was very encouraging because we have a lot of the items checked already. We had a really good trivia night that the Cultural Arts Committee did with Downtown Bernardsville, which was a small fundraiser for the mural. We have been having energy audit meetings and they are now talking about the direct install. They are going to do an audit at the Library on Wednesday and Mayor Canose thanked Mr. Hammond for that grant because they have really been coming up with some interesting things about our bills and where our energy is being spent. It has been really useful. The Farmer's Market is starting on the first Saturday in June and Mayor Canose and Ed English made a promo video. Mayor Canose said there are beautiful flower boxes by the Garden Club at the train station and thanked Rosalie Baker for watering them. This month is Mental Health Awareness Month and on the County's Facebook page they have good videos on mental health and stigma free initiative. The county is getting a lot more vaccinations than they originally were getting. They are now up to 2000 J&J, 5000 Moderna, and 1000 Pfizer. The Pfizer vaccines will be for 12 to 16 year olds. They are doing a lot of pop-up vaccination clinics and we will be having one at our train station on Thursday, May 13th from 3:00pm to 7:00pm. There was also one on this past Friday night at St. Bernard's Church. Mayor Canose said she sent an update on the rescue funds as today was the deadline and hopefully that money will be coming in soon. Congressman Malinowski had asked for any requests from municipalities for community project funding and had to select ten to submit for federal funding. Our Boylan Terrace project was one of the ten he chose. The county was doing a survey of municipalities about reopening their town halls and having in-person meetings. Mayor Canose attended the kickoff for the Mayor's Monarch Pledge which she will be doing again this year.

Administrator's Report

Mr. Czerniecki said today we received a deposit of \$1.4 million dollars for the sale of the residence at 271 Mine Brook Road and thanked Mr. Pidgeon and a number of people on our team that worked really hard over the weekend to finalize that deal. He said especially Chief Miller of the Fire Department who had to do some coordination with the fire code staff and it worked out well. He said the budget we adopted seemed somewhat higher because we had to account for the taking in of this money for 271 Mine Brook Road but throughout our presentations we made it clear that this was just a one-time transactional bump. He said year-to-date pool membership sales have exceeded last year, and actually more than in the past five years. There is a slight change in the way we are approaching our Facebook page to highlight government in action. Mr. Czerniecki encouraged everyone to take a look at the Library's new website. The Library had their first live event as they transformed the grounds of the Library into a safari park. Earlier in this meeting we had a resolution for the appointment of our new mechanic. Mr. Czerniecki said he will be asking council to consider a proclamation to honor our retiring mechanic who has been with us for 36 years and has single-handedly managed that fleet. We had our first due diligence meeting with one of the redevelopers this past Thursday for Quimby Lane and we have the second one scheduled for this Thursday. We do have one redevelopment related matter for executive session tonight. We are receiving 17 cases of led bulbs that we are receiving as a result of a grant that Mr. Hammond applied for and they will be distributed throughout the community. Mr. Czerniecki thanked the CERT team that Chief Valentine has organized to assist with the bike races. The races are really a huge success and is a big plus for our recreation program, and we are grateful for those volunteers that are helping to provide some of the public safety coordination on site. Mr. Czerniecki said pharmacies are not collecting used syringes and in conjunction with the Drug Enforcement Administration (DEA) the Police Department has collected 15 pounds of unused prescription drugs through a DEA backed program over the past couple weeks.

Correspondence - Gas Powered Leaf Blowers

Mayor Canose discussed correspondence we had of a letter from a resident about the noise of gas leaf blowers. Mr. Pidgeon read the current noise ordinance which indicates you cannot operate construction equipment between 6:00pm and 7:00am weekdays between 6:00pm Friday and 9:00am Saturdays or between 4:00pm Saturday at 7:00am Monday. Discussion took place about the current ordinance pertaining to the operation of tools or equipment used in construction, drilling, earth moving, excavating, or demolition, and if we could expand that category or change the times. Mr. McQueen said every Saturday morning there are lots of people driving tractors on Kiwanis baseball fields getting them ready for 9:00am games and whatever we put in place has to be enforceable borough wide. He said Kiwanis Park is not the only place that has equipment that's working to get things ready for various activities. Council agreed not to take any action at this time.

Unfinished Business

Mr. Pidgeon said he would like to thank Glenn Miller publicly and the Fire Marshal in there assistance after we ran into an unanticipated problem with property at 271 Mine Brook Road with respect to smoke detectors. He said Mr. Miller really stepped up and worked all weekend and this morning so we were able to close today. The Mayor and Council members offered thanks to Mr. Miller as well. Mr. O'Dea said closing on the 271 Mine Brook Road property is a very important aspect of what we were trying to do with our finances this year. Mr. McQueen asked if borough staff could inquire about obtaining permission from NJDOT to cut into the road on Route 202 or the driveway. Mr. Czerniecki said that that typically takes an engineering study and plan and we can start soliciting quotes. Mr. McQueen said this is something he feels is in the best interest of all parties if we can move this forward. Mr. O'Dea said we should definitely move forward on assessing what it's going to cost us. Mr. Donahue agreed to move forward and said it is not an easy turn coming out of the driveway and the mailbox blocks your view. Mr. Czerniecki will inquire about quotes to proceed.

New Business- None**CLOSED SESSION**

Mr. O'Dea moved to adjourn to an executive session to consider Property Acquisition and Collective Bargaining, and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved. Mr. McQueen seconded and the motion was passed with six yes votes.

REOPEN

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

Mr. Hammond moved **Resolution #21-112, RATIFYING THE MEMORANDUM OF UNDERSTANDING FOR THE PBA LOCAL 365 SERGEANTS AND LIEUTENANTS CONTRACT FOR 2020 TO 2023**. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Mr. Hammond moved **Resolution #21-113, RATIFYING THE MEMORANDUM OF UNDERSTANDING FOR THE PBA LOCAL 365 PATROLMAN AND DETECTIVES CONTRACT FOR 2020 TO 2023**. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.
