

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
May 24, 2021

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members 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. Council Member Chad McQueen arrived at 7:15pm. Council Member John Donahue arrived at 7:35pm.

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, Field Operations Manager of Animal Control Solutions was present. Mr. Vastola discussed sample ordinances from other towns regarding animal impounding fees. He said these situations can be costly for the town and discussed impoundment ordinances that clearly state that all expenses that are accrued during the period where Animal Control Solutions has to hold the animal, is the responsibility of the owner. Mr. Pidgeon will review the sample ordinances and prepare one for a future meeting. Mayor Canose thanked Mr. Vastola for providing very thorough monthly reports.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from April 26, 2021 and May 10, 2021. Mr. O'Dea seconded and the motion was approved with four yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Johanna Wissinger, Environmental Commission Member, said she has concerns about stormwater runoff as it affects our roads, compromises bridges, and flooding. She said enforcement is a problem because it's costly so we are left with it being the responsibility of individual property owners and that is where her concern is with Ordinance #2021-1881. She said she hopes to get support from the council, that everyone gets educated on this topic, and that we implement as many regulations as we can so that people do not have wet backyards and basements.

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

Mr. McQueen arrived.

ORDINANCES (Public Hearing)

Mayor Canose continued the public hearing from May 10th 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 or questions, Mayor Canose closed the public hearing. Mr. Hammond asked when this ordinance would be able to be reintroduced if it were voted down. Mr. Pidgeon said it could be reintroduced at any time if it is modified further and we couldn't reintroduce the identical ordinance. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Ms. McCredie seconded. Before a vote was taken it was decided to have the Public Works Committee, Mr. Macdowall, and Mr. Walker review the ordinance and give their input before moving forward. Mr. Donahue arrived at 8:30pm. Mr. McQueen withdrew his motion to adopt and Ms. McCredie withdrew her second. Mr. Pidgeon suggested having this ordinance as an item of business when it comes back to council on a future agenda.

Mayor Canose opened the public hearing on Ordinance #2021-1882, **AN ORDINANCE SETTING 2021 SALARIES AND HOURLY RATES FOR NON-CONTRACTUAL EMPLOYEES**. Hearing no comments or questions, 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. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

ORDINANCES (Introduction)

Mr. Hammond moved that Ordinance #2021-1883, **SALARY ORDINANCE FOR PATROLMAN AND DETECTIVES OF THE BERNARDSVILLE POLICE DEPARTMENT**, 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, June 14, 2021. Ms. Zamarra seconded and the motion was approved with six yes votes.

Mr. Hammond moved that Ordinance #2021-1884, **SALARY ORDINANCE FOR SERGEANTS AND LIEUTENANTS OF THE BERNARDSVILLE POLICE DEPARTMENT**, 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, June 14, 2021. Mr. McQueen seconded and the motion was approved with six yes votes.

RESOLUTIONS

- #21-114 AUTHORIZING PAYMENT OF BILLS**
- #21-115 AMENDING THE PROFESSIONAL SERVICES CONTRACT
WITH MARAZITI, FALCON, LLP**
- #21-116 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
WITH DANIEL W. LINCOLN ARCHITECT**
- #21-117 APPROVING A FIREWORKS PERMIT FOR KEN SILVERMAN**
- #21-118 AMENDING RESOLUTION #21-88, WHICH AUTHORIZED BIKE
RACE EVENTS ON BOROUGH PROPERTY LOCATED AT 271
MINE BROOK ROAD**
- #21-119 APPROVING A FIREWORKS PERMIT FOR SOMERSET HILLS
COUNTRY CLUB**
- #21-120 AUTHORIZING REFUNDS OF RECREATION/POOL FEES**
- #21-121 APPROVING MEMBERSHIP ON THE CERT TEAM**

Mr. Hammond asked a question about the requirements for the fireworks permit. Mr. Suriano said the resolution is contingent on the Fire Prevention Official issuing a permit and receipt of insurance and a hold harmless agreement. Mr. Hammond moved to adopt Resolutions #21-114 to #21-121. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. McQueen, Ms. McCredie, Mr. O'Dea, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said she and Mr. Hammond attended a webinar on dams and the steps involved if you need to remove one. She said we need to see if there's historical aspects to the dam and involve the State Historic Preservation Office (SHPO). The NJDEP will be offering loans for dams starting in the fall. Mayor Canose said she and Mr. Pidgeon met with the mission committee of Saint John's Episcopal Church on the Mountain who are looking to buy a two-family home to convert to affordable housing as a way to provide affordable housing for anyone in our region. They also met with Dan Levin, who is our affordable housing expert from

CGP&H. Mayor Canose thanked Mr. Markowick, Olivia Manning, and Mr. Czerniecki for working out all the Memorial Day ceremonies. The mural unveiling will be at noon on Memorial Day. Mayor Canose said the speaker at the Somerset County Governing Officials monthly meeting was Jerry Midgette, who is the Administrator for elections for Somerset County. The drop boxes are now open for the June 8th Primary Election. There will be in-person voting at this election and mail-in ballots will only be sent to the voters who requested them. Mayor Canose said there is going to be early voting for the November 2nd General Election which will start nine days prior to Election Day. We had a very successful pop-up vaccination clinic at the train station as run by Somerset County with over a hundred doses being given out. Mr. Hammond said the CERT team was involved with the vaccination clinic as well, and thanked them for their hard work. Mayor Canose said we had our first Employer Legislative Committee meeting (ELC) since last February and they are expecting to go back on a monthly basis in person starting in June. The speaker for this meeting was Colleen Mahr, Somerset County Administrator, who went over some of the county goals which include their energy initiative, supporting the tourism and hospitality industry that have suffered so much through the pandemic, and about rescue funds and how they're going to be used. Mayor Canose said we are approaching the 250th anniversary of our country and the county is going to be putting emphasis on the history that is in Somerset County as a tourism package. The Cultural Arts Committee met and they have been helping with the mural and are looking to do another trivia night in September with a Broadway theme. They are looking to do some summer concerts in the gazebo by the pond and are also working on a Welcome To Bernardsville video. Mayor Canose said she met with Mike Cirelli and his partner who will be opening a new place called Game Changer Gym, which will be taking half the space of the Bar Method. Mayor Canose attended two different webinars on the Rescue Act. She said she heard back from NJDOT on our Transportation Alternative Set-Aside Program Grant which was for the Boylan Terrace neighborhood connection. They had 133 applications which totaled over one hundred million dollars and they only had 9.7 million in available funding, so we were not chosen, but they did encourage us to reapply in the next round. She said the Thursday county meetings are now going to be going to twice a month instead of weekly, and as of last Thursday, 78.5% of county residents have received their first vaccination shot and 63.6% percent have received both. The county has also vaccinated 10,000 minors so according to their data, they are 16,000 residents short of herd immunity. The BPU launched a utility assistance week because the moratorium on utilities is going to be over at the end of June.

Administrator's Report, Mr. Czerniecki said we are hoping to have a resolution prepared for the next council meeting to outline the parameters for reopening of municipal buildings. He said he is working very closely with department heads, having monthly leadership seminars and bringing in guest speakers. He said he is working on a core values initiative and updating our organizational charts. Council will vote on each of these two items at a future meeting once the Personnel and Organizational Development Committee reviews them. Mr. Czerniecki said the household cleanup event at the compost facility on May 15th was well attended and we had almost 300 participating residents. Mr. Czerniecki thanked our Public Works team for their work in getting the veterans banners hung in the downtown area. He said the Lloyd Road

NJDOT grant has been fully received in its entirety of two hundred thousand dollars. We are nearing completion of the lower level generator project at the Library.

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

Public Safety Committee, Mr. Donahue said the committee did not meet since the last report.

Finance Committee, Mr. O'Dea said the committee did not meet since the last report.

Municipal Attorney Report, there were no questions or comments from council on Mr. Pidgeon's report.

Personnel Committee, Mr. Hammond said aside from what was covered in Mr. Czerniecki's report, we have already voted on the PBA contract at the last meeting and salary ordinances for the PBA were introduced earlier in this meeting. The salary ordinance for non-contractual employees was adopted earlier in the meeting. The committee is working on a core value statement which will feed into our ability to develop key performance indicators and performance evaluations. We will be reopening Borough Hall in some degree at some time in mid-June. Mr. Hammond said now that we passed the salary ordinance related to the PBA contract, discussions are underway to develop the process to recruit for a Captain's position which was approved in December.

Engineering, Technology, and Public Works Committee, Ms. McCredie said Mr. Walker was on vacation, so the committee shifted their meeting to tomorrow. She said technology is in the title of this committee and while not discussed in past committee meetings, it will be part of their meetings moving forward.

Land Use Committee, Mayor Canose said we are waiting for Advanced Realty to give us their concept plan and it is supposed to be submitted by the end of this week.

Housing/Zoning Committee, Mr. Price was absent and it was noted the committee did not meet last month due to vacations.

Planning Board, Mr. McQueen said the Planning Board discussed the stormwater ordinance at their last meeting. He said he wanted to make the public aware that on May 27th there will be a public hearing at the Planning Board meeting in regard to the new Cingular Wireless tower at the location of 150 Morristown Road.

Shade Tree Committee, Mr. Donahue had a conflict for the last meeting date and Johanna Wissinger said the Committee did not meet on that date.

Environmental Commission, Mr. Hammond said they met on May 12th and in addition to discussing stormwater with Planning Board representative Graham MacMillan, they are moving forward after the presentation at the last council meeting about electric vehicles and electric chargers. There has been further movement on developing rain gardens and one outside of the library is going to be planted. Mr. Hammond said the Commission has a subcommittee that is working with our food merchants to replace the food containers they use for takeout to make things more environmentally friendly. He mentioned that Tsuki Japanese Restaurant has taken part by creating a profile online for residents so they can avoid giving people utensils for those who do not want them in their takeout order. He said through a grant we have obtained samples of environmentally friendly takeout materials to replace Styrofoam. The Environmental Commission is going to increase their outreach to the public, so in addition to their Facebook page, they are going to cross reference all their postings to their own internal pages to external social media.

Library Board, Ms. Zamarra said the Board met on May 18th. They had an outdoor concert last week with a great band. It was very well received and a lot of fun. She said the Library's website has been revamped and they are very open to feedback. Ms. Zamarra said they have lots of great programming coming up especially for residents in the summer.

Mayor's Update (continued), Mayor Canose said Community In Crisis had an outdoor concert in their new building on Church Street and they have been using their garage to host a band. She said everyone brings their own chairs so they've really been trying to reach out more into the community with events.

ITEMS OF BUSINESS

Summer Hours

Council consent was given to authorize summer hours for borough staff, where the staff is split into two teams. Instead of working hours of 8:30am to 4:30pm with a one-hour lunch, working hours are 8:00am to 4:30pm Monday through Thursday with a 40-minute lunch and teams alternate being off every other Friday.

Hardship Street Opening - 59 Liberty Road

Mr. Czerniecki said this is a road that you typically would not be able to open because of its newness; however in this situation, the sanitary sewer collapsed and needs to be repaired. Mr. O'Dea said we put a policy in place for these situations and it seems like they're following the policy, so this should not be controversial. Mayor Canose said they are paying the street opening fee. Mr. McQueen asked if this type of topic needs to come to council since they are following the policy. Mr. Pidgeon said typically council would have to approve them per the ordinance unless it's an emergency. It was noted this case meets the emergency exception and they did the

work before the meeting. Mayor Canose said we are memorializing it. Mr. O'Dea moved approval of the hardship street opening at 59 Liberty Road. Mr. Hammond seconded and the motion was approved with six yes votes.

Shade Tree Committee Chair Appointment

Due to the recent resignation of Ann Wazeter, Chair, there is a vacancy for the Shade Tree Committee Chair. Council consent was given to have Mr. Suriano reach out to the existing members of the Shade Tree Committee to find out who would be interested in being Chair or if anyone would nominate another member. Since there is no Vice Chair, that will also be included in the email to see who is interested in that.

Correspondence -NJ American Water

Mayor Canose said NJ American Water Company has new reporting requirements and they have to notify the Mayor, Municipal Clerk, or an authorized designee of each affected municipality no later than one hour of their becoming aware of an emergency requiring a tier one public notification.

Unfinished Business

Ordinance for dogs at parks, it was noted the Recreation Committee will be discussing this topic and Mr. Markowick confirmed it is on their agenda for their meeting tomorrow night. He said some of the members of committee reviewed the discussion at the last council meeting so they are familiar with this topic and prepared for discussion.

New Business

Contract to Midwest Construction for Crestview Drive Drainage and Roadway Reconstruction, Ms. McCredie asked if we investigate or look into the companies that bid before we actually award the bid to make sure that they don't have any issues. Mr. Czerniecki said they submit lists of projects that they have done in surrounding communities and we have developed relationships with our fellow public works departments and engineers in those communities and we know who is a quality contractor. Mr. O'Dea asked if there is a process in New Jersey for when a contractor doesn't perform that they get put on a blacklist. Mayor Canose said there is a list on the state website. Mr. Czerniecki said there are also performance bonds and maintenance bonds which stay in place. Mr. Pidgeon said it is still public bidding and it's difficult to reject a bidder. He said the list that the state maintains is really for criminal fraud and things like not paying prevailing wage or infractions of that nature. Ms. McCredie she had two reasons for her comment, one because in the past, we hired a company that operated under a different name but it was essentially the same company of one we had issues with the original company. She said when we hired the other company under a different name, we had problems. She said secondly, a nearby town just awarded a bid for work and they have a lawsuit going

against the company, but in the meantime they awarded the bid to them. Mr. Czerniecki said the Public Works Committee can put that on the agenda for tomorrow's meeting and talk about process. Ms. McCredie moved to adopt **Resolution #21-122, Awarding a Contract to Midwest Construction for Crestview Drive Drainage and Roadway Reconstruction.** Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. McQueen, Ms. McCredie, Mr. O'Dea, and Ms. Zamarra voted yes.

OPEN SESSION

Mayor Canose opened the meeting to the public. Hearing no comments from the public, Mayor Canose closed the open session.

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 six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:45pm.
