

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
March 22, 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, Jena McCredie, Chad McQueen, Thomas O'Dea, Jr., and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, 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 24, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS - None

APPROVAL OF MINUTES

Mr. McQueen moved approval of minutes from February 22, 2021 and March 8, 2021. Ms. Zamarra seconded and the motion was approved with six yes votes.

OPEN SESSION

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

ORDINANCES (Public Hearing)

Regarding Ordinance #2021-1876, **ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF BERNARDSVILLE AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS" AND ARTICLE 12 OF THE BOROUGH LAND USE REGULATIONS ENTITLED "ZONING"**, Mr. McQueen moved to continue the public hearing to April 12th at 7:00pm as the Planning Board will review this ordinance at their March 25th meeting and submit a recommendation to council at a later date. 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) - None

RESOLUTIONS

- #21-68 AUTHORIZING PAYMENT OF BILLS**
- #21-69 A RESOLUTION TO UTILIZE THE THREE-YEAR AVERAGE
METHOD IN COMPUTING CERTAIN REVENUES IN THE 2021
MUNICIPAL BUDGET**
- #21-70 AWARDING A CONTRACT FOR GRASS CUTTING AND LAWN
MAINTENANCE**
- #21-71 SUPPLEMENTING RESOLUTION #21-43 WHICH AUTHORIZED
2021 OEM APPOINTMENTS**
- #21-72 AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2021
RECYCLING AGREEMENT WITH SOMERSET COUNTY**
- #21-73 SELF-EXAMINATION OF BUDGET RESOLUTION**
- #21-74 AUTHORIZATION OF TAX REFUND**
- #21-75 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #21-76 AUTHORIZATION OF SEWER REFUND**

Ms. Zamarra moved to adopt Resolutions #21-68 to #21-76. 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.

#21-77 INTRODUCTION OF THE 2021 MUNICIPAL BUDGET

Mr. Czerniecki and members of the Finance Committee discussed a presentation of slides that went over proposed increases in expenses, tax rate, investments, borough valuation, how we control spending, capital programs, and municipal debt.

Mr. O'Dea moved to adopt Resolution #21-77 and have a public hearing on adoption of the municipal budget scheduled for April 26th at 7:00pm. 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.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said she and Mr. Hammond attended a webinar on March 9th titled "Community Engagement – The Key to a Successful Dam Removal". She said she attended a webinar on making communities livable for people of all ages. March 10th was the Somerset County Governing Officials Association meeting, which Mayor Canose and Ms. Zamarra attended. Ms. Zamarra said there was a presentation by the Sheriff going over the work they do with the Canine Unit. Mayor Canose said Ms. Zamarra and Ms. McCredie attended the Downtown Bernardsville meeting where Olivia Manning discussed Main Street NJ as she did at the last council meeting. On March 11th, Mayor Canose said she attended a seminar on changing landscape on New Jersey's clean energy programs. She said the BPU is closing down the Solar Renewable Energy Credit (SREC) incentive and making it Transition Renewable Energy Credit (TREC). On March 15th Mayor Canose attended a webinar with Congressman Malinowski who gave a briefing on the American Rescue Bill. Mayor Canose said we had our initial meeting for the Sustainable Jersey energy initiatives and they are going to help us identify where our charges are coming from and have us enroll in the energy star portfolio system. The Cultural Arts Committee met on March 17th and rescheduled Trivia Night to April 13th from 7:00pm to 8:00pm. The Star Ledger had an article on our mural. On March 18th Mayor Canose attended a cannabis law update by the NJ League of Municipalities and shared the information with council. Somerset County received Johnson & Johnson vaccines and those are prioritized for homeless, senior housing, jail population, and municipalities that have a low vaccination rate. Teachers have priority for vaccines at Walgreens, Rite Aid, and CVS until the end of the month. Somerset County is 5th in the state for vaccination. Mayor Canose attended a webinar on reducing the climate footprint of NJ residents given by Rutgers. Mayor Canose said St. Elizabeth's held their Shamrock Shuffle this past Saturday and she thanked the Police Department for doing an amazing job keeping everything running smoothly. She said the update on A1517 was canceled and there has been no movement on that bill which is a good thing. Mr. Hammond will be doing a vaccine program through the Bernardsville Diversity, Equity, and Inclusion Group.

Administrator's Report, Mr. Czerniecki said on Friday we will have a follow up call with a Moody's representative that is looking at our bond rating. He recognized the work that Geoff Price and his staff has done for Downtown Bernardsville which sets up a good metric of tracking the redevelopment of downtown. He said the Public Works Department dealt with seven snow storms this weekend and we are organizing a thank you pizza party for them. They also painted the Claremont Fieldhouse to prepare for the coming season. Mr. Czerniecki recognized the work Chief Valentine did regarding the NJ Law Enforcement Accreditation Program and we received a letter stating that the Bernardsville Police Department meets the conditions for certification and we are included in the NJSA COP LEAP database as a certified law enforcement agency. Ms. Zamarra moved to accept department's monthly reports. Mr. O'Dea seconded and the motion was approved with six yes votes.

Public Safety Committee, Mr. Donahue said the committee has not met since the last report. Chief Valentine said they are using a different format for their monthly reports to make them more useful and user-friendly.

Finance Committee, Mr. O'Dea said the introduced budget was discussed and approved earlier in the meeting.

Personnel Committee, Mr. Hammond said Mr. Czerniecki is putting together a table of organization and is meeting with all of the department heads. The committee would like Mr. Czerniecki to make a presentation to the public about tax dollars and the basics of redevelopment and redevelopment economics. Diversity and inclusion training has commenced.

Engineering, Technology, and Public Works Committee, Ms. McCredie said the committee met and discussed the dam project. She said Mr. Walker is arranging meetings with Johanna Wissinger and Kristi MacDonald to get more information and knowledge about the dam and which direction we should go as far as keeping it the way it is or letting it go. Information came back from the NJDEP as to what they require from a wetlands perspective for the walking path at the Polo Grounds. Mr. Walker and Mr. Markowick are working on how we move forward so we can contact engineering and ask them to complete some updates to the drawings and put bid specs back together so we can go back out to bid. Ms. Zamarra said repairs were done to the sidewalk where the mural will be. She said work is being done on the Library and the Claremont Clubhouse. The clubhouse is a solution to our concerns about indoor space for recreation.

Land Use Committee, Mayor Canose said we are having a special council meeting on April 14th regarding redevelopment with the developers who submitted a proposal for the old Audi Dealership and Quimby Lane. Mr. Czerniecki said the developers will be also establishing their credentials and qualifications for the public to see.

Housing/Zoning Committee, Mayor Canose thanked Mr. Price for all of his work regarding the Main Street NJ application.

Planning Board, Mr. McQueen said they met on March 11th and spent a lot of time reviewing stormwater regulations. They will be sharing their comments with other committees such as the Environmental Commission before bringing it back to council for review.

Shade Tree Committee, Mr. Donahue said he had a conflict and could not attend the last meeting. Johanna Wissinger said the committee tweaked two letters to tree companies that do work in town advising them of our tree protection ordinance so they could inform their clients if they are unaware of our ordinance. Ms. Wissinger said hunting season was a success but there were less hunters due to Covid.

Planning Board (continued), Mr. McQueen, on behalf of the Planning Board, asked Ms. Wissinger if the Environmental Commission could create an informational brochure about the importance of stormwater management and how to maintain it.

Environmental Commission, Mr. Hammond said the Commission met on March 10th. There are webinars/Zoom calls on dams, well water, e-vehicles, plastics, or stormwater once or twice

per week and he is attending six to ten webinars/Zoom calls per month. The Commission talked about their goals for the year. There is valuable information on the Environmental Commission webpage such as rain gardens and native plants in the area. They are trying to make well testing easier and more affordable and looking at strategies to promote green approaches to stormwater management. They are looking at creating a liaison with the Somerset Hills School District to collaborate with a student. They are looking at expanding diversity on the Commission. They undertook a survey of local restaurants to ascertain what they are doing for takeout packaging. He said through a small amount of grant funding we have been able to provide them with funding for alternative/green samples if they are currently using styrofoam and informing them of the styrofoam ban. The Commission is looking at grant proposals related to electric vehicle charging stations or rain garden programs.

Board of Health, Ms. McCredie said Bernards Township is doing an amazing job and a lot of work in support for the borough. Mayor Canose said they have had a lot of Covid testing sites. Mr. Hammond said they have also been approved as a vaccination site but not able to get a supply.

ITEMS OF BUSINESS

Request for Temporary Sign at Olcott Square for Car Show at Gallaway & Crane Funeral Home in Basking Ridge

Mr. Price said that per ordinance, the activity that the sign is advertising has to be in the borough and this is Basking Ridge, so council permission is needed to allow the sign. Mayor Canose said the car show is being done by borough residents, the Heartworks Director lives in Bernardsville, and Heartworks serves Bernardsville as well as surrounding areas. Mr. Hammond mentioned our sign ordinance indicates signs can stay up for two weeks but the request is for 30 days. Council consent was given to allow the sign for two weeks to be consistent with our ordinance.

Class of 2020 Garden

Kerry Haselton, Environmental Commission member, said they would like to include the Class of 2021 in the garden, as they also have been impacted from Covid like the Class of 2020 had been. She asked council for ideas on how to accomplish this. Mayor Canose asked how much it would be to change the sign to include the Class of 2021. Ms. Haselton said it would be about the same cost as the original sign which was \$130. Mr. O'Dea said he recalled there being phases of the garden and possibly the Class of 2021 could be included in the second phase. He said we could do the sign this year and move it to the second phase when it's complete. Mr. McQueen asked if the cost falls within the 5% variance and Mr. Pidgeon answered it did being only \$130. Mr. McQueen suggested moving this forward and not having to come back for separate approval. He said he agrees with Mr. O'Dea about doing the sign and would also like to

see the second phase be completed. It was noted that the wording on the sign would be left to the Environmental Commission's discretion. There were no objections from council.

Pine Ridge Electrical Transformer Rotation (Discussion and Resolution)

Mr. O'Dea moved to adopt Resolutions #21-78 **AUTHORIZING EXPENDITURE FOR PINE RIDGE ELECTRICAL TRANSFORMER ROTATION**. Ms. McCredie 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.

Draft Ordinance Concerning Alarm Systems

Mr. Donahue moved that Ordinance #2021-1877, **CONCERNING ALARM SYSTEMS AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**, 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, April 12, 2021. Mr. Hammond seconded and the motion was approved with six yes votes.

Correspondence - None

Unfinished Business

Bike Racing at 271 Mine Brook Road, Mr. Donahue said he met with Mr. Czerniecki, Mr. Markowick, and our Risk Manager about a bike race at 271 Mine Brook Road. He said the JIF is good with the concept and the field drains very well given the rain we had last week. He suggested possibly using the restrooms located at the cottage on the property. Mr. Czerniecki said we will discuss more details with the engineer, public safety, and public works, and then a resolution with more details will be considered at a future meeting. Mr. Donahue said this is planned for a series of races each Wednesday starting in mid-April to June.

Glenn Miller, Fire Chief, asked if when the motion extending outdoor dining through December 31, 2021 was passed, was the indemnification to himself, Kevin Valentine, Geoff Price, and Lucy Forgione also extended. Mr. Pidgeon said everything was extended. Clarification on this topic was made after the meeting was reopened to the public.

New Business - None

OPEN SESSION

Mayor Canose opened the meeting to the public.

Kerry Haselton, Mine Brook Road, said she thinks the bike race at 271 Mine Brook Road is a good idea but said the suggestion using the cottage for restrooms would mean we would be responsible for cleaning it to the special level of Covid protocol. She said this may require more staffing and suggested a port-o-potty might be an easier solution. Mr. O'Dea said he toured the building and it needed more than a small level of cleaning which would be in addition to maintaining the restrooms after each race.

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

Chief Valentine spoke about the traffic study on Prospect Street. He said all of the traffic updates are in the monthly reports. He said there is nothing we can do regarding parking laws on Prospect Street because they are statutory by state. He said any complaints will be handled by officers on a case-by-case basis. There will be no changes or modifications to Prospect Street at this time. He said to address a safety issue on Prospect Street, they installed a hill warning sign and a 15mph speed advisory sign. He said Public Works was fixing signs on Lloyd Road today. He said they addressed the traffic detour from Meeker Road being closed so that cars do not travel through Ann Street and Liberty Road to get to Mount Airy Road.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations 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 was approved with six yes votes.

Mr. McQueen made a motion to amend the March 8th minutes to reflect that Resolution #20-155 is extended to December 31, 2021 for all provisions except those rendered moot by the new downtown zoning ordinance. Mr. Hammond seconded and the motion was approved with six yes votes.

Mr. O'Dea moved to adopt **Resolution #21-79, AUTHORIZING A LEASE WITH SUMMIT MEDICAL GROUP, P.A.** Mr. McQueen seconded and the motion was approved with six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:20pm.
