

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**October 24, 2022**

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield, Chad McQueen, Al Ribeiro, and Christine Zamarra (remote). Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk. Council Member Jena McCredie was absent.

**STATEMENT OF PRESIDING OFFICER**

Notice of this meeting was provided to the Bernardsville News and Courier News, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 27, 2021.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

Ms. Greenfield moved approval of minutes from September 12, 2022 and September 26, 2022. Mr. Ambelang seconded and the motion was approved with five yes votes.

**PRESENTATIONS**

**Mayor's Proclamation – Small Business Saturday, November 26, 2022**, Mayor Canose read a proclamation proclaiming November 26, 2022 as Small Business Saturday in the Borough of Bernardsville.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Gerry Schmidt, Tysley Street, said he wanted to speak about the borough's towing ordinance in regards to the insurance requirements. He said he owns a small business, Basking Ridge Towing, and was looking at the insurance requirements and it's excessive with a five million dollar umbrella package. He said it's hard to get that insurance policy as a three million dollar liability policy is the standard but a five million dollar umbrella package is excessive. He said their work is not guaranteed as there is a towing rotation so you can go periods of time without even getting called. He said he knows of seven other towns and the state police that do not require that kind of amount of insurance. Mr. Ribeiro thanked Mr. Schmidt for coming and informing council of how this affects him directly as a small business owner. He said the borough has looked into this deeply and he feels we have a preliminary recommendation, however, Mr. Czerniecki would like to do a little more research. Mr. Ribeiro said we're going to have a proposal to potentially make an adjustment to this policy at the next Borough council meeting in November. Mr. Czerniecki said our Risk Manager looked into this at Mr. Ribeiro's request and agreed that we can adjust it. Mr. Czerniecki said we have a few more questions for

our Risk Manager, so we have a little more research to do, but he thinks we'll be ready to introduce an ordinance that will change our ordinance for the benefit of the public. He said the current insurance limits were put in place a number of years ago at the limits established by the JIF, but it seems that the requirements have been declining over the years.

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

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

Regarding Ordinance #2022-1933, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR BLOCK 71, LOT 6 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**, Mr. McQueen said this ordinance was heard at the Planning Board and the Board agreed that the entirety of the conditions was too broad. He said they narrowed it down and revised it, which is now Ordinance #2022-1936, on for introduction later at this meeting. It was noted that council is following the recommendation of the Planning Board and voting down Ordinance #2022-1933 and introducing a revised Ordinance #2022-1936. Mr. McQueen noted Ordinance #2022-1936 will be sent to the Planning Board for recommendation. Mr. McQueen moved to reject this ordinance on final reading. Mr. Ribeiro seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

### **ORDINANCES (Introduction)**

Mr. McQueen moved that Ordinance #2022-1936, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR BLOCK 71 LOT 6 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**, 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, November 14, 2022. Ms. Greenfield seconded and the motion to introduce was approved with five yes votes.

### **RESOLUTIONS**

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| <b>#22-206</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>   |
| <b>#22-207</b> | <b>AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH CGP&amp;H</b>                       |
| <b>#22-208</b> | <b>AWARDING A CONTRACT FOR MUNICIPAL PARKING LOT SNOW PLOWING AND SIDEWALK CLEANING</b> |

- #22-209      AUTHORIZING THE MAYOR AND CLERK TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH BURGIS ASSOCIATES TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 125, LOTS 1, 2, & 3 (Palmer Property)**
- #22-210      APPOINTING CAPTAIN JOHN REMIAN AS CHIEF OF POLICE EFFECTIVE DECEMBER 1, 2022 AND AS ACTING CHIEF FOR THE PERIOD FROM NOVEMBER 18, 2022 THROUGH NOVEMBER 30, 2022**
- #22-211      REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 2022/2023 MUNICIPAL YOUTH SERVICES GRANT**
- #22-212      AUTHORIZING RENEWAL OF INACTIVE A.B.C. LICENSE**
- #22-213      AUTHORIZING TRANSFER OF FUNDS**

Regarding the agreement with Burgis Associates in Resolution #22-209, Mayor Canose said that we listed specific concerns for our Planner to address and those are based on the input we received from the community. She said we want the plan to address pedestrian and vehicular circulation improvements, pedestrian and vehicular safety improvements, improvements to downtown public parking through shared parking, and a provision of outdoor public seating and gathering spaces. She said those conditions have to be incorporated into the plan and the developer will have to meet those and any others that the Planner puts in. Mr. Ambelang asked if that will be paid for by the developer and Mayor Canose said yes.

Ms. Greenfield moved to adopt Resolution #22-206 to #22-213. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

Mr. McQueen asked about the procedure of the first draft of the redevelopment plan. Mr. Czerniecki said it's essentially a zoning ordinance, so council will introduce, the Planning Board will then review and make a recommendation, and then it will go back to council for adoption. He said when the plan is submitted, the redevelopment plan is what needs to guide the Planning Board's site plan review. Mr. Pidgeon noted that the council has the final say.

## **COUNCIL COMMITTEE REPORTS**

**Mayor's Update,** Mayor Canose said she attended a New Jersey League of Municipalities webinar on ethics issues in social media. Mayor Canose attended the Somerset County Governing Officials Association meeting in October which was held in Montgomery. She said the speaker was Walter Lane, Director of Planning Policy and Economic Development for Somerset County. She said they have revamped the whole department under Walter Lane and doing some really amazing things. She said we hope to get more information from them but

they're investing a lot of time and money in the County's Economic Development which is going to help everyone. Mayor Canose said on October 15<sup>th</sup> Pastor Beth and Pastor Dan had a picnic at Kiwanis playground for our Latino Community. She said they brought in a dental van so that some of the children in the neighborhood could have dental care done for twenty dollars. She said the picnic was in the afternoon and ESL teachers were there to help with translation and getting forms filled out. Mayor Canose said she did a ribbon cutting for Dance Local on November 16<sup>th</sup> which is located in the back of the old library building. She said they've done an amazing job in redoing the space. She said it's another business opening and we have had a lot of women-owned businesses opening which is really exciting. Mayor Canose said there was a re-live The Beatles concert at the Library last Sunday which was really good. She said Friends of the Bernardsville Library have been doing a number of concerts on Sundays. She said they are free of charge and really worth going to. She said they had a Carole King concert and have a brass group coming in December. Mayor Canose said the Mayor's Wellness Committee had a meeting and they're working on doing a survey for the 55+ plus community because they are working on being age friendly. Mayor Canose attended Downtown Bernardsville's quarterly community meeting at the Library, and said they went over all the events they are doing including Wonderland Weekend. Mayor Canose said there was a Housing Committee meeting on Friday. She said the Housing Committee is looking for new members. Mayor Canose attended the game changer fundraiser for the Carol Simon Cancer Center. She said they are trying to raise ten thousand dollars for the Center so it was really worth it and they had a good turnout. Mayor Canose said she attended the wake of former Mayor Lee Honecker's wife who passed away last week. Mayor Canose said she attended another grand reopening on Sunday for Proud To Smile Dentistry, formerly called Aesthetic Dentistry of Bernardsville. She said they took over an empty office and did an amazing job in redoing it.

**Administrator's Report,** Mr. Czerniecki said two of our police officers ran a school safety program for The Home and School Association and we received an email from someone saying they feel safe after having seen this presentation. He said council recently adopted a fence ordinance and we developed a design guide to go along with that. He said the ordinance says what you're not allowed to do and the design guide encourages you to go in a certain direction. He said the design guide has now been added to our Zoning Department page on our website. Mr. Czerniecki said we have now passed the estoppel period following the adoption of the bond ordinance for the road improvements and we sent 130 letters to the residents on Bernards Avenue and surrounding streets that are going to be impacted by the road improvements. He said we are letting them know that it's in place and encouraging them to think through any kind of utility connections they want to make in light of our moratorium. Mr. Czerniecki said Public Works is now fully engaged in leaf collections. He said winter sports registration opened today and we had 150 people join the ski club on day one. He said we are seeing a huge increase in travel and Recreation basketball as a result of combining forces with the Somerset Hills group. He said other programs that saw an increase in signups were yoga, art, cheer, wrestling, and afterschool enrichment. He said registration is open for the next two weeks. Mayor Canose said Leah Horowitz told her she got a yoga teacher to bring back chair yoga, which was in big demand. Mr. Czerniecki said Somerset County has been really good in responding to the Somerset County Municipal Administrators Association's request to at least have them consider allowing us to join their HIF. He said they've had some really great discussions and their Executive Director has committed to giving us a quote. Mr. McQueen asked about Mr. Czerniecki's inquiry to the

traffic situation downtown. Mr. Czerniecki said he has been playing phone tag with the County Engineer but he did make the inquiry on at least starting a traffic study.

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

Mr. McQueen moved to accept the monthly reports as listed on the agenda. Ms. Greenfield seconded and the motion was approved with five yes votes.

## **COUNCIL COMMITTEE REPORTS**

**Public Safety Committee**, Ms. McCredie was absent and it was noted the committee has not met since the last report.

**Finance Committee**, Mr. McQueen said the committee has not met since the last report and will be meeting soon to discuss the 2023 budget.

**Organization Development and Personnel Committee**, Ms. Zamarra said the committee has not met since the last report.

Mr. Czerniecki said the Health Insurance Fund (HIF) is a hot topic that the Finance Committee and Personnel Committee will be discussing in the future.

**Engineering, Technology, and Public Works Committee**, Ms. Greenfield said the committee met on October 18<sup>th</sup> and discussed the revised lower Childs Road sidewalk plan as well as the Old Army Road sidewalk plan. She said both plans are still under review. She said the plan for Bernards Avenue sidewalks is currently under review. We are getting pricing for a traffic and parking impact study to evaluate circulation on the street and neighborhood under the scenario of a sidewalk on one side and the impact on more on-street parking. Ms. Greenfield said there was a meeting with the architect on October 18<sup>th</sup> about the Pavilion at the Polo Grounds. She said they will be providing proposals to develop concept plans. She said we are to receive preliminary utility drawings from Suburban Engineering and cost estimates on October 28<sup>th</sup>. She said the pickleball court has been painted and the fencing has been installed. We do not yet have an opening day. Ms. Greenfield said the preliminary plan for dam remediation was submitted on October 21<sup>st</sup>. She said veterans banners will be going up by the end of the October. Regarding leaf collection, Ms. Greenfield said it is provided at least twice on each roadway during the pickup periods, one of which began today. She said there is no pickup in three, five, and ten acre zones or on Commercial properties. She said a flyer with more information can be found on the Borough website, the Borough Facebook page, and there was an ad in the Bernardsville News. Mr. Czerniecki said to clarify one thing about work that's going into the Polo Grounds, we got an initial concept and then we had to make some decisions and guidance around how the building is going to be heated and the cost associated with the different options.

## **OTHER COMMITTEE REPORTS**

**Land Use Committee**, Mayor Canose said the committee has not met.

**Planning Board**, Mr. McQueen said the Planning Board has been exceptionally busy. He said they currently have in their purview the Essex Building, all three affordable housing properties, and the Equinet property. He said they have a full package for meetings every other Thursday.

**Environmental Commission**, Mr. Ambelang said they are focused on brainstorming ways to reach residents that are generally interested in participating in the goals of environmental health. He said they're beginning plan on growing a pollinator garden and possibly arrange a tour in the spring. He said they are working on trails for hiking and biking. He said the Commission is going to be doing an outreach at the Farmers Market this Saturday for information on the benefit of bats. Mr. Ambelang said they will be participating in the downtown Trunk or Treat event on October 29<sup>th</sup> also one of the importance of bats.

**Housing/Zoning Committee**, Ms. Greenfield said the committee met on October 21<sup>st</sup> and discussed the new state directives regarding the testing of lead paint in rental units. She said the committee also continued discussion on commercial vehicle parking in residential zones.

**HPAC**, Ms. Greenfield said the Somerset County Cultural and Heritage Commission selected Dan Lincoln to receive one of their 2022 Somerset County Historical Preservation Awards. She said at an October 19<sup>th</sup> ceremony Dan received the Historical Preservation Leadership Award. Ms. Greenfield said Friends of Historic Bernardsville just received a \$322,000 grant from the Somerset County Cultural Heritage Commission to restore the cottage at the Dunster Squibb property.

Mr. McQueen asked if when the analysis for parking on Bernards Avenue (mentioned in the Public Works Committee report) and commercial parking (mentioned in Housing/Zoning Committee report) takes place, are the committees going to work together to come up with a recommendation to solve the parking problem. Ms. Greenfield said the Housing Committee is just working on parking commercial vehicles on property and size of commercial vehicles that are allowed to be in driveways or yards.

**Open Space**, Ms. Greenfield said the committee has not met.

Mayor Canose said the Environmental Commission is looking for people who want to be on the Green Team. She said the Green Team has not been active since Covid and they are looking for enthusiastic people to get involved. She said the Green Team helps us with our Sustainable New Jersey certification.

**Street Smarts**, Ms. Zamarra said the Street Smarts Campaign is in its last phase for the five corners intersection, which is when they survey people on how they think things are now at that location and then their final evaluation will include whether or not there was any improvement. She said she will email the survey link so we can put it on the website.

**Land Use Committee**, Mayor Canose said the committee has not met.

## **ITEMS OF BUSINESS**

### **Chamber of Commerce, Holly Days/Tree Lighting**

Mayor Canose said we received a request from the Chamber of Commerce for the annual Tree Lighting and Holly Days events to occur on Saturday, December 3<sup>rd</sup>, at Olcott Square. They will complete the process of filing all the required paper work (certificate of insurance and a Hold Harmless Agreement). It was noted that no official approval from council is needed.

### **Downtown Bernardsville, Wonderland Weekend**

Olivia Manning, Downtown Bernardsville, said Wonderland Weekend has a lot of activities at specific locations such as the movie theater. There is a parade planned and she provided the Police Department with routes including the one used last year and three other potential routes that would expand it. She said the parade is confirmed for 6:00pm and they are just waiting for the Police Department's approval in finalizing the route. Mr. McQueen said this is becoming one of the most fun things in town and next year he'd like to see it go into town, maybe start at Kiwanis, go through town and end at Bernards High School. It was noted that no official approval from council is needed.

### **Correspondence**

**2023 Somerset County Transportation Agreement**, this topic was referred to the Finance Committee for further review.

### **Unfinished Business**

**Towing**, Mr. Ribeiro said he will have a recommendation for towing liability coverage at the next meeting.

### **New Business - None**

## **OPEN SESSION**

Mayor Canose opened the meeting to the public.

Olivia Manning, Downtown Bernardsville and Orchard Street resident, said she attended a webinar given by the Federal DOT regarding their Thriving Communities Program. She said the Thriving Communities Program established by the Consolidated Appropriations Act from 2022 is designed to provide technical assistance planning and capacity, building support to advance the pipeline of transportation and community revitalization activities that increase mobility. She said it also reduces pollution from transportation sources, expands affordable transportation and housing options, improves health problems, facilitates efficient planning, and preserves and expands jobs. She said to participate in the program they need a letter of intent from a municipal body and also two additional organizations in support. She said those organizations could be

Downtown Bernardsville and RideWise. She said this might be something we want to look into and she would be happy to have the discussion with whoever would be appropriate to talk to about this further. She said this is grant funding for technical assistance for things such as engineering and planning. The deadline for the letter of intent is December 6<sup>th</sup>. Ms. Manning said she cannot apply for it because that has to come from the governing body along with support from two additional organizations. There were no objections from council about pursuing this topic.

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

**CLOSED SESSION - None**

### **ADJOURNMENT**

The meeting was adjourned at 7:45pm.

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