

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
February 28, 2022

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members Jay Ambelang, Diane Greenfield, Jena McCredie, Chad McQueen, Al Ribeiro, 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 27, 2021.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Board of Adjustment Vacancy, residents Stephen Reynolds, Danielle Loeffler, and Michael Gunderson had submitted a Skills Bank form for consideration of appointment to the Board of Adjustment. It was noted there are currently three vacancies on the Board of Adjustment due to a recent resignation. Mr. Reynolds, Ms. Loeffler, and Mr. Gunderson each gave their background and discussed with council why they would like to serve on the Board of Adjustment. Council will deliberate in closed session about appointments considering the three candidates at this meeting and the two candidates who talked with council last meeting, Kathi Sica and Markus Hoecherl.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from January 24, 2022, January 31, 2022, and February 14, 2022. Mr. McQueen seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Mindy Shaltry, Old Army Road, asked in follow up to her comments at the January 24th meeting about sidewalks on Old Army Road, if there was any kind of action or plans they could do as a neighborhood community or information that council needed from them. She also asked council for any updates that could be offered. Ms. Greenfield said while it wasn't on the Public Works Committee agenda for their last meeting, it is going to be looked at and they are also waiting to find out what the budget is. Mr. McQueen said from a Finance Committee and prioritization perspective, any evaluation of sidewalks is an exceptionally long process. He said number one is the spending for the project both in the short and long term. Mr. McQueen said our fiscal environment may include some sidewalk studies but for expectations, it's probably going to take

some time before we have any action and he's hesitant to put any time frame on it. He said one of the things that has to happen first is that council needs to decide what their priorities are for this year, and then from there, decide where we start plans and where we don't. He said those decisions have not been made yet. Ms. Zamarra said the Public Works Committee met on the 22nd and talked more about big picture items and not specifically Old Army Road sidewalks. She said on February 24th she connected with RideWise and they gave her some of the very low cost things that we can do in the meantime. Ms. Zamarra said one of the items is a walkability audit that can be done with the cooperation of RideWise, herself, and any neighbors who are concerned about that area. She said we won't be building a sidewalk with RideWise, but they will help us address the issue as it is now. They will also determine what steps we can take now and if it's something that would fall into the umbrella of the Safe School grants that are available. Ms. Zamarra asked council if they would consent to the Public Safety Committee and Public Works Committee getting in touch with RideWise for them to come out and do what they call a walkability audit.

Hearing no comments, Mayor Canose closed the open session.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on **Ordinance #2022-1909, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) IN THE CALENDAR YEAR 2022.**

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. Greenfield seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2022-1910, **CONCERNING SEWER CONNECTION FEES AND SEWER USER RATES AND ALLOCATION AND AMENDING CHAPTER XVI OF THE BOROUGH CODE ENTITLED "SEWER REGULATIONS"**. Hearing no comments or questions, Mayor Canose closed the public hearing. Ms. Greenfield 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. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

ORDINANCES (Introduction) - None

RESOLUTIONS

#22-50

AUTHORIZING PAYMENT OF BILLS

- #22-51 RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$741,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**
- #22-52 URGING THE SWIFT PASSAGE OF S-330 WHICH RESTORES ENERGY TAX RECEIPTS**
- #22-53 APPOINTING TYLER SCHWARTZ AS A PROBATIONARY POLICE OFFICER UPON SATISFACTION OF CONDITIONS**
- #22-54 ESTABLISHING A LIMIT FOR CASH TRANSACTIONS**
- #22-55 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #22-56 AUTHORIZING REFUND OF ESCROW FEES - PB APPLICATION #652 (34 & 36 HIGHVIEW AVE), HOWLEY**
- #22-57 SETTING RECREATION FEES**
- #22-58 AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7017-0100 FOR MR. & MRS. MAX ROBERTS FOR 200 OLD ARMY RD.**

Regarding Resolution #22-51, Mr. Czerniecki said this is an existing bond anticipation note. It's short-term debt that was issued in 2019. He said it hasn't been utilized yet but it's part of our affordable housing plan and a demonstration of our capacity and readiness to use that resource when the time comes for closing. He said it has to be renewed every year because it's only temporary financing.

Regarding Resolution #22-52, Mayor Canose said Leslie Roberson filled out a worksheet of how much money we've lost. Mr. McQueen said the question is are we actually going to recoup the money or not. Mayor Canose said even if we don't recoup the money, at least we would start getting it back each year like we're supposed to. She said this bill puts that back in motion so that the money comes to us, and it's quite a significant amount per year. Mr. Ribeiro said he's very happy that council is taking this topic up. He said it was a pretty egregious abuse by Trenton over the last few decades to take this away from towns and boroughs across New Jersey. He said this bill holds a step in the right direction and would not only mean a lot for our borough, but go directly to alleviate the property tax burden for taxpayers. He said he wants to possibly do a call to residents so that if they read it and agree, they could take action personally and contact Senator Bucco, Assemblyman Bergen, or Assemblywoman Dunn as they've always fought for Bernardsville and for taxpayers. He said while boroughs across the state can take action, it's actually going to be the collective actions of residents across the state that could maybe move something like this over the line. Mayor Canose said that's a good idea and

suggested maybe putting something on social media to encourage people to contact their representatives.

Mr. McQueen moved to adopt Resolutions #22-50 to #22-58. Ms. McCredie seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose, Mr. Pidgeon, and Mr. Czerniecki met with Volta, the company doing the charging stations. She said they went through the contract, made adjustments, and they are going to reach out to NJDOT because two of the parking spots are on Route 202. She asked them about having fast chargers at the train station and due to the way the electric is and the equipment used, it wouldn't be sustainable at that location. Mayor Canose said she called Westfield where they installed charging station and they had good things to say about their experience with Volta. There was a meeting with the Downtown Redevelopment Committee which was an opportunity for them to talk to Peter Cocozziello of Advance Realty and review where we are and what progress is being made with redevelopment. On February 16th, Mayor Canose attended the meeting of the Somerset County Office on Aging and Disabilities. She said she is now officially a member and was sworn in. They will be opening up all the Senior Centers on March 2nd and each of them is going to have a grand opening. The Cultural Arts Committee met and is working on the Faces of Bernardsville. The kickoff will be on April 22nd with a reception at Studio 7. Mayor Canose met with Mayors For "Main Street" where Regina Egea of The Garden State Initiative was present to see how they can work together to deal with issues for suburban downtowns. She said there's a lot of advocacy for cities but not a whole lot for smaller suburban towns so they're working on ways to get more attention to our issues. Mayor Canose attended a Somerset County Stigma Free Initiative meeting and will be sending a letter to the mayors of towns that have not signed the pledge. They are planning a Stigma Free Somerset County Conference on May 13th and the speakers will be discussing how to find services, what's available in Somerset County, law enforcement, and mental health. The Mayor's Wellness Campaign co-sponsored a program with Community In Crisis that was on the seven limbs of yoga and there is going to be a second session in the future. On April 23rd, Mayor Canose attended the Somerset County Human Services Advisory Committee meeting and there was a presentation by Central Jersey Housing Resource Center. The Somerset County Business Partnership had a meeting on February 24th. At that meeting, Mayor Canose and Meg Bitsky did a presentation on the Stigma Free Initiative and encouraged businesses to take the pledge. Mayor Canose asked council about returning to in-person meetings in April. Mr. McQueen said his choice would be that all meetings remain virtual because of the amount of time that they require. Mayor Canose said we could do committee meetings virtually and Mr. McQueen was agreeable. Mr. Ribeiro asked how the attendance of the public differed from virtual meetings versus in-person. It was noted it's about the same. Ms. Greenfield suggested possibly doing one meeting in person and one virtually. Mr. Pidgeon said he is attending a discussion next week on the legality of virtual meetings after the emergency is over. He said the Open Public Meetings

Act does describe public meetings as in person or by electronic means, so by implication it recognizes them. He said he will have a better answer at the next meeting. It was noted we may have to talk to IT Specialist, Chris D'amato, about setting up the meeting room for the possibility of having the option where people could attend remotely or in person.

Mayor Canose asked council if they would be amenable to the borough putting up a Ukrainian flag in support of the country of Ukraine. Mr. McQueen said while he would like to say yes, council has always been really careful in the past not to be arbitrating causes. Ms. Greenfield and Mr. Ambelang agreed that we shouldn't be arbitrating causes. Ms. McCredie said these are extenuating circumstances and was in favor. Ms. Zamarra was in favor. Mr. Ribeiro said while he has a Ukrainian flag on his own social media page, other than the US flag, NJ state flag, and military POW flag, from what he's observed in Bernardsville, it's been the town's history not to go outside of those bounds. Mr. McQueen said there's been causes that have been very important to him but as long as he's been on council, they've always said no. Ms. Greenfield said if we do this now then we have to do it for anybody who wants to put up a flag. Mr. Pidgeon said we cannot arbitrarily pick one cause and not another. Mayor Canose asked about Ukrainian colored lights around Borough Hall. Mr. Pidgeon said that would be the same and open it up to do that for any cause. Mayor Canose said there were prior instances where council received similar requests and said no. Mr. Pidgeon said that was the decision by prior councils and he feels it's the right decision as to not be subject to favoritism. No action was taken.

Administrator's Report, Mr. Czerniecki said staff is working on the budget. There are various personnel changes, promotions and interviews. We are looking forward to having a kick-off meeting with Suburban Engineers this week to start working on the estimates for the first four priorities. We are looking into a grant to do a study to evaluate impacts and non-impacts of the compatibility of our zoning with Highlands. Mr. Czerniecki thanked council for completing forms that he sent out on the priorities project. He said this will help guide some budget discussions as we're getting ready for the budget introduction at the end of March. The survey is almost done and council will be getting a budget book which provides a department by department breakdown of expenses, reflects on some council identified priorities, and reflects on public input.

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

Public Safety Committee, Ms. McCredie said the committee met to discuss sidewalks, and the next steps for future officers that will happen due to upcoming retirements.

Finance Committee, Mr. McQueen said the committee is meeting Wednesday and are planning budget introduction in about four weeks. He said the budget continues to be an interesting challenge. Mr. McQueen said a resolution was passed earlier in the meeting setting recreation fees. He said the way we are doing our finances and the way Bob Markowick is running Recreation, it's gotten to a great place. He said one of the things that the borough needs to

consider at the council level is some guidance for various committees about what council's expectations are in regards to fees and spending. He said what the Recreation Committee had for council tonight was really well done and gave them all the data to make a good decision. Mr. McQueen said one of the pieces of new business that we're going to take as soon as we get through the budget is some reflection on how we can continue to even do this better in 2023.

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

Engineering, Technology, and Public Works Committee, Ms. Greenfield said the committee met on February 22nd and reviewed several options to increase pedestrian safety at the five corners intersection. She said these options were developed by Bob Brightly at no cost to the borough. The committee will explore traffic calming signaling as a possible low-cost solution. Ms. Greenfield said Bernards Avenue engineering is nearly complete. It includes provisions for a future sidewalk and increased project budget requests to account for the anticipated increase in asphalt and fuel charges as well as increased cost of other construction materials due to inflation and limited availability of products. Regarding dam remediation, Ms. Greenfield said creation of a concept plan, presentation for both breach and removal and reconstruction options is still in process. The pickleball court bids were opened on February 23rd. There were eight bids and we anticipate making the award at the March 14th council meeting. She said we received nets and posts along with an updated lighting plan which will provide the necessary information for the court's construction phase, location, and bolt pattern for fixtures. Ms. Greenfield said efforts continue to be made to obtain approval for the required NJDEP permits for the Polo Grounds walking path. The filing has been forwarded to NJDEP Manager, Mark Davis for final review and approval. Ms. Greenfield said the Polo Grounds wetlands letter of interpretation extension and renewal has been submitted to NJDEP, which is in the approval process. The final NJDOT grant payments have been received for Washington Corner Road and Crestview Drive and the projects are closed out. The final grant documents were sent to NJDOT and we are awaiting final grant payment for the Chestnut Avenue project. Ms. Greenfield said regarding the Quiet Zone, NJDOT and NJ Transit have informed our engineer on this project, Van Cleef Engineering that they will not proceed with the required review of the borough's plan without an agreement with Bernards Township. She said we are going to be discussing this topic tonight in closed session. Ms. Greenfield said the committee is working with Olivia Manning from Downtown Bernardsville on securing approval from NJ Transit to mount the recognition plaques for the Mount Airy Road project. She said downtown trash receptacle replacement lids have been delivered and will be swapped out as the weather gets warmer. New concrete and aggregate trash receptacles are being ordered to supplement the borough's existing supply and we were looking at an April delivery but now it looks to be coming in May. Regarding the RFP for the train station building, Ms. Greenfield said bids have been re-advertised for receipt on March 10th. Regarding the Somerset Hills ball club field and facility requests, Ms. Greenfield said the vegetation has been cleared of overhanging the fencing from the surrounding woods. She said a purchase order has been issued for fencing repairs at Kiwanis and the turf field. Regarding the Claremont Fieldhouse, Ms. Greenfield said Recreation is currently using it and purchase orders

have been issued for painting and for a new roof. She said painting is to be done in April and we are hoping the new roof will be done around the same time.

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

Environmental Commission, Mr. Ambelang said there is a letter from Johanna Wissinger on the stormwater resolution that is on the agenda later in the meeting. He said there's work being done at the state level with regards to stormwater where they want to not allow towns to increase regulation beyond what the state has done, to make it easier for developers to meet the stormwater requirements. Mr. Ambelang recommended passing the resolution that Johanna Wissinger provided at the next council meeting. He said it was not adopted by the Environmental Commission. It effectively tells the state that we would like them to not do what they are being lobbied to do by the builders association. Mr. Ambelang said the Commission took a tour of the 251 Claremont Road property, where they looked at the work that had been done on cleaning up some of the trails. They also did some cleanup of trash and looked at how deer maintenance is set up at that location. The Commission is working on their priorities. Mr. Ambelang asked Mayor Canose if any other committee should review the stormwater resolution. Mayor Canose said it's a clear cut resolution and we can have Mr. Pidgeon prepare it for the next meeting.

Planning Board, Mr. McQueen said the Board met this past Thursday. It was mostly administrative with passing and affirming of ordinances. The Board ratified the Topology appointment. Mayor Canose asked when the Planning Board is hearing the Community In Crisis application. Mr. McQueen said they had a March date but that has been moved and is to be determined.

Library Board, Ms. McCredie said the Board met but there is nothing new to report.

Recreation Committee, Mr. McQueen said the Committee deliberated and debated on fees and he is happy with what they came up with. Mr. Markowick said the Recreation Department is doing seasonal hiring earlier than usual and have had a lot of response. He said the borough website now has all the job postings and an application.

HPAC, Ms. Greenfield said the Committee met on February 3rd. She said it was a reorganizational committee and the 2022 meeting schedule was set. There are vacancies on the committee and if anyone is interested in volunteering, they should fill out a Skills Bank form which can be found on the borough website. There is also more information about HPAC's ongoing initiatives within the borough on the website.

Housing, Property Maintenance and Zoning Enforcement Advisory Committee, Ms. Greenfield said the committee met on February 18th. They are continuing to work on the

perimeter fence ordinance and have begun discussions regarding an Airbnb ordinance which would prevent Airbnbs.

Open space, Ms. Greenfield said the committee did not meet.

Shade Tree, Ms. Zamarra said the committee did not meet but some work that they want to do is upcoming in this agenda in Item 10A.

ITEMS OF BUSINESS

Shade Tree Committee Request – Removal of Ash Trees, Planting Replacement Trees and Watering for Stirling Road/Cedar Lane

There is a problem with invasive species of trees and insects on Stirling Road and Cedar Lane. The Shade Tree Committee wants to take down the ash trees because they are all dying. The Shade Tree Trust Fund would be used for this project and all the trees are in the right-of-way. Council consent was given as long as the trees are in the right-of-way and there is funding in the Shade Tree Trust Fund. It was noted that John Macdowall relayed to the Public Works Committee that we don't want to set a precedent of being responsible for property that we should not be responsible for.

Fire Company 125th Anniversary

Matt Kneafsey, Bernardsville First Aid Squad member, discussed a request for the use of the Borough pool parking lot, basketball courts, and the parking area extending towards Memorial Field in front of the tennis courts, for a day of activities celebrating the Bernardsville Fire Company's 125th anniversary on September 10, 2022 with a rain date of September 11, 2022. They plan to have food trucks, rides, skill games, live music, and a beverage garden and anticipate needing the area from 10:00am to 11:00pm for setup, event, and cleanup. Council consent was given to use the area. Regarding having alcohol at the event, Mr. Pidgeon said he thinks we are covered but will check if anything needs to be done.

Mayor's Appointment of Joseph Bonk to HPAC

Mayor Canose appointed Joseph Bonk to HPAC to fill a vacancy for the remainder of 2022.

Correspondence - Environmental Commission Letter Requesting Resolution Against Prohibiting Municipal Control For Stormwater Protection

Council will consider passing a resolution at the next council meeting in support of the ability of municipalities to adopt regulations to protect public health, safety, and welfare from threats of flooding. Mr. Pidgeon will prepare said resolution.

Unfinished Business

Ms. Zamarra discussed her meeting with RideWise. She said she is going to ask RideWise if they would do another Street Smart Campaign because the last time they did it we had proposed doing the five corners intersection as one of the locations. She said we then decided against it because the condos were under construction, but now that project is completed. She said they wanted to ask the Public Safety Committee if that could be our next Street Smart Campaign in the fall when school starts. She said if so, we have to act fast because RideWise's calendar fills up with spring and summer campaigns scheduled in other towns. The goal is to make drivers and pedestrians more aware of safety issues. There were no objections and it was agreed that the five corners intersection is a great location to do a Street Smarts Campaign. Ms. Zamarra said she will make sure RideWise has Chief Valentine's info and members of RideWise can come to the next Public Safety Committee meeting.

Ms. Zamarra said RideWise reached out to her on another matter after they saw an article on Tap Into about sidewalks and how several residents had come to a past council meeting to discuss sidewalks. She said RideWise was very proactive in reaching out to us to try to see how they can help. They brought up Safe Routes To School grant opportunities because one of the residents in particular said that he wants his children to be able to walk to school. Ms. Zamarra said if we can help in any way, we should at least try to apply for even just the part of Old Army Road that doesn't have a sidewalk.

Mayor Canose asked if council was okay with Ms. Zamarra moving ahead with RideWise. There were no objections. Mr. McQueen said he generally is in favor but wanted to caution that it's important as we're going to introduce the budget that capital for projects like this are going to be constrained for the next three to four years based on our current debt payment unless one or two things happen. He said either we dramatically increase taxes or we take out debt, which he does not recommend, to worsen the burden in the future. He said council needs to keep those things in the back of their mind and as we introduce the budget, the debt plan, and other items in about four weeks, the reasons will become even more transparent. Mr. McQueen said there's a piece of this that we need to think through globally, not just for the project that Ms. Zamarra is talking about. He said for all capital projects we need to think through what the priorities are and then figure out if there are grants which we can pursue to set these projects up for success. He said we also need to understand what type of capital we'll have going forward and this year's budget cycle will do all those things for the council.

New Business - None**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Mindy Shaltry, Old Army Road, asked if there is a way that residents can access current or past budgets. It was noted those documents are available on the borough website by clicking on government and then choosing financial documents.

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

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations, Deliberation on Board of Adjustment Vacancy, Anticipated Litigation, and Personnel Matters 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.

Board of Adjustment Vacancies, Mr. McQueen moved to appoint Ed McDowell as a regular member with a term expiration of 12/31/24; Thomas Slocum as Alternate #1 with a term expiration of 12/31/23; Danielle Loeffler as Alternate #2 with a term expiration of 12/31/22; Stephen Reynolds as Alternate #3 with a term expiration of 12/31/23; and Kathi Sica as Alternate #4 with a term expiration of 12/31/22. Ms. Greenfield seconded and the motion was approved with six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:10pm.
