

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
April 11, 2022

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

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

Mayor's Proclamation – Distracted Driving Awareness Month, Mayor Canose read a proclamation declaring April 2022 as Distracted Driving Awareness Month.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Johanna Wissinger, Environmental Commission, said she has been recently attending seminars for environmental commissioners. She said it was brought to her attention that municipalities are responsible for education and everyone should do a program for the ms4. She said our experts have done it but it's for stormwater and her concern is that the NJDEP does permitting and then the municipality records it. She said we have new members on the Board of Adjustment and her take is that stormwater is here because of development and no matter what people think about climate change or global warming. She said we certainly don't want to interfere with development but she wants to see us plan for it and accommodate it. She said this program is a 45-minute introduction for municipal officers and then there are specialized follow-ups. She said she is hoping that we do what we can to make sure that all of the people that call the shots have awareness about it. Mayor Canose asked Ms. Wissinger to send the information or link. Ms. Wissinger will provide the information.

Kerry Haselton, Mine Brook Road, said she served on the Recreation Steering Committee and on multiple surveys the number one item for everyone across our borough was hiking trails and walking trails. She asking for a progress update on cutting trails, advertising trails, or showing people where our existing trails are. Mayor Canose said we're in the process of working with the engineer and getting that all laid out. She said she is going to form a Mayor's ad hoc committee for trails. The committee would monitor trails, assist on getting trails noticeable, get proper

signage, and make sure that the trails are clear. Mayor Canose said she will invite Ms. Haselton to sit on that committee. Ms. Haselton said she would like to be on that committee.

Nicholas Ierubino, Mine Avenue, spoke about the repaving of Mine Avenue. He said the residents in that area were looking for information on that project on the borough website but could not locate any. He said they definitely need the road repaved but are concerned about loss of frontage. He said he is also concerned that once it's completed, when it's plowed he won't be able to get into his driveway. He said a neighbor put in Belgian block curbing and they are a little concerned that some things are going to be dug up. Mayor Canose said Doug Walker attended a meeting that Congressman Malinowski held looking at federal community projects like the one we got for the Boylan Terrace walkway and found out that we can't get that award two years in a row. There is another kind of community grant that we could be eligible for because originally we wanted to pave and do engineering for Bernards Avenue and then do the surrounding neighborhood side streets. Mayor Canose said we did not have the budget for that and we did not get a grant for it. We only got a grant for Bernards Avenue, so Mr. Walker is going to apply for this other grant to see if we can get the funding to handle the other side streets. Mr. Czerniecki said we are applying for this grant for next year and we budgeted to do the detailed engineering for the other roads in this year's budget. He said as soon as we adopt the budget at the next meeting we'll be able to get that started. Mayor Canose said once we start the engineering we can then look at the concerns the neighbors have because the engineers will be on the street talking to the residents as they have to look at drainage and materials. She said right now what we're asking for is if the residents support the borough trying to get funding to do some work in that area. She said hopefully we will get the funding and then we can deal with any issues. Mr. Ierubino thanked Mayor Canose and said he would send her an email.

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

ORDINANCES (Public Hearing) - None

ORDINANCES (Introduction)

Ms. Greenfield moved that Ordinance #2022-1912, **ALLOWING HOLDERS OF CERTAIN ALCOHOLIC BEVERAGE MANUFACTURING LICENSES TO SELL THEIR PRODUCTS AT THE BERNARDSVILLE FARMERS' MARKET 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 25, 2022. Mr. Ribeiro seconded and the motion was approved with four yes votes.

RESOLUTIONS

#22-89

AUTHORIZING PAYMENT OF BILLS

- #22-90 AWARDING A CONTRACT FOR RENTAL OF
SNACK BAR AND RIGHT TO SELL FOOD AND SOFT DRINKS
AT THE BERNARDSVILLE MUNICIPAL POOL**
- #22-91 AUTHORIZING RELEASE OF A BOND FOR STREET OPENING
PERMIT NO. 3226 FOR 46 LIBERTY ROAD**
- #22-92 SELF-EXAMINATION OF BUDGET RESOLUTION**
- #22-93 MEMORIALIZING THE APPOINTMENT OF CHRIS LAPORTA,
PATROLMAN**
- #22-94 MEMORIALIZING THE APPOINTMENT OF TYLER
SCHWARTZ, PATROLMAN**
- #22-95 ACCEPTING A DONATION OF A CONFERENCE TABLE FROM
WOOD PLC**
- #22-96 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #22-97 APPROVING SUBMITTAL OF A GRANT APPLICATION FOR
THE BERNARDS AVENUE NEIGHBORHOOD PROJECT**

Ms. Zamarra moved to adopt Resolutions #22-89 to #22-97. Ms. Greenfield seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Mr. Ribeiro, and Ms. Zamarra voted yes.

ITEMS OF BUSINESS

Boylan Terrace Connection Path

Mayor Canose said at the last meeting, Mr. McQueen asked to share a conceptual idea done by Topology from about two years ago of what can be done in the Boylan Terrace area. She said in addition to the walking path there were some other concepts of an exercise park or a dog park. At this point we're going to ask the engineer as he's working on these plans to also look at what else we can do in that area once it starts to get cleared. Mayor Canose said he has some ideas of what we could do and it could be a whole community area. Ms. Greenfield asked about the location of the walkway. Mayor Canose said it doesn't go over the train tracks, the only bridge will be over the stream and it's going to be a zigzag down the side because it needs to be handicapped accessible. She said there will be lights and it will end up at depot station by MJ Neill which is where you would cross. Mr. Ambelang asked if we are assigning an engineer at this time. Mayor Canose said our engineer has done a lot of the work already and it's pretty much shovel ready at this point. She said we're waiting for Congressman Malinowski's office to

let us know how we go about securing the funding and how they're going to give us the money. She said with the engineering work done, it is almost ready to go out to bid once we figure out how we're going to get the money. Mr. Ambelang asked if the amount of money that we got is the expected amount that we would have to pay for this project. Mayor Canose said yes, and that the engineering was done in order to get a price to put into the application. She said part of the reason we got selected is because we had all the preliminary work done with accurate estimates and basic engineering.

Food Pantry Request

Peter Roselle, King of Kings Worship Center, requested holding a food pantry distribution on Borough property. It was suggested that Mr. Roselle use the Amerman lot. Mr. Roselle said that would be a good spot but he would prefer to use the Kiwanis Field in cold weather if it's not being used, as they could possibly use the concession stand for their volunteers to stay warm and have plumbing. He offered to pay rent to the borough. He said he is not looking for an answer now as we're going into the warm weather. Mayor Canose said Mr. Suriano will give Mr. Roselle the documentation required by our Joint Insurance Form (JIF). Mr. Roselle asked to use Kiwanis Park for one more week. There were no objections from council for this request. Mr. Roselle asked if they should start earlier tomorrow. It was noted to start at 2:00pm due to the potential of baseball practice being at the location later in the day.

Contract with Integra Realty Resources

Mr. Pidgeon said this is regarding the tax appeal for 380 Claremont Road, in which as you know those taxpayers also filed a civil suit against Mr. Kerwin, Mr. Czerniecki, and Mr. Suriano. He said our appraiser, who was our expert witness at the county board appeal hearing, unfortunately passed away. Mr. Pidgeon said we have to hire a new appraisal company to do both years. Council consent was given to authorize a contract with Integra Realty Resources.

Mayor's Update

Mayor Canose said on March 30th, she attended the Stigma Free Mental Health Matters Conference Planning meeting. The conference is going to be held on May 12th from 10:00am to 2:00pm in North Plainfield. She said it is not just for mental health professionals as they are inviting representatives from municipalities, police departments, schools, and parents. She said the topics they cover will be law enforcement and mental health, suicide prevention, the new 988 hotline, how to find services in Somerset County, Youth Crisis Services, multicultural mental health, and multiple pathways to recovery. Mayor Canose attended a public hearing for the Somerset County Preservation Plan. Mayor Canose attended the fundraiser at the Bernardsville Theater that they did for Ukrainian children, which was very generous of Harvey Goldberg to provide the theater. She said in three movies they raised five thousand dollars that evening. The Cultural Arts Committee is holding a Faces of Bernardsville art show on Friday, April 22nd from 6:00pm to 8:00pm at Studio 7 Art Gallery. The portraits will be in Studio 7 and copies of them

will be in 21 different stores around town over that weekend. The portraits will then be taken to the library where they'll be on display for two weeks. Mayor Canose said the Easter Eggstravaganza this past Saturday was amazing and they had twice as many people as they expected. They also had the Easter Bunny on site along with a petting zoo and crafts. Mayor Canose thanked Downtown Bernardsville and Bob Markowick and Leah Horowitz or the Recreation Department for doing a great job organizing that event. There was a meeting this morning with NJ Transit and we are working on the lease for the train station. Mayor Canose said she is hoping that our next meeting is going to be live and in person. She said she would like to have the Jersey Basketball League champions and Bernardsville Youth Wrestling, who also got first place, come and be recognized.

Administrator's Report

Mr. Czerniecki said our live meetings will have owl technology which does a 360 of the meeting room and allows people to see this same screen. It then hones in on whoever is speaking at the same time so it will create multiple panels. Mr. Czerniecki said with the help of Mayor Canose and Mr. Ribeiro, we have been working on a Q&A related to redevelopment. There are about seven high level questions that will help address exactly where we stand on various aspects of redevelopment and provide a little history within our borough, explain about what the law allows and what it doesn't allow, and why a municipality would choose to do this rather just relying on standard zoning. He said they also get into topics like eminent domain, going over where, how, when, why, and where we won't do it. He said this should alleviate some concerns and questions. The goal is to update the Q&A regularly and it also provides a status report on the various projects. Mr. Czerniecki said residents on Seney Drive will be seeing their street milled and overlaid. He said this is a New Jersey American Water project and since they tore it up, they're doing the entire road. He said it's not municipal tax dollars.

Correspondence - Letter from Somerset County Business Partnership

Mayor Canose said the borough received a letter from Somerset County Business Partnership thanking us for renewing membership.

Invoice from Raritan Headwaters for Stream Cleanup

An invoice was received from Raritan Headwaters for \$1,000 for a stream cleanup. The amount of \$500 was approved in January for the stream cleanup, but there are two sites that will be included in the cleanup. It was noted that the borough receives money from the state for a clean communities grant, and this money is used for the stream cleanup. Mr. Ribeiro said this is a pass through as the borough gets state money and then gives it to Raritan Headwaters for the stream cleanup. Mr. Ambelang said being that it's a pass through, it's not coming from the borough's budget. There were no objections from council regarding payment of the bill from Raritan Headwaters for \$1,000. Mr. Czerniecki said last year we received \$22,000 from the state for the clean communities grant. He said that money is also used for when we don't have volunteers and

Public Works has to do a lot of cleanup. He said it helps offset that cost, but there has to be a nexus to cleaning up stuff you normally would not.

Unfinished Business - None

New Business

Mr. Ambelang said there have been some complaints by residents on social media about data cables that are not being addressed in terms of not being at the appropriate height. He said he doesn't think that these are a danger but he has noticed from walking around town from an infrastructure standpoint, Old Army Road has some data cables being held up by what would be considered to be marine rope to trees. He said we also have hemp rope holding up data cables to trees. He said his concern is that a lot of residents work at home. He said he would like to start to look at finding out who owns those data cables and what their responsibility is. The cables that have been held up by rope have been like that for the past year, so it's not just a matter of being a short fix. He said it is something he thinks we need to address from an infrastructure standpoint. Ms. Greenfield said there's also a lot of cables from the cable company and phone line cables that have broken from past storms. She said these were replaced and now just hanging on the ground. She said they're not electrical cables. Mayor Canose said on Mendham Road there's also a stretch between Claremont where there has been a line down there with three cones for six months. She said she believes it's Verizon and we should try to reach out to our contacts at Verizon and see why they're not fixing it. Ms. Greenfield said she has one on her street as well, Old Wood Road. Mayor Canose said we can put a list together of lines that are down and contact Verizon. She said if anyone knows where downed lines are located, they can send it to Mr. Czerniecki. Mr. Ribeiro suggested pushing, from a liaison perspective, some of the utilities that do work in Bernardsville to make sure that they are prioritizing and getting answers to some of these issues. He said he would be supportive of trying to come up with such a plan. Mayor Canose said with JCP&L, the issue with Bernardsville is that we don't have a hospital, senior facility, nursing home, assisted living, or a university and those always get first priority. Ms. Greenfield said she feels the issue with Verizon is that a lot of the cable problems are that the work is not being finished properly and wires are left hanging because it's in a wooded area that no one is going to see. Mayor Canose said we need to put a list together and send it formally to Verizon to get them to clean that up.

CLOSED SESSION

Mr. Ambelang moved to adjourn to an executive session to consider Property Acquisition and Attorney Client Privilege and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved. Ms. Greenfield seconded and the motion was passed with four yes votes.

ADJOURNMENT

The meeting was adjourned at 8:07 p.m.
