

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
August 10, 2020

Mayor 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, Ralph A. Maresca, Jr., Administrator/CMFO, 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 January 3, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS - None

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from July 13, 2020 and July 20, 2020. Mr. O’Dea seconded and the motion was approved with six yes votes for July 13th and five yes votes for July 20th with Mr. Donahue abstaining since he was not present.

OPEN SESSION

Dave DePodwin, Old Colony Road, began to speak about Ordinance #1847 but was asked to hold his comments as there would be a public hearing on that ordinance later in the meeting.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2020-1845, **AN ORDINANCE AMENDING THE BOROUGH PROPERTY MAINTENANCE CODES IN THEIR ENTIRETY AND SUPPLEMENTING AND AMENDING CHAPTER 11 OF THE BOROUGH CODE ENTITLED “PROPERTY MAINTENANCE”**. Peter Birnbaum, Mine Mount Road, asked council to table a section of this ordinance that describes weeds and other appropriate materials at the front of properties. His concern is with the language used for weeds, shrubs, and trees as they may result in new issues of interpretation or perpetuate other problems. Mr. Pidgeon said the ordinance could be adopted as written, then we could go back and clarify that section at a later date by amending it. Mayor Canose suggested having the Housing/Zoning/Property Maintenance Committee review that section at their meeting on Thursday of this week. Mr. McQueen said he did not want to delay this ordinance. Mr. Birnbaum said he hopes the amendment is done quickly and experts are brought in for their

opinion. Hearing no further comments from the public, Mayor Canose closed the public hearing. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Mr. Hammond 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.

Mayor Canose opened the public hearing on Ordinance #2020-1846, **AN ORDINANCE CONCERNING PARKING IN THE LIBRARY PARKING LOT AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED "PARKING LOTS AND OFF-STREET TRAFFIC REGULATIONS"**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mayor Canose noted that this ordinance will designate parking spaces in the library parking lot for the Recreation Office staff who will have their office moved to that location in the coming weeks. Mr. O'Dea asked that signage be clear in indicating parking spaces for staff and patrons. 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.

Mayor Canose opened the public hearing on Ordinance #2020-1847, **AN ORDINANCE CONCERNING TREE REMOVAL PERMITS AND AMENDING CHAPTER XIII OF THE BOROUGH CODE ENTITLED "TREE PROTECTION"**. Dave DePodwin, Old Colony Road, spoke in opposition of this ordinance and does not feel that the council should be removed from the appeal process of a tree removal permit. Mr. Hammond asked if appeals to council are normally made on these matters. Mr. Pidgeon said under the Municipal Land Use Law (MLUL), only matters of granting use variances go to council and all others go to court. Hearing no further comments from the public, Mayor Canose closed the public hearing. Mr. O'Dea 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.

Mayor Canose opened the public hearing on Ordinance #2020-1848, **AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF THE REAL PROPERTY LOCATED AT 210 NORTH FINLEY AVENUE, BLOCK 175, LOT 25, BERNARDSVILLE, NEW JERSEY NOW OWNED BY ALTOMARE REALTY INC.** Hearing no further comments, Mayor Canose closed the public hearing. Mayor Canose said this ordinance is for COAH obligations. Mr. Pidgeon said the block number in the title was a typo and it should be Block 125. Mr. Donahue read the ordinance title noting Block 125 and 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. O’Dea moved that Ordinance #2020-1849, **AN ORDINANCE APPROPRIATING \$11,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR REIMBURSEMENT TO THE SOMERSET HILLS LITTLE LEAGUE FOR RENOVATIONS TO THE KIWANIS LITTLE LEAGUE FIELD**, 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, September 14, 2020. Mr. McQueen said he is an executive member of Somerset Hills Little League (SHLL) and will abstain from voting. The repair and renovations of the Kiwanis Little League Field is for a total estimated cost of \$21,550 and the Somerset Hills Little League has proposed a 50/50 split of the cost with the Borough reimbursing SHLL. Mr. Donahue seconded and the motion was approved with five yes votes with Mr. McQueen abstaining.

Mr. McQueen moved that Ordinance #2020-1850, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, N.J. AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF THE REAL PROPERTY LOCATED AT 63 BERNARDS AVENUE, BLOCK 102, LOT 12, BERNARDSVILLE, NEW JERSEY NOW OWNED BY THE ESTATE OF MICHAEL MENNELLA**, 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, September 14, 2020. Mr. Donahue seconded and the motion was approved with six yes votes.

Ms. Zamarra moved that Ordinance #2020-1851, **AN ORDINANCE ESTABLISHING AN EXPIRATION DATE FOR CONSTRUCTION RECORDS CLEARANCE CERTIFICATES AND SUPPLEMENTING AND AMENDING CHAPTER XII OF THE BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**, 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, September 14, 2020. Renee Apuzzo, Zoning Enforcement Officer, said this ordinance was originated from Geoff Price, Zoning Officer, as an expiration date is needed on construction records clearance certificates when a house is being sold. Mr. McQueen seconded and the motion was approved with six yes votes.

Mr. McQueen moved that Ordinance #2020-1852, **SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING” TO AMEND SECTION 12-23.15, SIGNAGE**, 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, September 14, 2020. Ms. Zamarra seconded. Mr. Hammond said under the current ordinance it is not allowed to have above a certain percentage of a store’s window with a sign and multicolor is not allowed. He said store owners have gotten around that by placing their signs a certain number of inches back from the window which makes it a legit full window sign since it is not technically in the window, and asked if we remedied that loophole. Following further discussion about signage, it was decided to get input from the Housing/Zoning/Property Maintenance Committee and table this ordinance. Mr. McQueen withdrew his motion to introduce and Ms. Zamarra withdrew her second.

RESOLUTIONS

- #20-194A AUTHORIZING PAYMENT OF BILLS (as of July 30th)**
- #20-194B AUTHORIZING PAYMENT OF BILLS (after July 30th)**
- #20-195 ACCEPTING MONTHLY REPORTS**
- #20-196 AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE SOMERSET HILLS MUNICIPAL ALLIANCE/SHMAYSC GRANT FOR FISCAL YEAR 2020-2021**
- #20-197 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 NJ DEPARTMENT OF LAW AND PUBLIC SAFETY 2019 BODY ARMOR REPLACEMENT FUND GRANT**
- #20-198 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 PSE&G FOUNDATION 2020 SUSTAINABLE JERSEY GRANT**
- #20-199 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87**
- #20-200 AUTHORIZING A REFUND FOR A DUPLICATE PAYMENT FOR A SEPTIC ALTERATION**
- #20-201 AMENDING RESOLUTION #20-5 TO INCLUDE AMOUNTS NOT TO EXCEED AMOUNTS TO PROFESSIONAL SERVICE CONTRACTS**
- #20-202 AUTHORIZING THE CANCELLATION OF 2020 PROPERTY TAXES BLOCK 81, LOT 6 – 271 MINE BROOK ROAD**
- #20-203 SUPPORTING SENATOR ANTHONY M. BUCCO’S BILL SJR-85 WHICH DESIGNATES AUGUST 31ST OF EACH YEAR AS OVERDOSE AWARENESS DAY IN NEW JERSEY**
- #20-204 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 SOMERSET COUNTY DEPARTMENT OF HUMAN SERVICES MUNICIPAL ALLIANCE GRANT – FY2020 – 5TH QTR**

- #20-205 AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH MIDATLANTIC ENGINEERING PARTNERS**
- #20-206 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2019)**
- #20-207 RESOLUTION CONDEMNING RACISM AND DISCRIMINATION AND RECOMMENDATIONS FOR ACTION**

Ms. Zamarra moved to adopt Resolutions #20-194A to #20-206. Mr. Hammond 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.

Regarding Resolution #20-207, **RESOLUTION CONDEMNING RACISM AND DISCRIMINATION AND RECOMMENDATIONS FOR ACTION**, council discussed the language of the resolution as a result of the Public Safety Committee’s review. Angela Gruber, Douglass Avenue, said the resolution should not be watered down. Following council discussion, it was decided to remove the existing second Whereas with, “*WHEREAS, the recent acts of violence throughout our nation have again shone a light on systemic racism in the current and historically disparate treatment of people of color and minorities in our country*”, and to add a section at the end of the resolution that states, “*THEREFORE BE IT FURTHER RESOLVED and reaffirmed that the Borough of Bernardsville will maintain constant vigilance with regard to all its areas of responsibility and do everything in its power to make certain that Bernardsville is and will remain a welcoming community opposed to acts of hate, racism, bias, and bigotry*”. Mayor Canose read the resolution with the above changes. Ms. Zamarra moved to adopt Resolution #20-207 as read by Mayor Canose. Mr. O’Dea 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.

Glenn Miller, Fire Chief, said he was hoping this resolution would have been done as a positive in support of what the Police Department, Fire Department, and First Aid Squad already do as they go through extensive harassment and discrimination training every year. He said the resolution talks about not having or working towards what they already do. Mr. Hammond said he appreciates all the training that Police and Fire Departments go through and that this resolution was not so much geared toward Police and Fire but other parts of the Borough including council. He said the Attorney General has mandated that they are going to look at additional training being necessary and looking to increase the number of hours of mandatory training required, mainly for police. He said that is an admission that there are improvements to be made. Mr. McQueen said he is very proud of the job Chief Miller does for his department. Ms. Zamarra said when Mr. Maresca evaluates the borough’s policy, he could look to Fire/First Aid as a model policy for the rest of the borough.

COUNCIL COMMITTEE REPORTS

Public Safety Committee, Mr. Hammond said while it is not committee related, there are items about the recent power outage that he would like to bring up under New Business later in the meeting. He said the Public Safety Committee worked with the Chief, OEM, and CERT on shelter and communication during the recent storm. Mr. Hammond said the committee also worked on Resolution #20-207.

Finance Committee, Mr. O'Dea said the committee looked at multi-year debt projections at their last meeting. He said they will come back to individual council members with updated information and show two different disparate options to illustrate a range of approaches. He said prior to the September 14th meeting, each individual council member will be invited to meet with staff to review the debt plan in detail.

Public Safety Committee (continued), Mr. Hammond said there was an emergency management call post-storm on August 5th and that Chief Valentine called out our Fire, EMS, and Road Department for their phenomenal job during the storm.

Engineering, Technology, and Public Works Committee, Ms. Zamarra said milling and paving will begin on Pickle Brook Road, Meeker Road, and Old Army Road from Mullens Lane to Anderson Hill Road. She said bids were received for the walking path at the Polo Grounds and the Recreation Committee is reviewing them and will give their input on what the best options are in terms of scope and cost. Ms. Zamarra said Hull Road and Lindabury Avenue will have drainage and curbing work done. She said work will begin on Whitenack Road on August 17th. The dam remediation is in progress and the Library has had a lot of work done to it and it is the crutch of this community. She said during the recent power outage, lots of people went to the Library for wifi and to charge their phones. Ms. Zamarra thanked Mr. Walker for his efforts in getting work done at the Library to make sure the roof leaks were addressed over the past few months.

Land Use Committee, Mayor Canose said the committee postponed their meeting from tomorrow to August 18th due to the storm as Topology was not able to work due to being out of power. She said Topology did provide a schedule that was included in the agenda file as an item of business. She said council will be getting the Quimby Lane plan soon and then have a chance to review and ask questions to Topology.

Housing/Zoning, Ms. Apuzzo said virtual inspections for rentals have been going really well and they have received great cooperation from landlords and tenants, which have made things move along as normal.

Planning Board, Mr. McQueen said the resolution for the zoning overlay has been done.

Personnel Committee, Mr. McQueen said there may be a new position that is opening, but with Mr. Maresca on vacation, this will be discussed at a later time.

BOROUGH COUNCIL MINUTES

AUGUST 10, 2020

Board of Health, Ms. McCredie said she was unable to attend the Board's last meeting as it conflicted with a special council meeting on July 20th.

Recreation Committee, Ms. McCredie said the committee discussed the walking path and created a subcommittee to review this topic. She said the camp and pool are moving forward well and looks to be in the positive revenue perspective. Mayor Canose said the showers were opened at the pool for people without power who needed to shower.

Library Board, Mr. Hammond said they have been meeting periodically during the storm. They had some suspension of services but those resumed on Thursday. He said the Library Community Room was used for a shelter and it was extremely successful with an average of 75 people using the facility at some point per day. He said the Library is back to its abbreviated hours and they are abbreviated due to staffing.

ITEMS OF BUSINESS

Bernardsville Business Association Request to Hold the Annual Christmas Tree Lighting

Richard Raciti, owner of RUSH Defense Academy at 1-3 Mine Brook Road, was present to request holding the annual Christmas Tree Lighting. He said he has heard from many people that they want a change to the way it has been done in the past as it has been a one man run operation for a number of years. He said he could provide insurance as needed. He said businesses are hurting and this is their last chance to make money this year. In addition to the tree lighting, he proposed activities such as face painting, making ornaments for the tree, sweater competitions, guess how high the tree is contest, Santa Claus visits, and best store display. Eileen Loughnane, Chamber of Commerce, said she has been part of the tree lighting for more than ten years, and after the tree lighting there is caroling and people go to the Library for snacks and stories. Ms. Loughnane said all of Mr. Raciti's ideas could be done on another Saturday or a Friday. She said the holiday season can be more than one day. Olivia Manning, Downtown Bernardsville, said last holiday season, Downtown Bernardsville did a holiday parade. She said last year they did events such as the 5K run which had people coming from outside areas such as New York and they also did a Halloween Trunk or Treat. They also did a holiday Cookie Crawl last year. She said they worked with the Chamber last year to have their parade and the tree lighting on the same day and it worked out fine. She said the more holiday events the better and Downtown Bernardsville is happy to work with the Chamber and Bernardsville Business Association. Jennifer Walsh, spoke of past holiday events run by the Chamber that were successful and said adding more events to the holiday season would be a good thing. Mayor Canose said Bob Markowick, Recreation Director, will talk with the organizations who are willing to hold holiday events and work out a schedule. She said our goal is to help our businesses, so the more events we can have and the more people participating, the better it will be.

Renewal of Membership in the Suburban Municipal Joint Insurance Fund (JIF)

Craig Sutherland of Meeker Sharkey was present. The current membership in the JIF expires at the end of 2020. Council decided to look into other options for insurance/risk management and have the Finance Committee review quotes/proposals and come back to council with a recommendation at a later time.

Vendor Signs on Football Field Fence

The youth football organization requested placement of vendor signs around the fence at the turf football field at the Polo Grounds. Mayor Canose said they need to have a cutoff of when the signs come down and should not be putting up a sign that is deteriorating. Mr. O'Dea said the borough should be able to reject a sign if we get complaints about it. He said if a sign faces the field it would be at the vendor's discretion otherwise they would need to get permission. Mr. Markowick will work with vendors regarding placement of signs.

Request to Remove Sewer Fee Interest for 37 Mine Avenue and 14 Bernards Avenue

A request to remove interest from sewer fees for two properties (37 Mine Avenue and 14 Bernards Avenue) was reviewed by council. Council had extended the grace period for 1st half sewer fees to July 15th in light of the COVID-19 emergency, via resolution on April 13th. The original due date for 1st half sewer fees was April 15th. Council did not want to set a precedent for refunding interest after previously extending the grace period and council consent was to deny the refund request.

Quiet Zone for Transit Crossings

In response to a request for Quiet Zones at train crossings, Mayor Canose said in order to have a Quiet Zone, there needs to be at least a half mile from the next crossing and none of our crossings are a half mile apart. She said because of this we would not qualify for a Quiet Zone. No further action was taken on this request.

Peters' Tract Path

Open Space Committee member Peter Birnbaum wants to plant seeds to help maintain the Peters' Tract Path at a cost of approximately \$300. It was noted this money would come from Buildings and Grounds. Council consent was given for a purchase order for planting seeds at Peters' Tract.

RFP for Restaurant at the Train Station

Ms. McCredie said the RFP indicates the restrooms are excluded. She said she has heard the restrooms are not in good shape and suggested a renter might be able to make some updates to

BOROUGH COUNCIL MINUTES

AUGUST 10, 2020

the bathrooms instead of leaving that to the Borough. Mr. Pidgeon said if we get a reputable tenant, we can put the onus on them to maintain the bathrooms. He said the bathrooms have to be open to commuters at least during the morning rush and our lease with NJ Transit includes having the bathrooms open in the morning and evening rush. Mr. Pidgeon said he will write to Mike Murphy of NJ Transit and request limiting opening the bathrooms to the morning rush as there is really no need for station facilities for people coming home. Chief Valentine said he will discuss surveillance equipment with Mr. Pidgeon. Mayor Canose said the RFP indicates the review of proposals will be on the following criteria: Improvements to Location 35%; Financial Benefit 25%; Experience 20%; Financial Capability 20%. There were no objections from council on the percentages. Mr. Pidgeon will follow up with NJ Transit regarding outdoor dining and other items as discussed to see if they will go along with them.

Timeline for Quimby Lane Redevelopment Plan

Mayor Canose said Topology has submitted a timeline detailing activities relating to the drafting and review of the Quimby Lane Redevelopment Plan. This was for council information and no action needed to be taken.

Mayor's Update

Mayor Canose, Mr. Maresca, and Mr. Markowick had a phone conference with new Board Members of Youth Football and they are enthusiastic about getting some new improvements. She said they will be doing minor improvements to the snack bar and a cleanup. Mayor Canose said the conference calls with Somerset County will now be held only once a week. Mayor Canose said she went to The Heritage, which are condos by St. Bernards Church. She said they are very nicely done and they have one person living there and two more units under contract. The Diversity Council has met four or five times. Mayor Canose said Cheryl Mertens, who is a resident and professional facilitator, has volunteered to facilitate the goal setting process for the Diversity Council. Mayor Canose has been attending daily calls with JCP&L and a lot of people have been unhappy with them. She said the vision planning document is available to council members to submit their short term and long term ideas following the special meeting on July 20th. There is a small landlord emergency grant program for landlords to get reimbursed for lost rent, which will hopefully keep evictions down. She said Mr. Price will notify owners of rental properties about that grant. Mayor Canose resubmitted an application to NJDOT to use parking spaces along Route 202 for outdoor dining. She said she just got the approval permit today. She emailed the five restaurants in that area and so far only the Bernards Café has shown interest. The permit is good through October and there are conditions to be met which include safety measures. Mr. Hammond asked Mayor Canose to send a copy of the conditions so the Public Safety Committee and Chief Valentine will have them. Mayor Canose will send that email as requested by Mr. Hammond and also follow up with the other four restaurants.

Correspondence - None

BOROUGH COUNCIL MINUTES

AUGUST 10, 2020

Unfinished Business - None

New Business

Mr. Hammond said he had three items all related to the recent storm and power outage. His first item is that he spoke to the Mayor of Robbinsville and their power company is split between JCP&L and PSE&G. He said in 2011, Robbinsville had a bad experience and sued JCP&L for \$96,000 for unnecessary use of police and public works because of the poor response by JCP&L. JCP&L settled for about 80-85% of the cost and agreed to harden the infrastructure of the town and make other improvements. Mr. Hammond said Robbinsville felt JCP&L did an average job with the infrastructure and failed on improvements in communication. He said the Mayor of Robbinsville is getting ready to sue JCP&L again and is going to the NJ League of Municipalities to see if other towns will join. Mr. Hammond said with the recent storm and power outage, we must have accrued public safety and public works costs. He said we had excess cost related to safety at Route 202 and the train station due to JCP&L's tardiness. He said Chief Valentine had to go around with JCP&L engineers to help them find locations due to their outdated maps. Mr. O'Dea said in addition to trying to recover funds, if we can accomplish hardening points, it would be a benefit to our residents. Mr. Hammond asked council if they would like to explore potentially filing a lawsuit. Council consent was given for Mr. Pidgeon to reach out to Robbinsville's counsel for more information.

Mr. Hammond said his second item is that the Mayor of Robbinsville had previously appealed to the Board of Public Utilities (BPU) to have their entire town converted over the PSE&G for electric. He said Robbinsville reported that the response and preparation from PSE&G was very good and far superior to JCP&L. He said PSE&G services Watchung and Warren and asked council if they would like to explore collaborating with Bernards Township and appeal to the BPU to allow PSE&G to come into our region, which would then be contiguous with Watchung, Warren and Bernards Township. Council consent was given to explore a change to PSE&G with the BPU.

Mr. Hammond said his third item is that Robbinsville has a generator exchange which they put in place years ago after a major storm. They use federal funds that they receive to purchase generators and coordinate with private residents who are willing to loan their generators in the short term. He said Robbinsville had purchased approximately 15 generators and coordinates a program through Public Works to pick up generators that residents who have power are willing to loan and take it to a house where it is needed and helps with fuel and sees that it is safely operating. There is a prioritization scheme for people who have medical needs such as refrigerated medication or health concerns such as needing oxygen, who have the highest priority. Mr. Hammond asked if we could explore such a program with Public Works and OEM. Mr. Hammond also mentioned we should look at our tree maintenance program and that JCP&L

and PSE&G adhere to state guidelines which mandate tree maintenance cutbacks every four years, which he said is not frequent enough. Mr. O'Dea said that could be one of our major points of contention if we go to court that maybe we can get a more frequent tree

BOROUGH COUNCIL MINUTES

AUGUST 10, 2020

maintenance program implemented in our town. Mr. O'Dea said that as far as the generator exchange, we would have to prioritize to those who have a documented need. There were no objections from council.

Mayor Canose said the landfill is normally open only on Saturdays for disposal of brush and suggested having Public Works employees rotate working the landfill during the week so it can be open to help residents dispose of brush due to the recent storm. Council consent was given and Mayor Canose will follow up with Mr. Macdowall.

Ms. Zamarra requested a change to the title of the Skills Bank form from Citizen Skills Bank to Volunteer Skills Bank. Council consented to Volunteer Skills Bank.

Ms. McCredie asked about the Topology timeline for redevelopment and where the dates end. She said there was discussion to go back out to RFP or looking at developers in a different way. Mayor Canose said the next step is that after council approves the plan, it will be council's decision if we want to do an RFP, talk to the people who put in an RFP last time, or talk to the owners. She said we cannot appoint a developer until the plan is done.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Glenn Miller, Fire Chief, asked council to exclude Fire and EMS from the Employee Handbook with regards to Covid and allow him as the department head to work with human resources and Mr. Maresca to have a hybrid Covid plan for Fire and EMS volunteers. Mr. Pidgeon said he spoke with Mr. Miller and Lisa Barre-Quick, Labor Counsel, and Ms. Barre-Quick's opinion is that the volunteers should be subject to the 14 quarantine requirement when traveling to a state on the travel advisory list. Mr. Pidgeon said he understands Mr. Miller's position that if many volunteers are required to quarantine, he may not have enough resources to serve the town. Mr. McQueen said council took their position because they did not want to treat any employees more harshly than others, but he would be fine with that if it benefits Mr. Miller's department. Mr. Miller said we have been supervising Fire and EMS from day one of the pandemic and have had success with the program they have in place. He said medical personnel, EMS, and Fire are excluded under the executive order of having to be part of the municipal plan. Mr. Miller asked council to honor that part of the executive order that allows Fire and EMS to be excluded from the 14 day quarantine period. Mr. O'Dea agreed with Mr. Miller as the executive order exempts first responders, medical professional, and healthcare professionals. Mr. McQueen said if Mr. Miller needs this to operate the department, he is fine with it. Mr. Hammond said he recalls Ms. Barre-Quick's logic that if we waive the requirement, we could be liable if someone were to get sick. Mr. Miller said his department has been dealing with Covid since March 13th and have had

no cases. Mr. Hammond said he does not disagree with Mr. Miller and was explaining the logic of Labor Counsel that we do not want to encourage someone to go to a state on the travel advisory list and if we relax the quarantine rule, that puts us at liability. Bob Clarke,

BOROUGH COUNCIL MINUTES

AUGUST 10, 2020

Labor Counsel, said the concern is that people will be more inclined to travel out of state. Mr. O'Dea said an all volunteer squad under Chief Miller is not the same as employees of the Borough that are covered by the Employee Handbook, and thinks we should grant the flexibility Chief Miller is asking for. Mr. Hammond asked Mr. Miller what the quarantine procedure is if they do not do the 14day period and someone left for a travel advisory state. Mr. Miller said they have to wear masks 100% of the time around people, they space their apparatus, they do disinfection after every single run, temperature checks, social distancing. They also require a 72 hour Covid test and then possibly one at five days. He said they get the results back within a day if they go to the hospital for the test since they are prioritized as first responders. Mr. McQueen moved to accept Chief Miller's request to exempt his volunteer force from mandatory quarantine. Mr. Hammond seconded. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

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

CLOSED SESSION

It was moved to adjourn to an executive session to consider Collective Bargaining 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 passed with six yes votes.

ADJOURNMENT

The meeting was adjourned at 11:55 p.m.
