

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
June 28, 2021

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, Jeff Hammond, Jena McCredie, Thomas O'Dea, Jr., and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk. Council Member Chad McQueen arrived at 8:40pm.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News, Courier News and the Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 24, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from May 24, 2021 and June 14, 2021. Mr. Donahue seconded and the motion was approved with five yes votes.

OPEN SESSION

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

ORDINANCES (Public Hearing)

Ordinance #2021-1885 was held until later in the meeting.

Mayor Canose opened the public hearing on Ordinance #2021-1886, **AN ORDINANCE CONCERNING DOGS AND AMENDING CHAPTER 5 OF THE BOROUGH CODE ENTITLED "ANIMAL CONTROL"**. Hearing no comments or questions, Mayor Canose closed the public hearing. Ms. McCredie 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. O'Dea, and Ms. Zamarra voted yes.

ORDINANCES (Introduction)

Ms. Zamarra moved that Ordinance #2021-1887, **AN ORDINANCE ALLOWING WINE TASTING AT THE FARMERS' MARKET AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**, be

introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, July 12, 2021. Mr. Hammond seconded and the motion was approved with five yes votes.

RESOLUTIONS

- #21-139 AUTHORIZING PAYMENT OF BILLS**
- #21-140 AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE BOROUGH OF BERNARDSVILLE AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 15-23 PINE STREET, BERNARDSVILLE, NJ 07924**
- #21-141 AUTHORIZING RENEWAL OF A.B.C. LICENSES**
- #21-142 AUTHORIZING A FORMAL REQUEST TO NJ TRANSIT TO EXTEND THE TRAIN STATION BUILDING LEASE WITH THE BOROUGH OF BERNARDSVILLE TO DECEMBER 6, 2034**
- #21-143 CHANGING THE STATUS OF CAROLINE BLANCHARD FROM PART TIME TO FULL TIME AND CHANGING HER TITLE TO ADMINISTRATIVE ASSISTANT/INSPECTOR**
- #21-144 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #21-145 REGARDING POST-TRAVEL QUARANTINE DURING THE ONGOING COVID-19 PANDEMIC**

Mr. Hammond moved to adopt Resolutions #21-139 to #21-145. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. O'Dea, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said on June 15th she attended the Bedwell fourth grade graduation that took place at the school playground. There was a Cultural Arts Committee meeting and while the mural is done, it still needs a few more final coats of paint. The artist is waiting for it to cure a little bit longer and there are plaques that are going to be put on either side with the sponsor's names. She said it was suggested to replace the fencing due to it being old and rusty. Mayor Canose said the Cultural Arts Committee wants to do Sunday concerts and are looking at 271 Mine Brook Road or Nervine Park as a location. They are working on that with

the Recreation Department and Downtown Bernardsville and hope to have three concerts starting on July 18th. The Cultural Arts Committee also talked about having an I Love Bernardsville photo contest and a collaborative project of a Visitor's Guide which would include a map. Mayor Canose attended the Municipal Innovation Summit Program on the American Rescue Plan and they had some good ideas about how to use the money. She said they will be having the Municipal Innovation Summit in person this year at Fairleigh Dickinson on October 2nd, which is a day where different municipalities share their best practices. Mayor Canose said on June 17th, the NJ League had a legislative briefing on the number of bills they were concerned about and the good news is that almost all of them have stalled. The Recreation Master Plan Steering Committee had a meeting and worked on a vision and mission. Mayor Canose said we will be having a special council meeting on Monday, July 26th when Brandstetter Carroll will do a presentation on all of the data they collected and they will give their recommendations and survey results. She said it will be a good overview of what our plan is going to look like, and it will be a draft so there will still be time to add or delete items. Mayor Canose said the Land Use committee met on June 21st and that will be handled in executive session. On June 22nd there was a countywide Mayor's Wellness Campaign meeting and they will be coming out with a mental health toolkit for the local campaigns to use. Mayor Canose met with Mike Gunderson, a new resident who she will be appointing to the Shade Tree Committee later in the meeting. The county calls are now happening twice a month and they mentioned Covid testing machines. Mr. Czerniecki said we reached out and expressed an interest. Mayor Canose said there's a delay in getting those machines mainly because the kits the county had were due to expire in a month and they're waiting for new kits to arrive. Mayor Canose attended the Somerset County Human Services Advisory Council and their presenter was Mark Graham from the Rutgers National Call Center. They have an amazing help line for suicide prevention. Mayor Canose met with Eric Stiles of the NJ Audubon and walked the trails with him. Downtown Bernardsville had their quarterly meeting at the movie theater and talked about Main Street, and a lot of the future activities coming up which include a Labor Day 5k race, Scarecrow Walk, Trunk Or Treat, Holiday Parade, and Holiday Lights Contest. They are looking for people to be on the various committees of the Main Street setup and anyone interested should reach out to Olivia Manning or go to downtownbernardsville.org. Mayor Canose met with Jeff Hanson of Hampshire and the Bernards Inn to get his input on the redevelopment plan. The Mayor's Wellness Campaign is working on scheduling a mental health awareness training for borough department heads and Mayor's Wellness members which will hopefully take place in early July. Mayor Canose said this is Mr. O'Dea's last meeting and formally thanked him for all that he has contributed to this council and to the borough. She said his expertise on the Finance Committee was extremely valuable and he always has creative ways of looking at projects. She said he has really been an asset and he will be missed. Mr. O'Dea said he is very appreciative of the opportunity that the voters of Bernardsville provided him and he's always strived to use facts and data to drive his decision-making and to make those decisions in the best interests of the entire community. He said he hopes that his time on council has supported the idea that commitment and confidence are more important than party affiliation. He said based on that sentiment, he'd like to recognize the efforts of this council, and in particular the Mayor, to cooperate on solutions even when there may have been differences of opinions or approaches. He wished the Borough, Borough

Council, and borough staff the very best going forward. He said he will be supporting the work of our local government in the future and wished good luck to everybody and thanked them for the opportunity to serve.

Administrator's Report, Mr. Czerniecki said on behalf of the borough staff, Mr. O'Dea will be terribly missed on council. He said his insight, judgment, and helping us position things properly is very much appreciated. Mr. Czerniecki discussed the status of finances including activity as of the end of May. He said starting July 12th, there will be milling and paving for Ravine Lake Road, Washington Avenue, Prospect Street, Windwood Road, Whitenack Road, and Pheasant Hill Drive. He said if anyone is aware of a resident who is homebound and would like to arrange for a Covid vaccination to be brought to their home, they should reach out to the OEM Department. Mayor Canose asked if we set a date for opening borough hall. Mr. Czerniecki said he is anticipating the second week in July. Mayor Canose said the finance report showed revenue from interest is significantly impacted by interest rates and thanked Leslie Roberson for showing that in the new format in the finance reports.

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

Public Safety Committee, Mr. Donahue said the committee talked about the topic of staffing because two Sergeants are retiring and there is a Captain's promotion. He said we are also recruiting new officers. Mr. Donahue said the crosswalk from the train station to the karate training place is moving ahead. It was noted it is not going to have to utilize any of our parking spaces to create the new crosswalk as they were able to fit it in without losing any spaces by relocating the existing spaces.

Finance Committee, Mr. O'Dea said the committee met and discussed public aid funds that are Covid related that would be coming in this year and the potential uses and restrictions that are related to those funds. The committee will have recommendations coming throughout the year. He said a portion of the funds would be available towards the end of this year, and another portion of the funds would be available next year. He said they also talked about a potential idea for a referendum related to the damn remediation and this topic will be discussed later in this meeting.

Organization Development and Personnel Committee, Mr. Hammond said they met on June 16th and talked about the impact on the budget of the recently resolved police negotiations. They discussed recruiting as noted in Mr. Donahue's Public Safety Committee report. He said the committee is looking into the promotional rules for the Captain's position and Mr. Czerniecki is working with Chief Valentine on that. Mr. Hammond said key performance indicators are being developed for department heads and all the department head reports are being revised to include year-to-date statistics. The committee is doing research into best practices. There is an ongoing effort for succession planning within various departments.

Engineering, Technology, and Public Works Committee, Ms. McCredie said the ad hoc Train Noise Committee is a topic for Public Works as well and we have submitted our notice of intent for quiet zones and crosswalks. She said the FRA has responded with the NJDOT already and we are going to work to get a meeting together with an engineer and some of the ad hoc Train Noise Committee members. She said the Public Works Committee talked about electric charging vehicles and stations in the borough but since there is state legislation coming out about this topic, they are going to pause activities at this time to see what the outcome of the state legislation is before doing anything further. Ms. McCredie said we have grants submitted for Bernards Avenue for paving and some drainage work. All notices have been sent to residents about roads and the subsequent five-year moratorium. She said we also have an updated road survey which is now complete and will be a topic at the committee's next meeting. The road survey is a rating and ranking of all of our roads in the borough in order to see where they stand. The Meeker Road bridge project is now going to be completed in the third week in July due to some delays with unexpected issues. NJ American Water is going to start in August and go under the Mount Airy Road bridge from Prospect Street to Mill Street. Ms. McCredie thanked John Macdowall and the Public Works Department for working out a plan so traffic would not need to be shut down during this time. She said we also have more NJ American Water Company main and lateral work that needs to be done affecting additional residents and more parts of towns from Timber Rock Trail to Seney Drive Extension.

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

Land Use Committee, Mayor Canose said she covered this committee's topics in the Mayor's Update.

Environmental Commission, Mr. Hammond said the Commission met on June 9th and had discussion about the property on Claremont Road that encroached on the stream, which will be a topic in the scoping hearing to be discussed later in the meeting. The Commission is pursuing grants for e-chargers and working with the Public Works Department in terms of identifying which of our fleet can, over a sequence of time, be replaced with hybrids. They are looking at grant opportunities and taking experience from other municipalities in terms of seeing where we can find available dollars for rain gardens. The grant application for a rain garden rebate program for private residences was not funded but we met with Sustainable Jersey to get some helpful hints on how to make that application stronger so we will be able to reapply for the next round. The garden near the high school in honor of graduates is doing well and Mr. Hammond thanked all the volunteers who've been doing the watering during the heat of this summer. We have been using grant dollars from a Public Works grant for recycling education and graffiti cleanup. We have been working on recommendations on the stormwater ordinance, which will be discussed later in this meeting. We are developing an environmental checklist for future projects that the Planning Board or Board of Adjustment would be able to utilize to make sure that in their deliberations they are covering all aspects.

Library Board of Trustees, Ms. Zamarra said the Board met and there are some issues that they are having with the library building. There is a leak and a door to the community room has been closed as our Public Works Department is working very closely with the library team to get the leak resolved. The Library is still offering many virtual and in-person experiences for residents to take advantage of including chair yoga and meditation. They also have cooking and cultural experiences that people can go onto their website, which is also newly designed, and register for those programs. As noted earlier in the meeting, any residents who need the vaccine can have it brought to them at their home, and Ms. Zamarra asked Mr. Czerniecki and members of Public Safety Committee what the procedure is for that. It was noted that we can put that on our website and it's really a matter of reaching out to the Health Department. Ms. Zamarra thanked Mr. Czerniecki for attending the Library Board of Trustees meeting and introducing himself to the members of the Board.

ITEMS OF BUSINESS

Appointments to the Shade Tree Committee

Mayor Canose appointed Michael Gunderson as a member of the Shade Tree Committee.

Ms. Zamarra moved the appointment of Dennis Galway and Macie Laffey as Co-Chairs of the Shade Tree Committee. Ms. McCredie seconded and the motion was approved with five yes votes.

Open Space Referendum

Mr. O'Dea said the Open Space Referendum topic was discussed at the Finance Committee meeting. The concept is that right now we have a little more than \$4.2 million dollars in the acquisition only side of the Open Space Trust Fund and we anticipate that we'll have around \$5.4 million dollars once we get the reimbursements for things that we've already applied for. We have this unanticipated requirement to deal with regarding the dam and there are two proposals, both which cost about the same, one to remediate the dam and keep it in place and the other is to remove the dam and improve the park with a stream in place of where the pond is now. He said both of those projects cost on the order of \$1.35 million dollars and the state of New Jersey requires us to address the dam issue. He said we have bonded for this and we approved this in a prior meeting using our normal operating budget to pay for it and bond money which we would be required to pay back out of our operating budget. He said going forward, if this referendum were placed on November General Election ballot and the voters were to approve the amendment, we would allocate one million dollars out of the \$5.4 million dollar anticipated balance, so one million dollars of that money could then be used to help pay the debt on that bond if it's approved by the voters. He said this would still leave \$4.4 million dollars in the acquisition side of the fund and as we collect open space dollars going forward, it would be the discretion of future councils to use those newly collected dollars for maintenance or upgrades, or portion of it could be put back into the acquisition portion. He said he feels this is a reasonable

proposal and it would have to be approved by the voters. If we decide to go forward with the referendum it would give the opportunity to use monies that have already been collected that were previously set aside for open space acquisition for the development of open space in specifically the Nervine Park area. He said he feels it is in the spirit of using it for open space, not acquisition. The development side would give us greater flexibility from having to use operating dollars going forward. He said he does not want to guarantee what the money would be used for but seemingly we would not be under the same auspice to have to raise taxes to pay for the debt and would be able to use the open space dollars that are already there to service the debt. It was noted that council would have to approve the wording of the referendum via resolution. Further review will be done on this topic and if we chose to proceed, it will come back to council at a future meeting but no later than the August 9th meeting as the referendum has to be submitted to the County Clerk by August 13th in order to get it on the November General Election ballot.

Ms. Zamarra moved to take a recess at 8:00pm. Mr. Hammond seconded and the motion was approved with five yes votes. Ms. Zamarra moved to begin the scoping hearing at 8:00pm. Mr. Hammond seconded and the motion was approved with five yes votes. The scoping hearing commenced.

The borough will consider disposal of portions of Claremont Field (Block 69, Lot 8) to owners of the following properties:

Street Address	Block Lot(s)	Size of Park Property to be disposed of
71 Claremont Road	69 5	3,115.33 sq. ft.
75 Claremont Road	69 6&7	8,366.35 sq. ft.

Both of these areas of Claremont Field are located across the stream from the bulk of Claremont Field, both contain existing private encroachments consisting of parking lots that serve the office buildings that front on Claremont Road. Neither location has ever been used by the Borough for recreational or open space purposes and neither has ever been considered part of Claremont Field. The purpose of these proposed disposals is to resolve existing encroachments at Claremont Field and replace two areas of the park that cannot be used for recreation purposes with property that will better serve the Borough's recreation and open space needs. Mr. Pidgeon did the following:

- 1) Explained that the purpose of the hearing is to accept public comment on a major disposal of parkland that is under consideration and is described above.
- 2) Described the proposed disposals, including the lands affected, the total acreage of parkland to be affected and the project for which the disposal is sought.
- 3) Set forth the compelling public need that the project would fulfill, the significant public benefit it would yield or the exceptional recreational and/or conservation benefit it would provide.

4) Discussed past and ongoing efforts to identify alternatives to the proposed disposal considered by the local government and the reasons for rejecting any alternatives and to the extent know, the compensation that the Borough will provide for the proposed disposal or diversion.

5) Accepted comment on any alternative sites suggested by the public and alternative methods of achieving its proper objectives without the disposal of parkland.

Mr. Pidgeon said members of the public can provide written comments during the public comment period that will close two weeks after the date of the scoping hearing, or until July 12, 2021. He said all written comments should be submitted to Anthony Suriano, Clerk of the Borough of Bernardsville, 166 Mine Brook Road Bernardsville, NJ 07924, and copies sent to the New Jersey Department of Environmental Protection.

Mayor Canose opened the public hearing on the scoping hearing topic. Hearing no comments or questions, Mayor Canose closed the public hearing.

Hardship Street Opening - 59 Hull Road

It was decided to contact our representative from PSE&G to see if this project could be done without opening up the street. This topic will come back to council if necessary.

Correspondence - None

Unfinished Business - None

New Business

Special Events Ordinance, Mr. Hammond suggested updating the special events ordinance. It was noted that council committees are reviewing this ordinance now and it will come to council at a future meeting.

Stormwater Ordinance, Mr. Czerniecki said this ordinance amends stormwater regulations to provide for a multi-year cycling (3 year cycle) rather than an annual reporting requirement; obtain greater compliance with respect to reporting; eliminate the penalties for non-compliance in favor of a fee that would cover the cost of an inspection to be initiated by the Borough after fair notice. Ms. Zamarra moved that **Ordinance #2021-1888, AN ORDINANCE AMENDING ORDINANCE #2021-1872, WHICH AMENDED STORMWATER REGULATIONS, AND SUPPLEMENTING AND AMENDING SECTION 29 OF CHAPTER 12 IN THE BOROUGH LAND USE CODE**, 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., on Monday, August 9, 2021.

Shared Service for Fire Prevention, Ms. McCredie moved to adopt **Resolution #21-146, AUTHORIZING SHARED SERVICES AGREEMENT WITH BERNARDS TOWNSHIP FOR FIRE PREVENTION THROUGH JUNE 30, 2022**. Mr. Hammond seconded and the motion was approved with five yes votes.

Deer Management, Ed English was present to discuss deer management for the 2021-2022 season. It was noted to remove the Laurelwood property and add 271 Mine Brook Road to the list of properties on the deer management plan for 2021-2022. Council consent was given for Ed English to proceed.

OPEN SESSION

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

Mr. McQueen arrived at 8:40pm.

Ordinance #2021-1885, **CONCERNING OUTSIDE DINING AND OFF-STREET PARKING REQUIREMENTS AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE BOROUGH CODE**. Mr. Pidgeon said the Planning Board made suggested changes, two of which were minor and can be adopted without having to continue the public hearing. He said one change was lettering the additional paragraph "e". He said the Planning Board also felt that it should be any parking area that's available, not just churches, schools, and similar institutional uses. Mr. McQueen moved to amend the ordinance as noted by Mr. Pidgeon with the Planning Board's suggestions. Ms. Zamarra seconded and the motion was passed with six yes votes.

Mayor Canose opened the public hearing on Ordinance #2021-1885 as amended. Al Ribeiro, North Finley Avenue, spoke in favor of the ordinance and said it gives flexibility to our local restaurants on outdoor dining, which residents have really come to enjoy. He said outdoor dining helped to sustain many of our local restaurants and brings life into our community as it brings people together. Hearing no further comments or questions, Mayor Canose closed the public hearing.

Mr. Pidgeon said another change was that the Planning Board would like clarification as to its own discretion through the location of a church, school, or similar facility be located within a residential zone, which is allegedly the type of zone that many churches and schools have parking lots located within. Mr. McQueen said in his opinion this would not make a difference. Council agreed. Mr. Pidgeon noted that this ordinance was reviewed and revised slightly by John Szabo, Borough Planner.

Mr. McQueen moved to pass Ordinance #2021-1885 on final reading and adopt as amended. 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.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Pending Litigation, Contract Negotiations, and Attorney/Client Privilege, 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.

ADJOURNMENT

The meeting was adjourned at 10:45pm.
