

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
November 22, 2021

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members Diane Greenfield, Jeff Hammond, Jena McCredie, Chad McQueen, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk. Council Member John Donahue was 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 24, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Patrolman Cole Rhinesmith and Patrolman Andrew DeMaio took the oath of office.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from October 25, 2021 and November 8, 2021. Mr. McQueen seconded and the motion was approved with four yes votes. Ms. Greenfield abstained.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Johanna Wissinger, Environmental Commission, said the Commission would like the money that they were reserving for electric vehicle stations not used in 2021, to be used for a Rutgers study. She said she recently found out about Rutgers' water resources program which will evaluate a municipality's roads with the purpose of helping to mitigate runoff. They use graduate students and do aerials, engineering, and give a course analysis to determine where they can put some green infrastructure practices. She asked for \$5,000 for this purpose and said it would be important in order to be prepared for our spring construction. She said we will need time to really analyze it to work with the Borough Administrator, our experts, and the Public Works Department to make this work so that we can mitigate runoff. Mr. Czerniecki said to be consistent with our processes, Ms. Wissinger should provide a proposal which would be reviewed by the Finance Committee. Ms. Wissinger said they asked Rutgers for a proposal so they would have a formal number.

Mayor Canose read a statement by Kerry Haselton in memory of Sherry Frawley, who was a former member of the Environmental Commission for many years, and recently passed away.

Hearing no comments, Mayor Canose closed the open session.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2021-1900, **CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING ARTICLE 13 IN THE LAND DEVELOPMENT REGULATIONS CHAPTER OF THE BOROUGH CODE ENTITLED “AFFORDABLE HOUSING”**. 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. Ms. Greenfield, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2021-1901, **SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING” TO CREATE A NEW R-3A RESIDENCE OVERLAY DISTRICT** **1158**. 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. Mr. Hammond seconded and the motion was approved by the following roll call vote. Ms. Greenfield, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

ORDINANCES (Introduction)

Ms. McCredie moved that Ordinance #2021-1902, **APPROPRIATING THE SUM OF \$10,000.00 FOR THE EMERGENCY REPLACEMENT OF SBR BLOWER MOTOR – SEWER CAPITAL**, 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, December 13, 2021. Mr. McQueen seconded and the motion was approved with five yes votes.

Ms. McCredie moved that Ordinance #2021-1903, **APPROPRIATING THE SUM OF \$133,000 FOR THE EMERGENCY REPLACEMENT OF UV DISINFECTION SYSTEM – SEWER CAPITAL**, 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, December 13, 2021. Ms. Greenfield seconded and the motion was approved with five yes votes.

Ms. McCredie moved that Ordinance #2021-1904, **CONCERNING LOCAL ENFORCEMENT OF THE UNIFORM FIRE CODE THROUGH A SHARED SERVICES AGREEMENT WITH BERNARDS TOWNSHIP AND AMENDING CHAPTER XV OF THE BOROUGH CODE ENTITLED “FIRE PREVENTION”**, 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, December 13, 2021. Ms. Greenfield seconded and the motion was approved with five yes votes.

RESOLUTIONS

- #21-245 AUTHORIZING PAYMENT OF BILLS**
- #21-246 ACCEPTING A DONATION TO THE BERNARDSVILLE POLICE DEPARTMENT**
- #21-247 AUTHORIZING CHANGE ORDER #1 (FINAL) TO THE CONTRACT FOR WASHINGTON CORNER ROAD DRAINAGE IMPROVEMENTS**
- #21-248 AUTHORIZING THE MAYOR TO SIGN FORM 1A OF THE SOMERSET HILLS MUNICIPAL ALLIANCE GRANT APPLICATION**
- #21-249 APPROVING THE 2022 SCHEDULE OF MEETINGS OF THE MAYOR AND COUNCIL**
- #21-250 AUTHORIZING CHANGE ORDER #1 (FINAL) TO THE CONTRACT FOR WASHINGTON CORNER ROAD MILLING AND PAVING IMPROVEMENTS**
- #21-251 AUTHORIZING CHANGE ORDER #1 (FINAL) TO THE CONTRACT FOR CRESTVIEW DRIVE RECONSTRUCTION AND DRAINAGE IMPROVEMENTS**
- #21-252 AUTHORIZATION OF TAX REFUND**
- #21-253 RESCINDING INACTIVE ABC LICENSE #1803-44-006-004 FOR THE 2021-22 TERM WHILE AWAITING A SPECIAL RULING**
- #21-254 RESOLUTION AUTHORIZING TRANSFER OF FUNDS**
- #21-255 AUTHORIZING THE MAYOR AND CLERK TO SIGN A THREE YEAR SLUDGE DISPOSAL AGREEMENT WITH PASSAIC VALLEY SEWERAGE COMMISSION**
- #21-256 AUTHORIZING DISPOSAL OF EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE**
- #21-257 REDUCING PERFORMANCE BOND FOR BERNARDSVILLE CENTRE LLC 80 MORRISTOWN ROAD, BLOCK 64, LOTS 1.01 AND 23 (APPLICATION NO. SP-213)**

**#21-258 AUTHORIZING THE APPOINTMENT OF SUBURBAN
CONSULTING ENGINEERS AS PARKS, RECREATION AND
TRAILS CONSULTING ENGINEER**

Regarding Resolution #21-253, Mr. McQueen asked for an explanation about the JDJ General Store inactive license being rescinded and reapproved later in the meeting. Mr. Suriano said inactive ABC licensees need to file a special ruling with the ABC for one or two terms and get their approval before we renew their license. He said the ABC granted JDJ General Store's special ruling in November, but they still indicated we have to rescind the license since we approved it in June. He said since they granted the special ruling in November, we can approve the license later in the meeting, so we are rescinding what was approved in June with Resolution #21-253, and then later in New Business, there is a separate motion to approve the license once again via Resolution #21-259. He said the purpose of both of these resolutions is basically for a clerical clarification. Mr. Hammond asked how long a license can stay inactive for. Mr. Pidgeon said there is no limit. Mr. Hammond asked what would happen if we did not reapprove it after we rescinded it and could it then be marketed to somebody else who would use it. Mr. Pidgeon said the ABC has the final determination and could still overrule us.

Regarding Resolution #21-246, Mayor Canose thanked the Paragano Family Foundation for their generous donation to the Bernardsville Police Department.

Regarding Resolution #21-249, Ms. Zamarra asked if it has been determined when we will return to in-person meetings. Mayor Canose said we haven't made that decision. She said our courtroom council chambers isn't really conducive to social distancing and the ventilation isn't what it should be, so it's not an easy call for us to make. Mr. Hammond asked that when we eventually are able to meet in person, do we have the capabilities to have a hybrid meeting as it clearly has helped the public stay engaged. Mr. Czerniecki said given the technology we now have in our meeting room and the way the room is configured, it may not be able to be done smoothly but anything's possible. Mayor Canose said we would need Chris D'Amato to see if it's possible with the technology we have.

Ms. Zamarra moved to adopt Resolutions #21-245 to #21-258. Mr. Hammond seconded and the motion was approved by the following roll call vote. Ms. Greenfield, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said on November 9th we held a Mental Health First Aid Training attended by department heads, Mayor Canose, and Ms. Zamarra, which was sponsored by the Mayor's Wellness Campaign Committee. Community In Crisis provided the training. On November 9th, Mayor Canose attended the County Commissioners meeting where they recognized Kyle Morris for his achievement of Eagle Scout. On November 10th, Mayor Canose met with the partners of Gray Field Management who are looking at the Van Rensselaer property

for possible development and wanted to introduce themselves. She said we may be hearing from them in the future. On November 11th, Downtown Bernardsville had a board meeting. On November 15th, Mayor Canose, Mr. Czerniecki, and Joe DeMarco met and worked on the agreement with Advance Realty. Mayor Canose attended a meeting of the Law Enforcement Foundation, which we will hear more about in the coming weeks. There was a Cultural Arts Committee meeting on November 17th and their main project is a Faces of Bernardsville Art Show. Mayor Canose said right now the committee is collecting lists of people they think they want to have photographed. Then they'll be getting artists to either do photography, paintings, or drawings and getting the school involved. They will have the art show throughout the town probably in the spring. Mayor Canose attended the Housing and Zoning Committee meeting on November 18th and the county's Stigma Free Committee on November 19th. Mayor Canose said she was able to connect the Stigma Free Committee with the County Rotary to get involved in the Stigma-Free Movement, which is also something that the Mayor's Wellness Campaign is working on. On November 19th, Mayor Canose, Mr. Markowick and Mr. Pidgeon reviewed the RFPs for Recreation and Trails Engineer and we appointed Suburban Consulting Engineers from Flanders. On November 20th, the Somerset County call indicated they are now offering vaccination clinics for 5 to 11 year olds. The county has contacted the Superintendents to see if they could set up some clinics at the schools. Mayor Canose said she does not know if our school has offered to participate or not. She said anyone over 18 now can get a booster. Our last vaccination clinic held in town at the train station was last week and we had 120 people which was a great turnout. Mayor Canose said the county also talked about recovery funds and held meetings with different groups with the focus on tourism recovery. They want to put a lot of the funding into that area and Mayor Canose said something to think about is that they asked if there's any tourism type project for our town that we would like to request. They will be sending out a form for us to fill out to see if there's a way we could use some of those funds to do tourism in Bernardsville. Mayor Canose attended a webinar that Congressman Malinowski held today on the new infrastructure funding. They mentioned they're going to have 40 new competitive grants through that funding. She said she believes it's 90 days from when they approve the bill or law that they will start rolling out these grants. Mayor Canose said they will be keeping us up to date as they come out and there's going to be a lot of funding for transportation projects infrastructure and wastewater. The Land Use Committee met today and council will be getting an update in executive session.

Administrator's Report, Mr. Czerniecki said there were three change orders on tonight's agenda that netted over \$100,000 in reductions in contracts and thanked the Public Works Committee and Doug Walker for being a good manager of those resources. Mr. Czerniecki said we had the oaths of office for the two newly appointed police officers earlier in the meeting. He said it's very reassuring to see how comprehensive of a process the Police Chief, Public Safety Committee and Personnel Committee have set up to make sure we get the best fits and the most qualified people we can into those positions. Mr. Czerniecki said he would like to welcome Wendy Brown who is our new Clerical Assistant to the Tax Assessor and will be taking over for Celeste Hartmann who is retiring in a few weeks. He said we're now offering Municipay so people can now pay by credit card when they go to the Construction and Zoning Office. It can

be done in person or online and we're excited to finally have that going. He said it was finalized today and residents will be provided online instructions in the coming days. Mr. Czerniecki said the Public Works employees are currently doing leaf collection. He said the pedestrian bridge at Nervine Park wound up sustaining some considerable damage from Hurricane Ida and it just didn't show until recently. One of the four corners settled significantly because the bank underneath was undermined. We have temporarily taped off that bridge and have our engineer coming to inspect it in the next few days. Mr. Czerniecki said we'll also be submitting that to FEMA.

Mr. McQueen 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 was absent and it was noted the committee has not met since their last report.

Finance Committee, Mr. McQueen said the committee has not met since their last report.

Organization Development and Personnel Committee, Mr. Hammond said the committee met on November 3rd regarding a grievance and further details are confidential. They will meet again later this week to follow up on the November 3rd meeting and also discuss Covid workplace related questions.

Engineering, Technology, and Public Works Committee, Ms. McCredie said Doug Walker did a great job in getting some money back from our ongoing projects and did a great presentation about all the roads that were completed this year. She said we've had 7.46 miles of road newly paved and we have 55 total miles in Bernardsville. She said the area of roads we were able to reach consisted of about 276 homes which is roughly about 10% of our total homes in town which is a really great job by Public Works and Capital Projects for getting that completed this year. Ms. McCredie said we were awarded \$300,000 from NJDOT for the Bernards Avenue project which will start next year. This year we only got one grant although we applied for two. She said we got the Bernards Avenue project but we did not get the Bernards Avenue Neighborhood project, so we'll have some options that will probably come to Finance Committee. Ms. McCredie said there is a proposal that Doug Walker is working on with Chief Valentine and Lieutenant Remian about costs to the borough for traffic control. She said hopefully that will lower our costs moving forward. She said 2022 budget requests were discussed. Ms. McCredie said we have had our permits for the Polo Grounds walking path since April 9th of this year and we have yet to hear back from the NJDEP and Doug Walker will follow up with them. She said we were hoping to get the Polo Grounds walking path done this year but at this point that's not going to happen, so we'll hope to get it done first thing in the spring of 2022, but we need to hear back from the NJDEP first. Ms. McCredie said we hired Van Cleef Engineering regarding Train Quiet Zones and they have been doing site visits. Doug Walker is working with them to continue what would need to be done if we are going to move forward.

She said the road moratorium worksheets and the 2022 proposed work schedule were sent to PSE&G, JCP&L, and NJ American Water.

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

Environmental Commission, Mr. Hammond said the Commission met on November 10th and discussed the remaining budget item that was presented earlier in the meeting by Johanna Wissinger. He said they talked about the orientation and progress of the construction of the pickleball court. Mr. Hammond said there was discussion about getting prepared for the plastic bag ban which will take place in May of 2022 and we're going to try to coordinate it with the Clean Communities Program for how to mitigate the roll out. Mr. Hammond said the Commission would like to ask the Board of Adjustment to make a tally of how much impervious coverage or the percent of steep slopes that they've approved and then keep a running tally so that we can get a sense of what impact any variances have that they approve of over time. He said when they make these decisions on an individual case basis sometimes the aggregate can get lost in the shuffle without understanding the impact. He said the Environmental Commission is going to try to discuss this topic with a representative of the Board of Adjustment. Mr. Hammond said there are two open seats on the Environmental Commission and any resident who might have an interest should complete a Skills Bank form to apply.

Library Board of Trustees, Ms. Zamarra said the Board met on November 16th and Lucy Orfan, a very dedicated volunteer, has decided to retire from the Library Board of Trustees and will be sorely missed as she did a lot of great work for the Library for 22 years. Ms. Zamarra said the Library still has their survey open at bernardsvillelibrary.org. There will be a free jazz concert on December 5th from 3:00pm to 4:00pm. Ms. Zamarra said she participated in the Recreation Department Veterans' Day event on November 14th and thanked all the Recreation Department employees who helped organize that event.

Housing Committee, Ms. Greenfield said the Committee met on November 18th and is currently discussing the potential of a perimeter fence ordinance and will continue discussion at next month's meeting. Mayor Canose thanked Ms. Greenfield for chairing the Housing Committee and said she's done an outstanding job.

Recreation Committee, Mayor Canose said she attended the Recreation Committee meeting since we were between council liaisons when they last met. She said at their last meeting they were really excited about moving forward with our Parks & Recreation Engineer for both passive and active recreation. She said it was great to see quite a number of people from the public attend the meeting and say positive things about moving forward. Mayor Canose said Bob Markowick runs a great meeting and keeps everybody focused on moving along very positively. She said there were a lot of comments from the public that were very supportive and she feels this is going to generate a lot of community support and interest. She said there's still a lot of opportunity for people to comment on how we're moving ahead. Mr. Markowick thanked

everyone that attended and said it was great to see almost 30 people attend the meeting. He said he is glad some of the committee members got to showcase some of their talents as they work really hard and do a lot of volunteer work.

ITEMS OF BUSINESS

Comcast Franchise Renewal

Mr. Pidgeon said he felt it is worth the discussion for himself and Mr. Czerniecki to have with Comcast to see if we can get anything from them, although because the FCC and state basically preempted things, there's not a lot to get anymore. Mr. McQueen asked if we are locked into a contract with Comcast. Mr. Pidgeon said it's not a contract, it's a municipal consent to their franchise to operate in the Borough. He said with FIOS available it's a non-exclusive franchise and it's just allowing them to continue offering cable service in the Borough. Ms. McCredie moved that Ordinance #2021-1905, **AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY**, 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, December 13, 2021. Mr. Hammond seconded and the motion was approved with five yes votes.

Correspondence - None

Unfinished Business

Mr. Hammond asked where we stand with the energy aggregation proposal we talked about at the October 13th meeting with Concord Energy Services. Ms. McCredie said we did not receive the comparison that we had requested from them. Mr. Czerniecki said Ms. McCredie prompted him to remind Concord about sending the comparison two weeks ago. We had sent a follow up email at that time and they said they would be getting back to us but we haven't heard anything yet. Ms. McCredie said we were looking for a simple comparison of their costs versus the competitive normal costs coming from either PSE&G or JCP&L.

New Business

Ms. Zamarra moved to adopt Resolution #21-259, **APPROVING INACTIVE ABC LICENSE FOR JDJ GENERAL STORE**. Ms. Greenfield seconded and the motion was approved by the following roll call vote. Ms. Greenfield, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

Mr. McQueen moved to appoint Diane Greenfield as Council Liaison to the Recreation Committee, Council Liaison to HPAC, Public Safety Committee. Ms. McCredie seconded and the motion was approved with five yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

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

Menorah Lighting, Mr. Hammond said the Menorah lighting will take place on Sunday, November 28th at 5:00pm at the Bernardsville Centre. He said it's being sponsored by Chabad of Greater Somerset County, which is in Basking Ridge, and also being supported by the Bernardsville Diversity Committee and the Chai Center for Jewish Life in Warren.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations 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 five yes votes.

ADJOURNMENT

The meeting was adjourned at 8:20pm.
