

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

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

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News, Courier News and the Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 27, 2021.

PLEDGE OF ALLEGIANCE

PRESENTATIONS - None

APPROVAL OF MINUTES

Mr. McQueen moved approval of minutes from February 28, 2022 and March 14, 2022. Ms. Greenfield seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Peter Roselle, spoke about a request from King of Kings Worship Center to use borough property at Kiwanis Park for a food pantry distribution site on days where they get food deliveries to distribute. Mayor Canose said this item will be discussed later on in the meeting as it is listed on the agenda under items of business.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2022-1911, **APPROPRIATING THE SUM OF \$60,000 FOR THE BERNARDSVILLE PUBLIC LIBRARY BUILDING - PUBLIC RESTROOM RENOVATIONS.** 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. Ms. Greenfield seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

ORDINANCES (Introduction) – None

RESOLUTIONS

- #22-71 AUTHORIZING PAYMENT OF BILLS**
- #22-72 AUTHORIZING REFUND OF INSPECTION ESCROW ACCOUNT
04-280-5000-1039 FOR FALLONE HOMES LLC FOR 467 MINE
BROOK ROAD**
- #22-73 AUTHORIZING REFUND OF PERFORATION BOND
04-280-5000-1038 FOR FALLONE HOMES LLC FOR 467 MINE
BROOK RD**
- #22-74 A RESOLUTION TO UTILIZE THE THREE-YEAR AVERAGE
METHOD IN COMPUTING CERTAIN REVENUES IN THE 2022
MUNICIPAL BUDGET**
- #22-75 AUTHORIZING SETTLEMENT OF CONDEMNATION ACTION
FILED AGAINST 63 BERNARDS AVENUE AND AUTHORIZING
THE PAYMENT OF \$1,600,000 FOR THE ACQUISITION OF
THAT PROPERTY**
- #22-76 ACCEPTING A DONATION TO THE BERNARDSVILLE POLICE
DEPARTMENT**
- #22-77 AUTHORIZATION OF SEWER REFUND**
- #22-78 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7004-0100 FOR COLWELL FOR 101
CAMPBELL ROAD**
- #22-79 AUTHORIZING REFUND OF INSPECTION ESCROW ACCOUNT
04-280-8000-0100 FOR THE COFFEE SHOP LLC FOR 23 OLCOTT
SQUARE**
- #22-80 AWARDING A CONTRACT FOR BERNARDSVILLE LIBRARY
DOOR REPLACEMENT AND AUTOMATIC OPERATOR
INSTALLATION**
- #22-81 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #22-82 APPOINTING CHRIS LAPORTA AS A PROBATIONARY
POLICE OFFICER UPON SATISFACTION OF CONDITIONS**

- #22-83 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7002-0002 FOR DALLAS FOR 31
BOULDERWOOD DRIVE**
- #22-84 AUTHORIZING THE EMPLOYMENT OF RAISHAH FRANKLIN
AS HOUSING/ZONING INSPECTOR, TREE CONSERVATION
OFFICER, AND ADMINISTRATIVE ASSISTANT**
- #22-85 APPOINTING RENEE APUZZO AS ACTING ZONING
OFFICER/DEPARTMENT HEAD**
- #22-86 AUTHORIZING THE HIRING OF TEMPORARY PART-TIME
VIOLATIONS CLERKS IN THE SHARED MUNICIPAL COURT**
- #22-87 AUTHORIZING THE EMPLOYMENT OF ZACHARY BOHN AS
RECREATION MAINTENANCE/LABORER**

Regarding Resolution #22-75, Mayor Canose said she had been asked about the property at 63 Bernards Avenue as to how we were financing that. She said it is from our affordable housing fund so it's not an extra tax or bond. She said it's part of our fund that we have set aside for that purpose.

Mr. McQueen moved to adopt Resolutions #22-71 to #22-87. Ms. McCredie seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

INTRODUCTION OF THE 2022 MUNICIPAL BUDGET

Members of the Finance Committee gave a presentation on the 2022 municipal budget. The priorities of the committee are to 1) manage critical budget trends; 2) restore cash for capital projects to pre-2018 levels to pay for future capital needs; 3) manage near term borough debt to bridge gap on the 2014 Road Bond; 4) invest capital and open space funds in a prioritized, focused way; 5) identify new opportunities for borough revenue. The goals of the committee are 1) become the regional leader in tax stability and operational efficiency; 2) improve the Borough's debt service level & bring solidly below 10% of budget by 2032 (Currently almost 12%); 3) restore and increase the ability to invest in the Borough through a "pay-as-we-go" strategy. The bottom line is for no tax rate increase in 2022, while achieving many community priorities, and improving the Borough's capital position.

Mr. McQueen moved that **Resolution #22-88, INTRODUCTION OF THE 2022 MUNICIPAL BUDGET** be adopted and a public hearing on the 2022 Municipal Budget will be held on April 25, 2022 at 7:00pm. Mr. Ribeiro seconded and the motion was approved by the

following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, On March 15th, Mayor Canose attended a Youth Substance Use Prevention Coalition held by Community In Crisis. She said they are doing incredible work on trying to stem the opioid and fentanyl use by young people. The Downtown Redevelopment Committee held a meeting and gave an update on where we are in our redevelopment project. Mayor Canose said there are a couple of misconceptions about our redevelopment project for Quimby. She said the Council and Planning Board declared that area an "area in need of redevelopment without condemnation". She said some people have been hearing that we might be condemning property but we are not. In order for that to happen, council would have to come back and redo the area as an "area in need of redevelopment with condemnation" and we have not done that and it is not on our agenda to do it anytime soon. Mayor Canose said the Palmer Building project is a totally separate project from the Quimby Lane project and the only thing we have done on the Palmer project is ask Topology to do an investigation to see if it can be called an area in need of redevelopment or not. She said we have no agreements, no financial investments, and nothing with the Palmer properties right now. On March 16th there was an in-person meeting of the Somerset County Office on Aging Advisory Committee held at the Bridgewater Senior Wellness Center. They are doing a survey on senior needs and Mayor Canose will put the link to that in her next newsletter so we get some of our residents' input. On March 17th, Mayor Canose met with several Somerset County Park employees to talk about trails. She said Ms. Greenfield suggested creating an ad hoc committee on monitoring trails. Mayor Canose will create such a committee to regularly inspect the trails, map them out, and get descriptions of them so that people have accurate information about the trails. This will also be a big help to the Recreation Department to have people committed to monitoring the trails and making sure they're taken care. On March 18th, Mayor Canose attended the grand reopening of the Senior Wellness Center in Basking Ridge. She said she got a tour of the kitchen and how they do their meals on wheels. She said it's a very impressive operation and every day they send meals out and then serve a hot meal three days of the week for lunch. Mayor Canose attended a Stigma Free Initiative Committee meeting. They are working on having a conference in May. She said it's not just for professionals, it's for anyone that's dealing with mental illness or substance use disorders. The social worker that works with the police in Bridgewater will be doing a presentation. Mayor Canose attended the Housing Committee meeting on March 18th. On March 19th, there was a Mayor's Wellness Campaign team for the Shamrock Shuffle. Mayor Canose said there was an incredible amount of people that came out for this event. Mr. Czerniecki, Mr. Pidgeon, and Mayor Canose met to talk about the train station lease. On March 22nd, Congressman Malinowski came to Bernardsville to review the Boylan Terrace walkway project. Mr. Czerniecki, Doug Walker, Paul Ferriero, and Bob Brightly attended to show a diagram of what we want to do with that project. Mayor Canose said we were able to get 1.4 million dollars in federal funding, which is not a grant, and is coming out of the federal budget to finance the walkway from Boylan Terrace to the train station. Mr. McQueen asked for this topic to be put on

the next council meeting agenda along with any documents we had from the past. This topic will be on the next agenda. Mayor Canose said she talked to some of the residents in that neighborhood and they are excited about this project. There will be lighting as well, which was a concern of some people with the area being dark at night but now it's going to be lit and very visible. Mayor Canose said she thinks it'll just make a great improvement to that area and not just for people coming from that neighborhood to the train station/business district, but also people on the other side getting to the ball fields. She said it will help traffic on Mount Airy Road since people could park at the train station and walk to Kiwanis, so it's going to be a huge asset to our town. Mayor Canose said we got our banner and plaque from the New Jersey Health Care Quality Institute for the Bronze Award. Bob Markowick will hang the banner at the Polo Grounds and we will hang the plaque in borough hall.

Administrator's Report, Mr. Czerniecki said the budget was being worked on all week in preparation for introduction that happened earlier in tonight's meeting. He thanked council for approval of the five personnel related appointments approved earlier in the meeting by resolution. He said the appointment touched on all the committees, public safety, finance, and personnel.

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

Public Safety Committee, Ms. McCredie said the committee talked about RideWise, Smart Streets, and the five corners intersection. Ms. Greenfield will have more on these topics in her Public Works Committee report as these topics overlap.

Finance Committee, Mr. McQueen said the committee met to review the introduction of the budget which was done earlier in the meeting.

Organization Development and Personnel Committee, Ms. Zamarra said the committee met last week and talked about the new hiring for the Zoning Department. She said they also briefly discussed contract negotiations.

Engineering, Technology, and Public Works Committee, Ms. Greenfield said the committee discussed the five corners traffic control options. Bob Brightly of Ferriero Engineering had done five concept plans and along with the Public Works Committee suggestions, they were sent to the Public Safety Committee for their March 17th meeting for input and direction as to next steps. Ms. Greenfield said she is on both committees and Public Safety discussed this topic. The borough engineer is going to provide guidance as to possible placement of the electronic advanced warning signs and pedestrian activation stations on Claremont Road going in both directions. The Public Works Committee is exploring the addition of sidewalks based on the Public Safety Committee's sidewalk priority list. Ms. Greenfield said Public Safety discussed the priority list for some time, and a meeting with the borough engineer will take place for the purposes of arriving at a priority list that both the Public Works Committee and the council can

agree upon. They are also looking to develop a timeline and cost estimate for the identified top priority sidewalks. Ms. Greenfield said Chief Valentine broke out the priorities in high, middle, and low categories. They are working on the high priority list right now. They are trying to pick municipal and county roads and have the engineer take a look at them to see which ones would be the most viable to move forward with. Regarding Bernards Avenue, the roadway plan in engineering was sent to NJDOT for the required review and approvals. We are looking to begin this project in mid-June. The dam remediation presentations for both dam remediation and dam removal will be presented to the Public Works Committee at their April 19th meeting, and then to the full council and the public at the April 25th council meeting. Ms. Greenfield said the pickleball court per-construction meeting is scheduled for March 30th and the start of the construction will be determined at that time. She said we are still waiting for permits for the Polo Grounds walking path. On March 17th, a meeting was held with NJ American Water Company and CRS Contracting for mill and pave restoration. All milling and paving to be curbed on Timber Rock Trail, Flintlock Court, Mine Mount Road, Stevens Street, and Anderson Hill Road is tentatively scheduled for during the school spring break. Ms. Greenfield said St. Elizabeth's School and the public schools have different spring break weeks so it's not definite yet as to which one it will be. Regarding the replacement of dead and declining ash trees at Cedar Lane and Stirling Drive, the trees were removed last week and replacement trees will be a mix of dogwood, red bud, and crab apple. They are scheduled to be planted in mid-April.

OTHER COMMITTEE REPORTS

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

Land Use Committee, Mayor Canose said the committee met with Advance Realty to talk about Quimby redevelopment.

Planning Board, Mr. McQueen said the Board met last Thursday and heard the initial presentation on the application for Bistro 73. He said this is the first application he has seen that incorporated the new downtown zoning requirements and new outdoor dining requirements that were put in place, as well as the easement that was put in place for parking. He said he's really thankful to see our businesses and owners of the buildings in town use these important new documents to improve their facilities and hopefully increase the number of patrons that they can get into their facilities. Mr. McQueen said at the next Planning Board meeting, the Community In Crisis application will be heard.

Recreation Committee, Mr. McQueen said the committee met and Bob Markowick and his staff are working on many of the manuals for summer programs. Mr. Markowick said brochures for both the pool and the summer camps are on the borough website and there have been a lot of signups in the first week. He said the Recreation job postings and program offerings are much clearer and are able to be found on the newly redesigned website. Mr. McQueen complimented

Bob Markowick and Leah Horowitz in the way that they are marketing the materials which has been much improved this year.

Board of Health, Mr. Ribeiro said the Board met and focused on the Health Officer's report. He said food inspections have started for the year which also includes outdoor facilities. Environmental inspections and reviews are ongoing. Mr. Ribeiro said the Health Department is still doing Covid testing and have a lot going on with Covid despite the overall slowdown in Covid cases. They are monitoring the new strand in Europe. The location of testing has been ongoing at the Bernards Township Community Center and they're looking for a new location to continue. Mr. Ribeiro said the Health Department announced that they're working on their annual report and it should be out relatively soon. Mayor Canose asked about vaccination clinics. Mr. Ribeiro said he will send the Mayor and Council the Health Department's information on vaccination clinics

Housing/Zoning/Property Maintenance Compliance Committee, Ms. Greenfield said the committee met on March 18th and discussed additions and changes to the borough code dealing with residential leases. They reviewed the resident complaint form and are adding a complaint form tab to the housing section of the borough website for greater resident accessibility. Ms. Greenfield said the committee also continued discussion on a potential perimeter fence ordinance.

HPAC, Ms. Greenfield noted that HPAC did not meet.

Open Space Committee, Ms. Greenfield noted that Open Space did not meet.

Shade Tree Committee, Ms. Zamarra said the committee met on March 16th and John Macdowall was present. They discussed the Stirling Road and Cedar Lane tree replacement project. Ms. Zamarra said free trees are going to be given out this year but they are still working on a date for when that will happen.

Environmental Commission, Mr. Ambelang said the Commission met and worked on community spring events that they can participate in which includes the Easter Eggstravaganza on April 9th and the spring cleanup on Earth Day. The plastic bag ban goes into effect on May 4th. The Commission has joined the regional pollinator working group which will help the Great Swamp native plant sale which is to occur on April 30th. Mr. Ambelang said they are working on maximizing the grants that they are applying for. The Commission is working on a plan to kill spotted lanternfly egg cases. Mayor Canose said last year several of the businesses that back up to the train station were inundated with spotted lanternflies because of the tree of heaven that are all along the tracks. She said she reached out to our contact person at NJ Transit to see if there's something they can do. She said while they are called trees, they're more like bushes and they won't cut them unless they're dead or diseased, but they can probably get someone to scrape off the eggs which would be a big help. Mayor Canose said they're looking into that so hopefully the downtown area won't get as overwhelmed as it did last year.

ITEMS OF BUSINESS**Request for Food Pantry at Kiwanis Park**

Peter Roselle, spoke about a request from King of Kings Worship Center to use borough property at Kiwanis Park for a food pantry distribution site on days where they get food deliveries to distribute. Council consented to using Kiwanis Park temporarily for Tuesday, March 29th and Tuesday April 5th, and that an alternative location will be looked for. It was suggested to consult with John Macdowall about an alternate location. This topic will be revisited at a future council meeting.

Request to hold Bernardsville Farmers' Market

Council consent was given to hold the Farmers' Market on Saturdays at the Bernardsville Train Station parking lot from June 11th to December 17th. Market hours will be 9:00am to 1:00pm.

Request for Sourland Distillery as a Farmers' Market Vendor

Council agreed in concept to allow Sourland Distillery to sell their products at the Farmers' Market, however, section 3-9d of the Borough Code would need to be expanded to permit distilleries as well as wineries to offer tasting at the Bernardsville Farmers' Market. Mr. Pidgeon will draft an ordinance for the next council meeting.

Correspondence - Statewide Reparations Task Force

Mayor Canose received an email from Reverend Beth Sciaino asking if council would consider adopting a resolution entitled, "A RESOLUTION ENDORSING THE ENACTMENT OF ASSEMBLY BILL A938/S386, THE 'NEW JERSEY REPARATIONS TASK FORCE ACT'". She said she sent it to Mr. Pidgeon for his review. Mr. Pidgeon said in the past, councils have taken the position that they would not comment on things over which they didn't have jurisdiction of. He said that was just a policy adopted by past councils, so this council could change that policy if they want to. Mr. McQueen said there are things as policymakers and as council that we deliberate on, but we're also elected officials that are entrusted with the success of this town. He said from his perspective, making comments even where we don't have jurisdiction, even though they're not binding, is an important part of his duty. He said he is willing to make comments even where he does not have jurisdiction understanding that there's no teeth to his comments other than his opinion. Ms. Greenfield said she agrees with the policy that past councils have held so far. Mr. Ambelang said what we're saying is that our policy has not been to comment on something like this. Mr. Pidgeon said historically, unless the things have directly affected municipalities, it's always been the policy that the council would not take a position. Mr. McQueen asked for clarification about defining a municipality as things happening within the Borough of Bernardsville because we've done comments on things happening at the state level. Mr. Pidgeon said those are things that have a direct impact on municipalities in

general. Mayor Canose said we're asking the state to do something that will ultimately either benefit the borough at some point and those are the things we've commented on. Mr. Pidgeon gave an example about the bill to recalculate state aid. Mr. Ribeiro said he thinks mandate is about passing resolutions and ordinances that deal with the jurisdiction of Bernardsville. He said in Mr. Pidgeon's example the state bill being considered would directly affect our budget. He said likewise we also did not take up any resolution or movement on the Ukraine at a recent meeting. Mr. Ribeiro said he is comfortable from a consistency standpoint of staying within our jurisdiction. No action was taken. Mayor Canose said she would inform Reverend Sciaino.

Unfinished Business

Mr. Ribeiro said vaccine clinics are continuing and will be given at St. James Church on South Finley Avenue in Bernards Township from 3:00pm to 5:00pm. There is a vaccine clinic tomorrow for ages 12 and up or 18 and up depending on which vaccine it is. He said on April 11th there's a pediatric clinic and signups can be done on the Bernards Township Health Department website.

New Business

Attending Council Meetings Remotely, it was noted that our current ordinance states that a council member cannot vote if they attend a council meeting remotely unless a quorum is needed or it's an emergency meeting that was called less than ten days prior. Mr. Pidgeon said council can change that ordinance unless we get something contrary from the state. Mr. McQueen proposed changing the ordinance to make it possible for times when a council member absolutely cannot make it in person. This topic will be discussed and potentially have an ordinance introduced at the next meeting. Mr. Czerniecki said council committee meetings are quite effective done remotely.

Little League Parade, Council consent was given for a Road Closing Request for an Opening Day Little League Parade on April 23rd from 8:00am to 11:00am. The roads to be closed will be Maple Street and Pine Street.

OPEN SESSION

Mayor Canose opened the meeting to the public.

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

CLOSED SESSION

It was moved to adjourn to an executive session to consider Property Acquisition and that the time when and circumstances under which the matter can be disclosed to the public is when it is finally resolved. The motion was seconded and approved with six yes votes.

REOPEN

It was moved and seconded to reopen the meeting to the public. The motion was approved with six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:15pm.
