

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**April 25, 2022**

Mayor Mary Jane Canose called this meeting to order at 6:30 p.m. 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 and Courier News, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 27, 2021 and supplemented on April 21, 2022 with notice for the change of start time to 6:30pm.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Mr. Pidgeon administered the oath of office for the swearing in of Patrolmen Andrew DeMaio, Cole Rhinesmith, Tyler Schwartz, and Chris LaPorta.

Mr. Pidgeon administered the oath of office for the swearing in of Sergeants Tim Richard and Justin Alt.

Mr. Pidgeon administered the oath of office for the swearing in Captain John Remian.

Mayor Canose read a proclamation honoring Lt. John Gardner who recently retired.

Mayor Canose read a proclamation honoring Geoff Price, Zoning Officer, for his upcoming retirement at the end of April.

**APPROVAL OF MINUTES**

Mr. McQueen moved approval of minutes from March 28, 2022 and April 11, 2022. Ms. Zamarra seconded and the motion was approved with six yes votes.

**OPEN SESSION**

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

**ORDINANCES (Public Hearing)**

Mayor Canose opened the public hearing on Ordinance #2022-1912, **ALLOWING HOLDERS OF CERTAIN ALCOHOLIC BEVERAGE MANUFACTURING LICENSES TO SELL**

**THEIR PRODUCTS AT THE BERNARDSVILLE FARMERS' MARKET AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**. 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. Zamarra 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)**

Ms. Greenfield moved that Ordinance #2022-1913, **SALARY ORDINANCE FOR EMPLOYEES OF THE BOROUGH OF BERNARDSVILLE WHO ARE MEMBERS OF THE PUBLIC WORKS EMPLOYEE ASSOCIATION**, 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, May 9, 2022. Mr. Ribeiro seconded and the motion was approved with six yes votes.

#### **PRESENTATIONS**

Bob Markowick, Recreation Director, spoke about the accomplishments of the 7<sup>th</sup> Grade Jersey Basketball League boys' team that won the league championship. Mayor Canose read a proclamation in honor of the 7<sup>th</sup> Grade Jersey Basketball League Champions. Members of the team and their coaches were present and received a copy of the proclamation.

#### **ORDINANCES (Introduction)**

Mr. McQueen moved that Ordinance #2022-1914, **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$1,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**, 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, May 9, 2022. Ms. Greenfield seconded and the motion was approved with four yes votes. Mr. Ambelang and Ms. Zamarra abstained.

#### **RESOLUTIONS**

**#22-98            AUTHORIZING PAYMENT OF BILLS**

**#22-99            APPROVING A MEMORANDUM OF AGREEMENT  
WITH BERNARDSVILLE PUBLIC WORKS EMPLOYEES  
ASSOCIATION**

- #22-100      AMENDING THE PROFESSIONAL SERVICES CONTRACT  
WITH PARKER MCCAY FOR LEGAL SERVICES**
- #22-101      AUTHORIZING ISSUANCE OF AN RFP FOR INSTALLATION  
AND MAINTENANCE OF CHARGING STATIONS IN THE  
LIBRARY AND TRAIN STATION PARKING LOTS**
- #22-102      AUTHORIZING SALE OF VEHICLES**
- #22-103      AUTHORIZING ENGINEERING OF CONCEPT PLANS  
FOR SIDEWALKS ON LOWER CHILDS ROAD**
- #22-104      AUTHORIZING ENGINEERING OF CONCEPT PLANS  
FOR SIDEWALKS ON OLD ARMY ROAD**
- #22-105      AUTHORIZING A HARDSHIP EXEMPTION FROM ROAD  
MORATORIUM FOR STREET OPENING – 246 MOUNT  
HARMONY ROAD**
- #22-106      AUTHORIZING PARTICIPATION BY THE  
BERNARDSVILLE FIRE COMPANY IN THE MORRIS  
COUNTY FIRE MUTUAL AID PLAN**

Regarding Resolutions #22-103 and #22-104, Mr. McQueen asked if the locations of the sidewalks were selected from a priority list. Ms. Greenfield said they were both on the Police Department's priority list. Mr. Ambelang asked if we have Right-Of-Way. Mr. Czerniecki said we do.

Resolution #22-107 was pulled from the consent list and will be discussed in closed session later in the meeting. Mr. Ribeiro moved to adopt Resolutions #22-98 to #22-106. Ms. Zamarra 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.

#### **ADOPTION OF THE 2022 MUNICIPAL BUDGET**

Mayor Canose opened the public hearing on the 2022 Municipal Budget. Hearing no comments, Mayor Canose closed the public hearing. Mr. McQueen moved that **Resolution #22-108, ADOPTION OF THE 2022 MUNICIPAL BUDGET** be adopted. 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 April 13<sup>th</sup> Mayor Canose attended the Somerset County Government Officials Association meeting. The speaker was Laurie Buckley, Deputy Executive Director/Director of Government Affairs for the NJ League of Municipalities. Mayor Canose said Ms. Buckley discussed Daniel's Law, which amends the Open Public Records Act to protect people who are in public service. They are also actively lobbying for the passing of S-330 to restore the energy tax. Mayor Canose said Ms. Buckley had a list of federal funding opportunities. The Somerset County Government Officials Association meetings are monthly and open to any governing officials. Mayor Canose encouraged council members to attend. On April 16<sup>th</sup>, Mayor Canose had a ribbon cutting at Soho Nails which has new owners. Mayor Canose said that same day was also her 50<sup>th</sup> wedding anniversary. The Mayor's Wellness Campaign has posted a mental health toolkit on their Facebook page. Mayor Canose said we are an Up-And-Coming Healthy Town and we now have a banner at the Polo Grounds along with a plaque that we're going to hang. She said this is bronze status and next year we are going for silver, and then gold. Mayor Canose and Mr. Czerniecki met with Chris Colley of Topology and reviewed the Transit Village application. She said a Transit Village designation opens the borough up to a lot more grant opportunities for downtown development. On April 19<sup>th</sup>, there was a Downtown Bernardsville community meeting at the movie theater. They talked about the \$75,000 grant that they received and how it's going to be used. Mayor Canose said there was a Finance Committee meeting with the Library Director and Treasurer to go over their budget and what their expectations are for future years. On April 22<sup>nd</sup>, there was a party for Geoff Price who is retiring. On April 22<sup>nd</sup>, Faces of Bernardsville was held at Studio 7 and over 100 people attended. Mayor Canose said she attended the Somerset Hills Little League parade and opening ceremonies on April 23<sup>rd</sup>. Also on April 23<sup>rd</sup>, Mayor Canose did a ribbon cutting for Creative Cube, which is located downstairs at the Music Academy. Mayor Canose said we got the grant funding to do the initial assessment study for conformance with the Highlands Regional Master Plan. At our next council meeting on May 9<sup>th</sup>, we will have a presentation from our engineer on the future of the dam and what all the studies have revealed.

**Administrator's Report**, Mr. Czerniecki said last week so many things came together and he feels really good about all the work we've done over the winter months. He said we are starting to see things come to fruition. Mr. Czerniecki said last year council authorized to start undertaking improvements to the pavers in the downtown area. He said we ran into a big problems with one area that we took care of, and last week we completed four areas. He said we installed shrubs at the butterfly garden on Pine Street. The Buildings and Grounds staff is now painting at Claremont. Mr. Czerniecki said we got a jump start on doing a lot of mulching in the downtown area. He said we tried ordering trash cans to replace the damaged ones with the reinforced concrete ones, but with all the problems going on with deliveries, it takes a while to get them. The household cleanup day at the compost facility is set for Saturday, May 14<sup>th</sup>. Mr. Czerniecki said we are also going to do an e-waste collection at the high school on Saturday, May 21<sup>st</sup> from 9:00am to 1:00pm. He said we are starting to see small improvements happen to the parks. The Rose Bowl was graded and we got rid of the dangerous lip that developed. Mr. Czerniecki said NJ American Water completed their work on Seney Drive. He said all our labor contracts are now completed with the resolution passed earlier in this meeting for the Public

Works union. He said at a future meeting we will be hearing from Suburban Engineering about the various aspects of Recreation Master Plan. Mr. McQueen asked about the pavers in the downtown area and how many are left to improve. Mr. Czerniecki said while he does not have the exact number, we are starting with the worst ones and continuing to the best. He said he feels we can keep going because they've all settled.

### **PRESENTATIONS**

Wrestling Coach Pat Riley spoke about the accomplishments of the Bernardsville Recreation Youth Wrestling Team which placed first overall in the regular season and second in the final 2022 tournament of the Raritan Valley Youth Wrestling League. Mayor Canose read a proclamation honoring the Bernardsville Recreation Youth Wrestling Team.

Mayor Canose read a proclamation honoring Chase Caponigro who won the 2022 USAW-NJ State Championship.

### **COUNCIL COMMITTEE REPORTS**

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 has not met since the last report.

**Finance Committee**, Mr. Ribeiro said the committee met with representatives of the Library and talked about their budget needs going forward in 2022, 2023, and beyond.

**Organization Development and Personnel Committee**, Ms. Zamarra said the committee discussed a new hire in the Zoning Department, which was approved by resolution at the March 28<sup>th</sup> council meeting. She said the Memorandum of Agreement for the 2021 and 2022 Public Works Union contract was approved earlier in tonight's meeting.

**Engineering, Technology, and Public Works Committee**, Ms. Greenfield said the committee met on April 19<sup>th</sup>. Members of the committee provided input for what will be incorporated in the presentation on dam remediation to be made by the borough's engineering professionals at the May 9<sup>th</sup> council meeting. Regarding sidewalks, the committee discussed funding for the engineer to develop concept plans with cost estimates for both Old Army Road and lower Childs Road. The resolution for each location was on tonight's agenda and passed earlier in the meeting. Regarding Claremont Road Pedestrian Signage, we are obtaining pricing for new electronic early warning pedestrian traffic signage for the five corners intersection with a desired outcome of improving pedestrian safety. For Bernards Avenue, the project will go to bid when the funding becomes available, which hopefully will be at the next meeting. Regarding mill and paves, the 2022 schedule will be determined based on the bid results from the Bernards Avenue project. Construction on the Pickleball Court began on April 18<sup>th</sup>. We are still waiting for

approval on the Polo Grounds Walking Path. Regarding the Recreation Master Plan, we are waiting for input from Suburban Engineering regarding the pavilion at the Polo Grounds, turf field lights, walking path link to Audubon Trail system, and opportunities that could be available at 271 Mine Brook Road. Regarding the Bernards Neighborhood Project Grant Request, the community funding project grant request for \$950,800 has been submitted and will fund the entire project if awarded. Replacement of the UV Disinfection System due to tropical storm Ida is in processing and anticipated to be completed in May and we received confirmation from FEMA that the temporary rental at approximately \$95,000 will be reimbursed at 90% to the borough. NJ American Water Company mill and pave restoration of Timber Rock Trail to Seney Drive has been completed and they just have to do the lines. We are expecting a delivery of new downtown trash receptacles on May 2nd and will begin replacement later that week. The removal of the old receptacles, leveling areas, and installing the new receptacles will take about two to three weeks. Mr. McQueen asked how the \$90,000 from FEMA will be put into the budget. Mr. Czerniecki said it will go into reimbursing capital. Chief Valentine said we should eventually be receiving 90% percent of the cost to replace the new disinfection system. He said every disaster has a different threshold but at the last minute, FEMA upped the threshold to 90% in this instance.

### **OTHER COMMITTEE REPORTS**

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

**Land Use Committee**, Mayor Canose had nothing new to report.

**Planning Board**, Mr. McQueen said at the last meeting the Bistro 73 project got approved for remodeling. He thanked the owners of Bistro 73 as council spent a lot of time putting together plans for legislation for downtown and this is the first project that has funding to go forward. He said it will be a great addition to our downtown.

**HPAC**, Ms. Greenfield said the committee met April 21st and discussed collaboration with Downtown Bernardsville's Design Committee on a Historical Marker Tour Project. She said a pipe burst at the Dunster Squibb cottage and there's significant damage. An adjuster was out to see the property on April 21st. The committee will be applying to Somerset County for a grant to be used for refurbishing the cottage.

**Housing/Zoning/Property Maintenance Compliance Committee**, Ms. Greenfield said the committee met on April 22nd and discussed short-term and temporary rentals in residential properties, enforcement of the borough sign ordinance, and discussion regarding the potential revamp of the ordinance pertaining to commercial vehicle parking and residential zones.

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

**Shade Tree Committee**, Ms. Zamarra said the committee will be talking about revisiting the tree protection ordinance at their next meeting and she will have an update after they meet. They also discussed some areas of town for potential beautification. A project was just completed on Stirling Road. The committee is essentially looking for areas to utilize the shade tree fund in the best ways, such as if there are areas where it's the borough's actual right-of-way.

**Environmental Commission**, Mr. Ambelang had nothing new to report.

**Recreation Committee**, Mr. McQueen said there are a lot of moving parts with the Recreation Master Plan. The committee requested that they not be forgotten when documents are sent out and that all appropriate committees are involved.

**Library Board of Trustees**, Ms. McCredie said the Board is looking for the results from the budget, which was adopted at tonight's meeting. She said Library Board Treasurer Mark Krook asked to meet with Mr. Czerniecki and Mr. McQueen about the budget. Mayor Canose said in the past, we usually meet with members of the Library Board prior to the budget and they give us their preliminary budget. She said, however, last year there was an agreement that it would stay the same two years in a row, but it's important to meet with them and go over what their needs are.

## **ITEMS OF BUSINESS**

### **MS4-Tier A Municipal Stormwater Requirement**

Mayor Canose said last meeting we had asked about the training that Johanna Wissinger had brought up. She said council had an email from Ms. Wissinger in their agenda file with the links to the different training. Mayor Canose said there is a required 45 minute online training and then the rest is optional but recommended by Ms. Wissinger as having some very valuable information.

### **Correspondence - Somerset County Planning Board Letter of Support for Bernards Avenue Neighborhood Project**

Mayor Canose said we received a letter of support from Walter Lane of the Somerset County Planning Board for the Bernards Avenue Neighborhood Project.

### **Unfinished Business**

**Low Hanging Utility Wires**, Mr. Czerniecki said we are doing an inventory of low hanging utility wires and will pass that on to the appropriate utility company in an effort to alleviate this issue on some of our streets.

**Stream Cleanup**, Ms. Zamarra said this past Saturday was the Raritan Valley Headwaters Association Stream Clean Up. She said Michelle Conover was the leader and did a great job. Ms. Zamarra thanked everyone who volunteered and helped with the cleanup.

### **New Business**

**No Mow May**, Ms. Zamarra said a few residents asked her about No Mow May which is an environmental movement that has come up in England and now has surfaced in Wisconsin. She said it's a movement to save the bee and pollinator population, so if your home has a lawn, you don't mow it for a month. She said many people have asked her whether they can do it or not. She said if anyone wants to do it, they should discuss it with the Zoning Department as we have property maintenance ordinances. She said she shared an article with them that gives options on what to do if someone wants to participate.

### **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 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.

### **REOPEN**

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

Mr. McQueen moved to adopt **Resolution #22-107, RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY DESIGNATING 65 MORRISTOWN ROAD DEVELOPMENT, LLC FOR THE 65 MORRISTOWN RD. REDEVELOPMENT AREA FOR BLOCK 125, LOT 13 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE AND AUTHORIZING THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT WITH THE REDEVELOPER FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN.** 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.



**ADJOURNMENT**

The meeting was adjourned at 10:30pm.

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