

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**August 8, 2022**

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

**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.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

Ms. Greenfield moved approval of minutes from July 11, 2022. Ms. McCredie seconded and the motion was approved with five yes votes.

**PRESENTATIONS**

**Going the Extra Mile (GEM) Recognition of Jackie DeSanto**, Mayor Canose read a proclamation recognizing Jackie DeSanto, Clerical Assistant in Construction/Zoning/Housing, for her work in getting a \$46,000 grant with regard to Shared Services for Fire Prevention with Bernards Township.

**Council Review/Discussion on Area In Need Of Redevelopment Study for Palmer Site**, Joe DeMarco, attorney handling redevelopment matters for the Borough, said at the Planning Board's meeting on July 14<sup>th</sup>, they conducted a public hearing on the topic of whether or not the Palmer site is an area in need of redevelopment. He said it was about a four hour meeting with a lot of questions and at the end, the Planning Board made a recommendation that they embodied into a resolution, to say that the criteria in the law that says whether or not a property is an area in need of redevelopment was, in their opinion, not satisfied. He said the Planning Board is recommending that Council not declare it as an area in need of redevelopment. He said the next step is that council has the right to do three things. They can accept the Planning Board's recommendation as is; modify or adjust it; reject it and proceed to say they want to do this anyway. He said if council accepts it, they're adopting the Planning Board's findings. If council modifies or rejects it, they need to explain why they are doing that. Chris Colley, Topology, was present to speak about a Preliminary Investigation on the Palmer site. He gave an abbreviated summary of the presentation he made to the Planning Board on July 14<sup>th</sup>. He said the question was do the properties at Block 125, Lots 1, 2, and 3, meet any of the criteria to qualify as an area in need of redevelopment. Mr. Colley outlined the overall procedure which is council passes an initial resolution to authorize a preliminary investigation to determine if the area qualifies as a

non-condemnation area in need of redevelopment. Mr. Colley said the preliminary investigation was submitted on April 21, 2022 and the Planning Board review was done on July 14, 2022. He said Governing Body action is the next step to either accept, reject, or modify the Planning Board's recommendation. Mr. Colley showed slides of the study area and discussed the criteria for an area in need of redevelopment. Mr. Czerniecki gave a redevelopment overview including redevelopment versus standard development, finance, borough priority planning goals, examples of redevelopment on a small lot in a town center, community planning, and economic importance in redevelopment.

## **OPEN SESSION**

Mayor Canose opened the meeting to the public.

Raymond Lillie, Anderson Hill Road, said he heard about a proposal to build apartment housing by the Bagel Bin. He said that is right in the center of Olcott Square and is concerned that will bring a lot more traffic and congestion to the center of Bernardsville.

Emma Hawkes, Robert Road in Mendham, said she does not understand why council would not go into parking lot accessibility repairs rather than investing more money into tearing down the lot and essentially destroying a lot of businesses that have spent years in Bernardsville to form the heart of the culture of the town.

Alex Chernin, Mendham resident, said this is devastating and council is tearing down businesses that matter to a community for over 30 years and are people's lives. She said she feels that it is corrupt and evil. She said there are over a hundred people on this call who agree and council is speaking completely opposed to how the people of this town feel. She said this has been going under the radar for quite some time. Mr. DeMarco said the subject of redevelopment of the downtown Bernardsville area has been around for a decade if not multi-decade. He said the Palmer location was authorized for review by council in January of 2022 and Chris Colley of Topology took a good amount of time to study it.

Sheryl Riley, Childs Road, said she is opposed to apartment buildings and anything like that which could take place. She said she does not understand why when superficial problems happened at the Palmer building, they weren't addressed. She said if the idea of redevelopment is to promote, enhance, encourage, and vibrate the town, then tearing things down, rebuilding, and putting in apartment buildings are not needed. She said we want to preserve the businesses that are there, we want to shop small town, and we want to stay small town.

Eddy Zervigon, Bliss Road in Mendham, said he echoes the prior comments made by other speakers. He said he wanted to speak about the concept of a process. The Planning Board was empaneled to review this topic. They spent four hours going through it and concluded with one lone exception that they were in agreement that the redevelopment plan should not go forward. He said unless there was already a preconceived answer, why are we doing this all over. He asked if council didn't like their answer and are doing this again to get to a different answer. He said if council truly believes that the landowners can act in whatever way they see fit today,

irrespective of whether it's rezoned, then why aren't they selling the property to a new buyer that can redevelop it.

Cory Lewis, Brittany Drive in Wayne, said it was stated that not every property could be considered an area in need and asked for one example of a property in downtown Bernardsville that does not qualify. She said it sounds like if you look hard enough you can find fault in anything. Mr. Pidgeon said that is not before the council and we can't answer a hypothetical question. Ms. Lewis asked if a landlord does not maintain their property, as a town, can we go to them and say this doesn't look right and it needs to be fixed or just sit back. Mr. Pidgeon said we have a property maintenance code that has certain standards and as long as the property owner meets those standards there is nothing the borough can do. Ms. Lewis said at the Planning Board meeting, when it came down to Chris Colley's reasoning on why it needs to be an area of redevelopment, it was because the parking lot wasn't maintained. She said as a landlord, tenants pay a maintenance fee and that maintenance fee should be going towards the property.

Jen Zervigon, Bliss Road in Mendham, said she is a big consumer and supporter of all things in Bernardsville, especially the businesses. She said at this meeting when there was a summary of the situation, it has not been clear about who benefits by the designation as an area in need of redevelopment. Ms. Zervigon said if the area is designated as an area of redevelopment, the real estate developer and the landlord will benefit by that designation. She said this is about money for the landlord and the real estate developer. Ms. Zervigon said 250 people called in to the Planning Board meeting and spent four hours listening to Chris Colley's very detailed preliminary investigation on this topic and the vote was 6-1 that it was not an area in need of redevelopment. She suggested all voting members of council should have attended the Planning Board meeting on call or listened to that meeting before taking part in this meeting. Mr. Pidgeon said this is not an appeal from the Planning Board's recommendation. He said council is free to act and make an independent judgment based on the record that they create. Mr. Pidgeon said the Planning Board sent a report to council with its recommendation and it's the same that we do with every zoning ordinance. He said every zoning ordinance has to get referred to the Planning Board and they make a recommendation to the council which has the right to override that recommendation as long as they adopt a separate resolution setting forth the reasons for overriding the Planning Board's recommendation. Mr. Pidgeon said that's why Chris Colley of Topology testified tonight and council can get additional information before they make their own independent judgment. He said council has no obligation to listen to the four-hour Planning Board meeting.

Blake Chernin, Cherry Lane in Brookside, said she noticed a pattern in this meeting where someone will make a comment about future plans for these lots and the response will be a long speech about the purpose of redevelopment, spot zoning is not allowed, and that we can't control what landlords put on those lots. She said when somebody asks council to make some kind of guarantee of what will be done, there's hemming and hawing. She said she imagines there's some idea of plans or redevelopment or else this would be quite a large waste of taxpayers' time. She asked council if they can look at the community gathered right now and guarantee that they will ensure that the actual problems will be addressed instead of putting up new businesses, that whatever accessibility issues they are seeing will be addressed, and that new apartments won't be built. Mr. McQueen said that guarantee can't be made at this point and the reason is very simple,

not knowing what the owner is going to do. He said we can provide, like we did with Quimby Lane, a redevelopment plan that overlays it and structures it, but we cannot mandate. He said we can tighten up what it can be used for and what can be done there.

Frank DiNapoli, Maple Village Court and owner of the Bernardsville Car Wash, said he thinks a lot of the public's concern comes to how the redevelopment designation affects the existing businesses. He said it puts him at a disadvantage almost every day as people come in and ask when the wrecking ball is coming. He said, for example, he can't sign people up for any kind of long-term wash programs. Mr. DeMarco said he doesn't understand why Mr. DiNapoli feels that way because it's an area in need of redevelopment, a development plan with non-condemnation, and Mr. DiNapoli has the absolute right never to sell that property to anybody. Mr. DiNapoli said that once you are in the redevelopment zone, public opinion is that you have a lame duck business. Mayor Canose said one of the things we're trying to do is get the message out to the public that we are not taking anyone's property and we are not forcing anyone to sell. She said if no one sells nothing happens and the public needs to understand that.

Craig Levin, Cornell Road in Bridgewater, asked if the Planning Board serves at the pleasure of the Mayor. Mr. Pidgeon said there are four year terms. He said the Mayor appoints or reappoints members but they cannot be removed during their four year term except for cause. Mayor Canose said they are an independent autonomous body and she does not influence them, speak to them, or have any input in their decision making. Mr. Levin said he was at the Planning Board meeting and a majority of what came out was that a lot of the problems on the Palmer property was cosmetic and could be repaired through painting of the parking lot, repaving, and moving some hedges. He said Chris Colley from Topology showed a 1991 approved parking lot map which is totally different than what's going on now. Mr. Levin asked who is responsible to make sure the owners of that property are following that map. Mr. Pidgeon said the Zoning Officer enforces the zoning ordinances. Mr. Levin asked if the Planning Board's vote was unanimous 6-0. Mr. DeMarco said no, it was 6-1. Mr. Levin asked if Mr. McQueen's vote counted. Mr. Pidgeon said it was counted as Mr. McQueen is a Class III member of the Planning Board. Mr. Pidgeon explained the different classes of Planning Board membership. Mr. Levin asked if there is a contingent contract on any of the redevelopment properties with a third party to go ahead with redevelopment if it's approved. Mr. DeMarco said whether there is a contract has no bearing on the decision of the Planner when they offered their opinion as to whether the properties are an area in need of redevelopment.

John Donahue, South Street, said as he has been following these proceedings tonight and there's a lot of willful ignorance. He said he feels the most curious part is there are people from Wayne, Mendham, and Bridgewater and the Bernardsville people are outnumbered. He said he is not sure where this is coming from and council should consider the source of some of this.

Johanna Wissinger, Washington Corner Road, said she would like to commend the members of the council for their patience and tolerance for misinformation, false accusations, and sometimes a lack of their own interest or no knowledge of how the system works. She said council has been very civil and she really appreciates it.

Heather Eich, Stone Fence Road, said she is someone who actually lives, votes, and pays taxes in Bernardsville, and she is fully in support of this redevelopment designation. She thanked the

council for their patience, volunteerism, civility, and efforts to try to get the public to understand their position despite the blatant disrespect they are experiencing. She said it's unwarranted, not deserved, and not really coming from the majority of their constituents.

Christopher Otteau, Post Kunhardt Road, said he and his wife are in full favor of redevelopment and it's going to be wonderful for the town. He said it was very well presented tonight and there has been nothing but misinformation put on social media by people who are in Wayne and towns far away from here that have nothing to do with Bernardsville. Mr. Otteau commended council for dealing with all of this misinformation and looks forward to seeing this redevelopment go through.

Sue Rankin, Pine Street, said she supports those who have said not to change the quaintness of our town. She said she worries about an apartment building in the center of town because anybody who's driven in that area through rush hour knows it's difficult. She said she is very upset about businesses that will have to close because of this. She asked for clarification if it gets designated as an area of redevelopment, and if that means state taxpayer money is involved in it. Mr. McQueen answered no that it is not what that means. Mr. DeMarco said it just means that the town said that's an area that needs to be developed. He said it's exactly what it says, nothing more and nothing less.

Eric Colwell, Campbell Road, said he was born and raised in Bernardsville and nobody wants to see better change in Bernardsville than him. He said he listened to the Planning Board meeting which the members are made up of Bernardsville residents. He said with the one exception of the council member on the Planning Board, he was surprised in the unilateral decision to say that the current recommendation didn't seem to be up the muster. Mr. Colwell said he thinks there needs to be a lot more debate on this topic, and before the borough does anything, he hopes that there can be a larger forum where multiple viewpoints can be expressed before this comes to a vote.

Maria Nadel, Windsor Lane in Bedminster, said most of the property owners do not want to sell and so the tenants are concerned. She said the owner of the car wash mentioned that everybody thinks they're going out of business. She said what they've been hearing is that they're not going to have a choice in a couple years in that eminent domain is going to take over. She said people are really upset about it and it's not just the people that are working in the businesses, it's the people that are going in and servicing the businesses. Ms. Nadel said she understands how the people feel and that's what is upsetting to her. She said we all want beautification and things to be fixed up, but people don't want to feel that their businesses are going to be taken away or that the value of their business is going to go down. She asked about a 120 page document that said that after two years if the redeveloper didn't have the people ready, willing, and able to sell, that they could potentially use eminent domain. Mr. McQueen asked the redevelopment attorney if there is a document that the council has produced that mentions the possibility of eminent domain. Mr. DeMarco said Ms. Nadel has been talking solely about Quimby and not about Palmer. He said in the redevelopment agreement there is a paragraph that says that the redeveloper could come back and ask the council to reconsider whether or not it would use its power of eminent domain. He said whether that's in the document or not, somebody can always come and ask the council if they would use the power of eminent domain. Mr. DeMarco said to

do that, you have to go to the beginning and start a whole long process. Mr. McQueen said the important part of what Mr. DeMarco said is they would have to ask the council and that conversation would happen in full public. Mr. DeMarco said he believes the language actually goes so far to say that the decision to do that is within the sole discretion of the council and not the developer. He said they can ask but that's as far as they get to go.

Haley Innella, Liberty Road, said when we consider things like the Fifth Amendment and eminent domain, what we want for this town and our future is to maintain the integrity. She said what has been so shocking and sad is the lack of integrity. She said what we want is to hear how we're going to support those businesses, how are we going to support those people in our community, how are we going to get that support back, what it's going to look like, and how are we going to maintain the integrity of this community. She said we want to feel safe, we want to feel like our businesses are respected, and we want to grow in this community. Ms. Innella said it's a wonderful place to live and going forward she feels that considering the integrity of our community is ultimately the most important part of all of this.

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

### **ORDINANCES (Public Hearing)**

Mayor Canose continued the public hearing from July 11, 2022 on Ordinance #2022-1926, **CONCERNING FINES FOR ORDINANCE VIOLATIONS AND AMENDING ARTICLE 2 OF THE BOROUGH CODE ENTITLED "ADMINISTRATION" AND ARTICLE 16 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED "VIOLATIONS AND PENALTIES"**. 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. Ribeiro seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Mr. Ribeiro voted yes.

Mayor Canose opened the public hearing on Ordinance #2022-1928, **APPROPRIATING THE SUM OF \$72,000 FOR THE VARIOUS IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT FACILITIES**. It was noted that the money for the ordinance is from the sewer capital fund. Hearing no further comments or questions, Mayor Canose closed the public hearing. Ms. Greenfield moved to pass this ordinance on final reading and adopt as published. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Mr. Ribeiro voted yes.

Mayor Canose opened the public hearing on Ordinance #2022-1929, **APPROPRIATING THE SUM OF \$35,000 FOR THE PILL HILL PUMP STATION VALVE AND PUMP IMPELLER REPLACEMENT PROJECT**. Hearing no comments or questions, Mayor Canose closed the public hearing. Mr. Ribeiro 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, and Mr. Ribeiro voted yes.

## **ORDINANCES (Introduction)**

Mr. Ambelang moved that Ordinance #2022-1930, **AN ORDINANCE ESTABLISHING PERIMETER FENCE REGULATIONS AND SUPPLEMENTING AND AMENDING ARTICLE XII OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED “ZONING”**, 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 12, 2022. Mr. Ambelang said he needs to understand what this ordinance will fix. It was noted that since this ordinance amends the Land Use code, it will be sent to the Planning Board for review. Ms. Greenfield seconded. The motion to introduce was approved with five yes votes.

Mr. Ribeiro moved that Ordinance #2022-1931, **APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A TAX EXEMPTION PURSUANT TO THE LONG TERM TAX EXEMPTION LAW OF MINE BROOK ROAD URBAN RENEWAL ASSOCIATES, LP FOR THE CONSTRUCTION OF A RESIDENTIAL PROJECT LOCATED AT 18 MOUNT AIRY ROAD (BLOCK 124, LOT 1), MINE BROOK ROAD (BLOCK 80, LOT 15.38) AND 63 BERNARDS AVENUE (BLOCK 102, LOT 12)**, 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, August 29, 2022. Mr. Ambelang seconded. The motion to introduce was approved with five yes votes.

## **RESOLUTIONS**

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|-----------------|---|
| <b>#22-161A</b> | <b>AUTHORIZING PAYMENT OF BILLS (as of 7/27/22)</b>   |
| <b>#22-161B</b> | <b>AUTHORIZING PAYMENT OF BILLS (after 7/27/22)</b>   |
| <b>#22-162</b>  | <b>APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION PURSUANT TO THE LONG TERM EXEMPTION LAW, <u>N.J.S.A. 40A:20A-1 ET SEQ.</u>, FOR THE PROPERTIES LOCATED AT 18 MOUNT AIRY ROAD (BLOCK 124, LOT 1), MINE BROOK ROAD (BLOCK 80, LOT 15.38) AND 63 BERNARDS AVENUE (BLOCK 102, LOT 12)</b> |
| <b>#22-163</b>  | <b>LOCAL EFFICIENCY ACHIEVMENT PROGRAM (LEAP) GRANT</b>   |
| <b>#22-164</b>  | <b>ACCEPTING THE POLICE DEPARTMENT’S RULES AND REGULATIONS FOR REVISIONS TO SECTION 11</b>  |

- #22-165      AUTHORIZING PURCHASE OF A 2023 CHEVY BOLT  
ELECTRIC VEHICLE THROUGH THE ESCNJ CO-OP  
CONTRACT #20/21-09**
  
- #22-166      AUTHORIZING THE BOROUGH ADMINISTRATOR TO ISSUE  
AN RFP FOR ARCHITECTURAL SERVICES RELATED TO A  
PARKS AND RECREATION PAVILION**
  
- #22-167      AWARDING A PROFESSIONAL SERVICE CONTRACT WITH  
PENNONI ASSOCIATES FOR GREEN ACRES DIVERSION  
APPLICATION (CLAREMONT ENCROACHMENT)**
  
- #22-168      AUTHORIZING RENEWAL OF INACTIVE A.B.C. LICENSE**
  
- #22-169      OPPOSING THE PROPOSED INCREASES TO THE STATE  
HEALTH BENEFITS PROGRAM**
  
- #22-170      AWARDING A CONTRACT WITH W.E. TIMMERMAN, INC.,  
THROUGH THE SOURCEWELL NATIONAL CO-OP  
CONTRACT #031121-ODB FOR PURCHASE OF A TRAILER  
MOUNTED LEAF COLLECTOR**
  
- #22-171      AUTHORIZING THE MAYOR AND CLERK TO SIGN A  
PROFESSIONAL SERVICES CONTRACT WITH SUBURBAN  
CONSULTING ENGINEERS, INC. FOR PHASE I - POLO  
GROUNDS BUILDING UTILITIES**

Ms. McCredie moved to adopt Resolutions #22-161A to #22-171, except #162 and #167. Ms. Greenfield seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Mr. Ribeiro voted yes. It was noted that Resolution #22-162 will be considered for adopted at a special meeting on August 29, 2022. Resolution #22-162 will be renumbered as #22-172 for the August 29<sup>th</sup> meeting.

### **COUNCIL COMMITTEE REPORTS**

**Mayor's Update,** Mayor Canose said she attended the Community In Crisis barbecue on July 17<sup>th</sup>. She said they are doing a lot of great things and have something called Community And Connection, where they're sponsoring a lot of activities not just for people in recovery but for people who have family members in recovery. Mayor Canose attended a webinar from the Mayor's Wellness Campaign. She said they are rolling out a new tool that she is going to share with the committee in September. Mayor Canose, Mr. Czerniecki, John Macdowall, and Doug Walker met with Rubinetti and the engineers. They talked about the bridge to the Rose Bowl that they're going to be building. Mayor Canose attended the Downtown Bernardsville community meeting which was held at the movie theater. She said they did an amazing job covering all the activities that are coming up and had a movie afterwards. Mayor Canose met with John Tober for an Eagle Scout badge. Mayor Canose, Mr. Czerniecki, and Doug Walker



met with representatives from NJDOT to start the process for the Boylan Terrace walkway. The money has been transferred from the federal government to the state and now we don't have to go through a process of certification with NJDOT to get that project to be set up. Mayor Canose and Mr. Czerniecki met with Downtown Bernardsville's Design Committee to go over their Museum In The Streets project where there will be commemorative signs for the historic places in town and a digital tour. Mayor Canose said we had a recognition ceremony for our lifeguard Gil Ferreira who made an incredible rescue in the pool. Mayor Canose attended the Recreation Camp Art Show and said Mr. Mack does an amazing job with the kids. Mayor Canose said the Peach Festival at the Farmers Market was held on July 30<sup>th</sup>. She said it was very well attended and Madelyn English is doing a wonderful job. Mayor Canose met with Kevin Donaghy for his Eagle Scout badge and she thinks she convinced him to do kiosks for our trail as a single project. Mayor Canose said National Night Out was phenomenal and the Police Department did an incredible job. Mayor Canose said we had an OEM meeting with clergy this past week to see how the different church congregations can help us with emergency management. She said they were very excited and supportive.

**Administrator's Report**, Mr. Czerniecki said we had an issue last year with the ordinance for individual stormwater management compliance. He said council had decided they were going to divide the town into thirds and do a concentrated effort regarding compliance. He said we did our first third and we are 99.99% in compliance.

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

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

## **COUNCIL COMMITTEE REPORTS**

**Public Safety Committee**, Ms. McCredie said the crosswalk on Route 202 from the outer edge of the train station by Somerset Grain and Feed to the Power Training Center is complete. She said we will still need the curb cut but the crosswalk is done. She thanked NJDOT for getting that project done. Ms. McCredie said Chief Valentine and Bob Markowick are reviewing all of the park ordinances for consistency.

**Finance Committee**, Mr. McQueen said the committee met several times. He said Bernards Avenue and surrounding areas are an important capital project for this council as it's been illustrated in multiple public meetings. He said it does however create a significant budgetary problem as it relates to our debt reduction plan. He said the committee is going to recommend that we try to move forward with the Bernards Avenue and surrounding areas, however when this comes to council, we're going to restructure our debt plan and remove a debt allowance for 2024 and 2025 which makes it net neutral on the debt plan. He said if we front load debt to finish Bernards Avenue, the finance committee is going to recommend that we remove any debt allowance for 2024 in 2025, which essentially is \$1,100,000 of net new debt that we would have incurred during those years. He said from a council perspective, this means capital projects will be limited to cash on hand for those two fiscal calendar years. He said essentially what we're

saying is we can move this project forward but it likely it means unless grants come through, no net new debt for two years. Mr. Czerniecki said under the current capital plan we have sufficient funds to cover the Bernards Avenue neighborhood. He said we hope to have that for introduction in September. He said Mr. McQueen's reference is about the next two years for roads. Ms. McCredie said she would like to see what we are then limiting ourselves to and what the state of the roads are. She said when she was on Public Works, they were trying to make sure that we got all of our roads to at least 80 and above. She said she would like to see where we are with the other roads and what that would do to the normal plan. Mr. Ribeiro said the Public Works Committee, Doug Walker, and John Macdowall thought we were okay for one year as they have done a great job paving and know that this is a priority. He said Mr. McQueen, Leslie Roberson, and Mr. Czerniecki had a great solution to cover the budget in a neutral way. He said the question had to be asked to John and Doug to make sure there wasn't an extremely negative impact. Mr. McQueen said if we get a grant, that changes the facts and then we can revisit. Mr. McQueen said we've been notified by the state health plan that our premiums are going up and that number may be significant. He said we'll know after August 11<sup>th</sup> what the impact would be and then we have a series of Finance Committee meetings to discuss the next steps. Mr. Czerniecki said that all municipalities were notified of this. Mayor Canose said everyone that's in the state health benefits plan is getting a huge increase and we are looking into seeing if we can change plans. Ms. Greenfield asked about combining services with other towns. Mr. McQueen said we are exploring all options.

**Organization Development and Personnel Committee**, there was nothing new to report.

**Engineering, Technology, and Public Works Committee**, Ms. Greenfield said the committee met on July 19<sup>th</sup>. She said mill and paves for 2022 have been completed. There were eight roads for a total of 3.2 miles. She said they are hoping to have the striping completed tomorrow. Regarding the pickleball court, Ms. Greenfield said we are currently working on drainage, bioswale, and a conduit is being installed. She said there's a new delivery date of August 24<sup>th</sup> for the in-ground electrical box. Regarding the dam project, the NJDEP Dam Safety has been updated and the preliminary plan is due on October 21<sup>st</sup>. Regarding the Mountain Top Road supplemental drainage project, Ms. Greenfield said the bid was advertised on August 4<sup>th</sup>. Bids will be opened on August 25<sup>th</sup> and awarded on September 12<sup>th</sup>.

## **OTHER COMMITTEE REPORTS**

**Board of Health**, Mr. Ribeiro said the Board met on July 18<sup>th</sup>. He said the Health Department had a lot of inspections being that it is pool season, but there were no major complaints or issues out of the ordinary. Mr. Ribeiro said there was an inquiry about if someone could locate a cigar smoke shop in town. He said they didn't have any information about this such as where it was intended to be. He said they asked the Administrator to go back and get more information and potentially have the applicant come to the Board of Health to discuss. The Board had discussion about funding for health departments being cut throughout the state based on the state budget. The state passed the budget without restoring those cuts so the Board is going to monitor this topic and if it comes back up, they will make a recommendation to the council.

**Environmental Commission**, Mr. Ambelang said the Commission met on July 13<sup>th</sup>. He said their focus right now is on pollinator gardens, which is important to look at given the lack of rain we have had for the past couple of weeks. Mr. Ambelang said he would like to recognize the members of the Commission that water the garden that was put in near the high school.

**Library Board of Trustees**, Ms. McCredie said the Board is searching for a new Library Director as the former Director left in June.

## **ITEMS OF BUSINESS**

### **Request from NYU Students for Video Music Shoot at Seney Drive Basketball Courts & Outside of Middle School on August 16-17 from 7:00pm to 7:00am**

Julie Zhao from NYU was present and said this event will now take place on August 17-18 from 7:00pm to 7:00am. Council consent was given to NYU students to use borough property subject to receipt of a certificate of insurance naming the Borough of Bernardsville an additional insured, a hold harmless agreement, and that they comply with any direction given by the Bernardsville Police Department. The Recreation Department will be notified of the change in the date to ensure there is no conflict with any Recreation activities.

### **Request from Community In Crisis for Overdose Awareness Day (August 31<sup>st</sup>)/Recovery Month (September)**

Pursuant to their request, council consent was given to Community In Crisis to tie ribbons around large trees and lamp posts in the downtown area on Morristown Road, Church Street, and Olcott Square. Their request came in recognition of Overdose Awareness Day on August 31<sup>st</sup> and Recovery for the month of September. Community In Crisis will begin tying the ribbons on August 30<sup>th</sup>, leaving them up through the end of September and taking them down on October 1<sup>st</sup>.

## **Appointments**

Mayor Canose appointed Markus Dickson to the Shade Tree Committee.

Mayor Canose said she intended to have Nick Vaglio be appointed the Green Team, however, the Green Team has not met in a couple of years and is going through some changes as there is a new Director at the NJ Audubon. She said Johanna Wissinger and Ms. Zamarra have offered to meet with the new Director and try to regenerate the Green Team. Mayor Canose said Kristi MacDonald has resigned from the Environmental Commission and Nick Vaglio is willing to serve on the Commission. Mayor Canose appointed Nick Vaglio to the Environmental Commission.

## **Correspondence**

**2022 NJ League of Municipalities Conference – Nov 15 to Nov 17**, Mayor Canose said registration is open now for this year's NJ League Conference. She said if any council members

would like to attend, they should let Mr. Suriano know and he will register them. She said hotel reservations are made by each individual council member.

### **Unfinished Business**

**Bernards Avenue**, Mr. McQueen said we are bringing up the topic of improvements to Bernards Avenue and surrounding areas at the next council meeting. He asked Mr. Czerniecki to have Leslie Roberson provide the debt plan with the red line of how we are going to change the approach so that council is fully aware.

### **New Business** - None

### **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 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 11:20pm.

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