

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 26, 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, 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.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mr. McQueen moved approval of minutes from August 8, 2022 and August 29, 2022. Ms. Greenfield seconded and the motion was approved with six yes votes.

PRESENTATIONS

Affordable Housing, Mr. McQueen shared a PowerPoint presentation. He said regarding affordable housing, we are trying to maintain what Bernardsville is while complying with state mandates to prevent a worse situation. He gave a history of Bernardsville and the state affordable mandate. He said as part of the settlement Bernardsville needs to deliver 163 to 831 qualifying units depending on the path we choose. He said we intend to keep that number as close to 163 as possible. He said there are two options to fulfill this mandate, builders remedy and a borough directed all affordable plan. He said we are trying to prevent a court mandate builders remedy such as what has happened in Madison. He said we are also trying to avoid large mass affordable developments. He said we need to continue to protect green spaces in Bernardsville. He said our 100% affordable plan is as follows:

Borough Acquired or Purchased and Donated:
210 N. Finley- 47 Senior Affordable Rental Units
18 Mt. Airy Rd- 12 Affordable
63 Bernards Ave- 22 Affordable
Mine Brook Road- 26 Affordable

Future Planned:
Quimby Block- 12 Builders Remedy Units
Quarry Site- 17 Affordable
Group Home TBD- 12 Affordable
Conti Future Site- 4

He said the silver lining is that we chose what we feel is the best developer of low-income housing in RPM; we selected the best locations that we could, within the 0.5 mile radius of public transportation; we believe that new housing will improve some neighborhoods; the builder will construct best in class housing, providing real opportunities for lower income families in the Bernardsville Community. He said this plan, while not ideal, is the better of two choices for Bernardsville. Mayor Canose said the first round we had was credit to former Mayor Peter Palmer when we saw what happened in The Hills, and he worked with the council to get us to build it ourselves. She said the trend of trying to do smaller developments in local neighborhoods to make them fit in and become part of the community rather than having separate buildings has continued with future councils. She said she is in favor of that.

Mayor's Proclamation - Knock Out Opioid Abuse Day, October 6, 2022, Mayor Canose read a proclamation proclaiming October 6, 2022 as Knock Out Opioid Abuse Day.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Kathy Peachey, Chilton Street, said her first question is does Bernardsville currently have affordable housing and if so how many units. Mr. Pidgeon responded there were about 54 at Pine Ridge and 20 in another location along with a group home or two. He said in the first round we were able to transfer half of our obligation to Perth Amboy with what's called a regional contribution agreement, which was from the Fair Housing Act of 2008 but we can't do that anymore. Ms. Peachey said she has no problem with lower income but her concern is Bernardsville ignoring existing and established ordinances that seem to be developed to benefit the developments over the town. She said some of the development proposals are variance heavy. She said she wanted to tell the council this as they are a group of people that can slow things down or double check on behalf of the community. Mr. McQueen said he was part of the deliberations when we heard from various affordable housing developers and RPM was by far the best. He said he has full confidence that they will give us some of the best units, for hopefully, our local residents and also for our community.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2022-1932, **BOND ORDINANCE APPROPRIATING \$1,300,000, AND AUTHORIZING THE ISSUANCE OF \$1,235,000 BONDS OR NOTES OF THE BOROUGH OF BERNARDSVILLE FOR THE IMPROVEMENT OF VARIOUS ROADS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY.** Kerry Haselton, Mine Brook Road, said we have a fairly sizable affordable housing development that we're going to be putting in at the very bottom of Bernards Avenue. She asked how the trucks that will need to use that street to build impact the pavement and all the drainage that we've done. She asked if we will be able to protect and sustain that. Mr. McQueen said RPM, the designated builder for that site, is already in contact with the borough coordinating

setbacks and the other things she mentioned because we want to make sure that we protect our investment. Hearing no further comments or questions, Mayor Canose closed the public hearing. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Ms. McCredie seconded and the motion was approved by the following roll call vote. Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Mr. Ribeiro voted yes. Mr. Ambelang and Ms. Zamarra abstained.

Mayor Canose opened the public hearing on Ordinance #2022-1934, **REVISING THE TYPE AND NUMBER OF POSITIONS IN THE BERNARDSVILLE POLICE DEPARTMENT AND AMENDING CHAPTER 2 OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Hearing no comments or questions, Mayor Canose closed the public hearing. Mayor Canose said this ordinance is basically a reorganization based on Chief Valentine's retirement and also provides opportunities for advancement. Mr. Ambelang thanked Captain Remian and Chief Valentine for putting together a presentation that made it very easy to understand how this ordinance related to other municipalities. 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)

Ms. Greenfield moved that Ordinance #2022-1935, **ALLOWING THE BOROUGH PUBLIC WORKS COMMITTEE TO GRANT EXCEPTIONS TO THE FIVE-YEAR MORATORIUM ON ISSUANCE OF ROAD OPENING PERMITS FOR NEWLY-PAVED STREETS AND AMENDING SECTION 14-1 OF THE BOROUGH CODE ENTITLED MAINTENANCE AND USE OF SIDEWALKS AND STREETS**, 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., Tuesday, October 11, 2022. Ms. Zamarra seconded and the motion to introduce was approved with six yes votes.

RESOLUTIONS

- | | |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------|
| #22-187 | AUTHORIZING PAYMENT OF BILLS |
| #22-188 | AUTHORIZING A CHANGE FUND FOR THE BOROUGH CLERK'S OFFICE |
| #22-189 | AUTHORIZING SUBMISSION OF THE 2022 GRANT APPLICATION FOR THE SOMERSET COUNTY MUNICIPAL ALLIANCE AND YOUTH SERVICES COMMISSION |
| #22-190 | APPROVAL TO SUBMIT A GRANT APPLICATION WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL |

**PROTECTION FOR A STORM-WATER DETENTION BASIN
STUDY**

- #22-191 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7041-0100 FOR VINCENT & KATHRYN
PARAGANO FOR 40 FLINTLOCK COURT**
- #22-192 RESOLUTION OF GRATITUDE ACCEPTANCE FOR
LOCAL EFFICIENCY ACHIEVMENT PROGRAM (LEAP)
GRANT**
- #22-193 AUTHORIZING SUBLEASE OF THE BERNARDSVILLE
RAILROAD STATION**
- #22-194 RESOLUTION OF THE BOROUGH OF BERNARDSVILLE,
COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING THE
AMENDMENT OF THE REDEVELOPMENT AGREEMENT
WITH AR AT QUIMBY, LLC REMOVING ALL REFERENCES
TO EMINENT DOMAIN AND RESTATING AND
RECONFIRMING THE PRIOR DESIGNATION AS A NON
CONDEMNATION AREA IN NEED OF REDEVELOPMENT
(QUIMBY LANE)**
- #22-195 APPROVING MEMBERSHIP IN THE FIRE COMPANY**

Regarding Resolution #22-193, Mr. McQueen said there have been many questions or comments from the public about the train station and what's going in that location. He said it's important for the public to understand the separation between government and private enterprise. He said over the course of two and a half years, we sent out RFP's for the train station building four different times. He said we only received two responses as we solicited requests from a variety of businesses to any type of business that could apply to occupy the train station building. He said we have a great owner and a great restaurant that's going to move into that location. He said they are going to spend a lot of their own money to improve the building. He said it's important to understand that when private enterprise is looking to come here we should support them. He said he's heard a lot of negative comments today about the type of business and various things. He said we even put a bakery in the RFP, but there was not a bakery interested in coming here. He said he feels it's really important for the public to understand where government and private enterprise start and finish, and we should support the private enterprises that want to work here, want to spend money here, and live here.

Mr. McQueen moved to adopt Resolution #22-187 to #22-195. 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.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said on September 13th we had a ceremony at the pickleball courts because Somerset County gave us a grant for \$250,000 to get that project done. She said hopefully it will be open sometime this month. Mr. McQueen thanked the Administration and Mayor Canose and said it's the first time we've got a grant from the county as well as from the federal government. Mayor Canose also thanked Doug Walker and Bob Markowick who did all the specs to get the grant done. Mayor Canose attended the Somerset County Office on Aging meeting and the Somerset County Governing Officials Association meeting and their presentation was about what to do and what not to do on social media. Mayor Canose attended the New Jersey age-friendly virtual fair. She said the Mayor's Wellness Committee met and their focus this year will be on working towards an age-friendly community. Mayor Canose, Ms. Zamarra, Ms. McCredie, Mr. Ribeiro, and Officer Saif Naqvi bagged groceries at ShopRite for their Bag For Hunger Campaign. Mayor Canose said the I love Bernardsville 5K and Health and Wellness Fair was on September 18th. She said they had over 130 runners and walkers and local vendors such as gyms and health groups set up tables. She said it was a collaboration of the Mayor's Wellness Campaign, Recreation, and Downtown Bernardsville. Mayor Canose said she attended the Somerset County Business Partnership event which was a hawk watch. Mayor Canose attend Downtown Bernardsville's Business Mixer with local business owners which was held at Bistro 73. She said it was very well attended and there are a lot of new people coming into town with small businesses looking for locations. Mayor Canose attended the Somerset County Stigma Free Committee meeting. She said they will be using some of the peer groups from the High School to go around to local businesses, along with Community In Crisis, to help get the businesses to sign on as a stigma free business and to understand what that means. She said it's really about removing the shame and stigma around mental illness and drug use or any issues related to those. This Wednesday, Mayor Canose said she will be doing a ribbon cutting at Boutique Calia at Bernardsville Center. Mayor Canose said the Bernardsville Theater is doing an Elvis concert on Friday night.

Administrator's Report, Mr. Czerniecki said we are anticipating the Polo Grounds utility plan at the end of the week and possibly have a presentation for the next council meeting. Mr. Czerniecki said he attended the Somerset County Municipal Management Association and there is a lot of anxiety about the projected increase in the State Health Benefits Plan. He said a number of people who are in a similar situation are going to try and join forces to see what sort of creative shared service approach they can come up with. Mr. Czerniecki said Amanda Ankudovic started today as our new Assistant Zoning Officer.

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. Ms. Greenfield seconded and the motion was approved with six yes votes.

COUNCIL COMMITTEE REPORTS

Public Safety Committee, Ms. McCredie said a lot of the committee's discussion was around

the new organization, which an ordinance was just passed tonight. She said they also requested referring parks ordinances to the Recreation Committee. She said there's a pedestrian safety survey online at the Bernardsville Police Department's page on Facebook. She said they are looking to see how much people are aware of certain laws and rules. She said the survey is available in English and in Spanish and will help the Police Department with their Street Smart Campaign. Regarding the building next to the Firehouse, Mr. McQueen asked if the Public Safety Committee can look at putting up local traffic only signs during higher traffic portions of the day in some of the smaller communities so that way the traffic stays on the primary roads and doesn't try to cut the communities on the way to their destination. Mayor Canose said she thought there was a lawsuit about that. Mr. Pidgeon said there was. Ms. McCredie said they had an issue with Jockey Hollow Road where they tried to get the detours to go into the main roads and they kept coming through and the road was literally blocked. She said we had large trucks that were trying to turn around on the side streets. Mr. McQueen asked Mr. Pidgeon to provide him with the case law regarding this topic.

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

Organization Development and Personnel Committee, Ms. Zamarra said the committee met on August 24th and discussed Chief Valentine's retirement.

Engineering, Technology, and Public Works Committee, Ms. Greenfield said the committee met on September 20th. She said regarding the NJDEP Green Infrastructure Grant, Resolution #22-190 was adopted tonight approving the submission of a non-matching grant request for \$28,000 to study and explore adding green infrastructure to our existing borough maintained detention basins. She said the study will aim to improve the function of the basins while reducing maintenance. Ms. Greenfield said the committee discussed placing safety flags for pedestrians at crosswalks. She said John Macdowall contacted New Providence for more information on how this program is working out for them. Regarding sidewalks on Old Army Road and lower Childs Road, Ms. Greenfield said the revision of the lower Childs Road plan is still being worked on to reflect a four-way stop and the committee will be discussing both plans at their October meeting. Regarding the Mountain Top Road drainage project, work will begin on or about October 24th and the project is expected to be completed in November of 2022. Regarding Claremont Road and pedestrian signage (Five corners), Ms. Greenfield said we are awaiting approvals from the county and in-house Department of Public Works will install the new signs at existing locations. Ms. Greenfield said the asphalt is placed for the pickleball courts and the perimeter fence is being installed. She said the painting was scheduled for today but did not occur possibly due to weather. Ms. Greenfield said the walking path is to receive the final engineering based on NJDEP permit stipulations. She said this project will go out to bid after the installation of the new pavilion utilities which Suburban Engineering is developing the specs for. Ms. Greenfield said a meeting was held with NJDOT who is acting as the Grant Administrator for the Boylan Terrace Federal appropriation which is \$1,427,000. She said a request was sent to NJDOT to allow the engineering costs to be paid for through the grant funding. Regarding dam remediation, Ms. Greenfield said a letter was sent to dam safety with a target date for the preliminary plan submission of October 14, 2022. She said the process of identifying and obtaining grants has begun and is ongoing. Ms. Greenfield said the Fall Household Cleanup is scheduled at the Compost Facility on Saturday, October 1st from 9 00 AM

to 4 PM and more information will be on the borough website, Facebook page, and in the Bernardsville News.

OTHER COMMITTEE REPORTS

Board of Health, Mr. Ribeiro said in his last Board of Health report, he mentioned someone had approached the Health Officer asking if they could open a cigar store and lounge in town. He said despite multiple follow-ups from the Health Department that person never replied so it looks like that is not going to happen. Mr. Ribeiro said a moot issue from the past which had come to council was support of local Health Departments by petitioning to restore State funding which didn't get into the previous budget. He said the Board of Health decided not to take that up until the next budget so we have more opportunity potentially to highlight that issue when it's actually in front of the state legislature. Mr. Ribeiro said one issue that came to him and the Health Inspector was a question from the Board of Health as to whether the borough has the sewer capacity with all the proposed buildings in town, particularly the affordable housing commitment. He said he spoke to John Macdowall about that and he said we do. Mr. Ribeiro said Mr. Macdowall will provide statistics and more information for the Board of Health, but we are in good shape with sewer capacity.

Library Board of Trustees, Ms. McCredie said an offer was made and accepted for a new Library Director. She said attendance is up year over year according to a report from the interim Director.

Ad Hoc Trails Committee, Ms. Greenfield said the committee met on September 10th at the Mine Brook Park Trail and worked on trail marking, maintenance, and trash removal. She said some of the committee members went over to the Laurelwood/Round Top Trail for maintenance. She said the committee has completed their research of trail rules and regulations and will be giving their suggestions to the Mayor and Recreation Director for review sometime this week. Ms. Greenfield said they are looking to have them incorporated into the existing Parks and Recreation ordinance. She said the committee is still finalizing the trail information which will be added to the borough's website. She said they are looking to have this completed by the end of October. Ms. Greenfield said deer management will be occurring on borough property at trail locations now through February 18, 2023 on Mondays, Wednesdays, and Fridays, from a half hour before sunrise until a half an hour after sunset. She said Warren Blue Ridge Sportsman Club will be posting signs at the borough owned trail entrances. She said as far as proximity to where the hunting will take place in relation to the trails, it is somewhat difficult to get exact distances because of the way the trails run, but the hunters stay in the woods and as far away from the trails as possible. She said they also face away from the trails and do everything possible for the safety of both the hunters and the public, however they recommend that hikers that are hiking during these hours remain on a trail wearing blaze orange and keep pets on leashes at all times.

Police, Mr. Czerniecki said Chief Valentine wanted him to share that RideWise is planning a safety campaign for the five corners intersection, which is going to be launched in the coming weeks. Mr. Czerniecki said the officers received training which was funded through the foundation. He said they've been spreading information about school safety and have met with

all the schools in town, public and private. He said they also are meeting with the Home and School Association because sometimes they use facilities so they need some instructions on what to look out for and best practices. He said there have been quite a few meetings between Community In Crisis and our detectives about resources. He said they also introduced the new Prosecutor to the team.

Recreation, Ms. Zamarra said October 6th is Walk To School Day for kids going to Bedwell, Bernardsville Middle School, of Bernards High School.

ITEMS OF BUSINESS

Request for Food Pantry from Peter Roselle

Peter Roselle of King of Kings Worship Center requested finding a location on borough property to operate a food pantry on Tuesdays. Locations of Kiwanis Park and Claremont Field were discussed along with how that would coincide with Little League. Mr. Czerniecki said he would ask Somerset County if they have a tent or structure we could use for this purpose. Mayor Canose said we would get back to Mr. Roselle in about a week after Mr. Czerniecki finds out what the county can provide.

Correspondence - None

Unfinished Business

Train Noise, Ms. McCredie said the ad hoc Train Noise Committee has not been active because it was found to be a lot of money for a Quiet Zone. She said the committee had asked if we could put a question on the ballot for a referendum to ask the residents if they would be willing to pay for the special gates in order to have a Quiet Zone. She said it's too late to do it for this November so it would have to be next November if it went to referendum. She said council had said no because it was about \$260,000 for two crossings and not all six that we have in a couple of miles. No action was taken since we are past the August deadline for council to adopt a resolution approving a referendum on the November ballot. It was noted this topic could be revisited by council in 2023.

New Business

Route 202 Traffic, Mr. McQueen said we have discussed various pieces and developments and aid he knows we have done various traffic studies and feels like we need to get together with the state and county. He said we need to address the light and the bridge. He said the redevelopment plan may help the corner. He said it's time that we move things forward with the state and county more effectively. Mr. Czerniecki said there's a strategy to pursuing that. Mayor Canose said Joe DeMarco would discuss how we would work with the county. Mr. Czerniecki said that would be a one on one conversation. He said one of the most important things we can do as a government is to be clear as to what our one, two, and three priorities are. He said he

thinks this is going to be a priority for us when we keep moving through the Redevelopment process. Ms. McCredie asked where would this go so we do not lose this conversation and should it go into a specific committee. Mr. Czerniecki said our Land Use Committee would be where it starts. Mr. McQueen asked when it needs to initiate. Mr. Czerniecki said when we start working on the Redevelopment Plan, we assign that task to the Planner to work on a plan. He said we have to communicate what is an important aspect because that's where you can start building in financing and other long-range planning.

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 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.

ADJOURNMENT

The meeting was adjourned at 9:50pm.
