

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

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, Jeff Hammond, Jena McCredie, Chad McQueen, Thomas O'Dea, Jr., 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 24, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Main Street Designation, Olivia Manning of Downtown Bernardsville, Kathy LaPlante, Senior Officer & Director of Coordinating Program Services with Main Street America, and Sean Thompson of Main Street NJ, gave a history of Main Street, how the program works, and the long term benefits we will see. A resolution to authorize participation in the Main Street program will be considered at the March 8th council meeting.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from January 25, 2021 and February 8, 2021. Mr. McQueen 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 #2021-1872, **AN ORDINANCE AMENDING STORMWATER REGULATIONS AND SUPPLEMENTING AND AMENDING SECTION 29 OF CHAPTER 12 IN THE BOROUGH LAND USE CODE**. Mr. McQueen said the Planning Board reviewed this ordinance and found it not inconsistent with the Master Plan, however, they expressed concern about language in the minor construction section. He said the Planning Board recommends council adopt this ordinance to meet the requirement at the state level and they will review potential new language for the minor construction section. Mr. Czerniecki said we can provide public information sessions regarding the summons part of this ordinance so any homeowners who potentially would receive a

summons could comply voluntarily before we issue any summonses. Johanna Wissinger, Environmental Commission Chair, spoke about dry wells and said the Environmental Commission would do what they can to help promote education as Mr. Czerniecki stated we would inform the public. She said she is concerned about maintenance of stormwaters. She said a lot of people that she sees come before the Planning Board and Board of Adjustment have dry wells and not all of them are complying. She said it is not unreasonable to expect the responsibility to be on the property owner. Ms. McCredie moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2021-1873, **CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. O'Dea moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2021-1874, **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$1,511,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$915,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**. Hearing no comments from the public, Mayor Canose closed the public hearing. Ms. McCredie 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. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Mr. O'Dea voted yes. Ms. Zamarra recused herself from this ordinance and abstained from voting.

ORDINANCES (Introduction)

Mr. O'Dea moved that Ordinance #2021-1875, **BOND ORDINANCE APPROPRIATING \$2,550,000 AND AUTHORIZING THE ISSUANCE OF \$2,183,800 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, March 8, 2021. Mr. McQueen seconded and the motion was approved with five yes votes. Ms. Zamarra recused herself from this ordinance and abstained from voting.

RESOLUTIONS

- #21-49 AUTHORIZING PAYMENT OF BILLS**
- #21-50 ACCEPTING MONTHLY REPORTS**
- #21-51 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #21-52 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7002-0100 FOR THE CROOKS RESIDENCE
FOR 71 MENDHAM RD.**
- #21-53 AUTHORIZATION OF TAX REFUND**
- #21-54 AUTHORIZING A TRANSFER OF FUNDS**
- #21-55 OPPOSING ACS 1571/1576 & S-1956**
- #21-56 AUTHORIZING APPOINTMENTS/CONTRACTS FOR
EXTRAORDINARY, UNSPECIFIABLE SERVICES**

Regarding Resolution #21-56, Mayor Canose said the name of the organization we are appointing as Risk Manager is Brown and Brown.

Regarding Resolution #21-55, Mr. Pidgeon advised a revision to the language of the resolution. This resolution will be voted on separately.

Ms. Zamarra moved to adopt Resolutions #21-49 to #21-56, except #21-55. Ms. McCredie seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Mr. Donahue moved to adopt Resolution #21-55 with revised language as suggested by Mr. Pidgeon. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose was interviewed by Amy Harris of Epiphany Community Service who is conducting community assessment for Community In Crisis. They are redoing an assessment of drug use and mental illness in town. On February 10th, Anthony Cava, President

and CEO of Robert Wood Johnson University Hospital of Somerset was the speaker at the Somerset County Governing Officials Association meeting, which Mayor Canose and Mr. Hammond attended. They talked about the second wave of Covid, how they are seeing shorter hospital stays as they have better care, and Covid treatments. The Steering Committee for the Recreation Master Plan met with Pat Hoagland of Brandstetter Carroll. A second meeting will take place and information of the Recreation Master Plan should be coming to council shortly. On February 12th, Mayor Canose attended the Somerset County Stigma Free Committee meeting. Mayor Canose said she signed a Mayor's sign on form opposing Assembly Bill 1571. There will also be a press release from Mayor's for Main Street opposing the Bill. The Cultural Arts Committee will sponsor a trivia night on March 9th. The committee also discussed creating a visitor guide with the help of Recreation. There was a mural painting session this past Saturday with another one coming up this Saturday. Somerset County is eighth in county in terms of vaccines administered. Mayor Canose attended a webinar hosted by Senators Booker and Menendez on the Covid Relief Bill.

Public Safety Committee, Mr. Donahue said the committee met and discussed speeding, the accreditation, the alarm ordinance, special event ordinance, crosswalks, street lighting, and sidewalks. They discussed budgetary implications of public safety. They have a meeting scheduled for tomorrow to talk about the alarm ordinance.

Administrator's Report, Mr. Czerniecki said we are looking to fill the position of Assistant to the Recreation Director. He said the Public Works Department has done a great job dealing with the various storms we have had. We are moving forward with diversity training. We have received two proposals for the Quimby Lane Redevelopment project which are currently being reviewed by our professionals. We are continuing to work on the evaluation of the dam and looking at various options to see what is best.

Finance Committee, Mr. O'Dea said the committee has been meeting weekly since the beginning of the year and has been making good progress. He said they are close to issuing a draft budget. They will be sharing information with council members not on the Finance Committee so they get a preview of the work that has been done for when the budget is introduced. He said they are looking at introduction for the end of March.

Personnel Committee, Mr. Hammond said the committee discussed the opening for Assistant to the Recreation Director, and the upcoming retirement of a mechanic. They reviewed our table of organization and cross-coverage/skill sets of the employees and how they can augment each other. There will be a report on diversity and inclusion efforts later in this meeting. The committee discussed developing core values of personnel which would assist the Administrator in developing key performance indicators for performance based evaluations.

Engineering, Technology, and Public Works Committee, Ms. McCredie said the committee met and discussed the walking path. They had a pre-application meeting with the NJDEP and they made a request for a retaining wall around the wetland area which we are negotiating. Ms.

McCredie said NJDEP wants an eight foot retaining wall and we want a four foot retaining wall. The engineers will come back with pricing. The committee also discussed roads as noted in the ordinance at this council meeting. There was a road survey in 2017 and the committee is beginning to rate the roads once again to update what condition each road is in. Ms. McCredie said they discussed dam remediation and the request for an extension to January 2022 was approved but the application has to be filed by June. Mr. McQueen asked about a timeline for public discussion on the dam remediation project. Mr. Czerniecki said he is glad the bond ordinance passed tonight and he is looking for new stimulus funding where there is potential for grants for shovel ready projects. He said we are making all the moves to be in a good position and there is a committee that has been set up with representatives from Raritan Headwaters, the Environmental Commission, and the Recreation Director regarding keeping or removing the dam. He said we will see what the next step is after the committee reviews all the information. Ms. McCredie thanked the Public Works employees for their efforts in snow plowing and removal.

Land Use Committee, Mayor Canose said the committee met with the owner of the old Griffin and Howe building and the owner of 56 Degree Wine who are planning to do a project in the redevelopment zone. This will be beneficial as the building that has been vacant for some time. They also had a productive and positive meeting with the people contracting with the Audi Dealership. Mayor Canose said regarding the Audi Dealership, once they get their contract signed it will go to the Redevelopment Committee who will send a recommendation to council. She said council will then designate the developer and approve the plan. Mr. O'Dea asked about public involvement in this project. Mayor Canose said that will be when we have drawings of what it will look like that we can share as opposed to a general discussion. Ms. McCredie suggested having the developer do a public presentation.

Housing/Zoning Committee, Mr. Price said they are still continuing with Facetime inspections. He said a couple of summonses were issues for late rental registrations. Mr. McQueen commended Mr. Price and his staff for staying on top of things.

Planning Board, Mr. McQueen said their main topic was discussed earlier in this meeting with the stormwater ordinance.

Environmental Commission, Mr. Hammond said they discussed the topic of the dam. There are some monies available from Environmental groups if we decide to remove the dam. They also discussed the stormwater ordinance and Ms. Wissinger is attending Planning Board and Board of Adjustment meetings to participate on behalf of the Commission. Mr. Hammond said there is a mandatory stormwater training course by the NJDEP for Board of Adjustment members. He said some have not fulfilled that requirement and asked Mr. Pidgeon to relay this information to the Board of Adjustment. Mr. Hammond said the Commission also discussed electronic vehicles (charging stations and our own fleet) and green infrastructure plans which cover promoting rain gardens. He said the e-waste day will be on April 24th.

Shade Tree Committee, Mr. Donahue said he had a conflict and could not attend. Johanna Wissinger said they had a moment of silence for Jerry Fischer, former member of the committee. She said they are making a list of tree service people so they are aware of our ordinance. They discussed outreach for education. They worked on the mission that council asked each committee to come up with. She said Anne Peterson talked about Friends For A Greener Bernardsville as there was concern they needed money to continue what they do but they are in a fairly good position now.

Public Works Committee (continued), Ms. McCredie said there is a road closure on Meeker Road that has been changed from today to Wednesday, February 24th due to bad weather.

Ad Hoc Train Noise Committee, Ms. McCredie said we have six crossings in town with two on private property, so we cannot do anything about those since they have to blow the horns at private crossings. The committee thought there were two other private crossing where they did not have to blow the horns but it turns out they might have to, so now they are reaching out to the NJDOT for clarification. Mr. Pidgeon will follow up with our new Risk Managers to see what affect the quiet zone would have from an insurance perspective. The committee will follow up with our engineers to see what needs to be installed, such as barriers, and get an estimate.

Library Board, Ms. Zamarra said in the Library Director's February report, it goes over how they were able to service the needs of our community in different ways since the pandemic occurred about a year ago. She said despite not being able to offer in person services, they managed to transform into a real asset to the community. She said the Library is open every day and they have restrictions due to the pandemic. She said they have a lot of programming geared to all ages and encouraged people to go to the Library's website and social media page. She said the Library just recently unveiled tutor.com which allows students access to tutoring free of charge. She said the Library has made some changes to their newsletter.

Cultural Arts Committee, Ms. Zamarra said the committee met on February 17th and discussed the mural. She said for anyone or any local business interested in marketing, the committee will offer mural sponsorships and they can contact her via email or go to downtownbernardsville.com. She said they are planning a virtual trivia night.

ITEMS OF BUSINESS

Public Hearing on Midland Community Development Block Grant Request

Brianne Rabouin of Midland was present. Midland is an organization in North Branch and applying with the county for a community block grant for installation of a generator at 181 Claremont Road. Their application calls for a public hearing. Mayor Canose opened the meeting to the public for comment on this project. Hearing no comments or questions, Mayor Canose closed the public hearing. There were no objections from council.

Diversity and Inclusion Training Program

Mr. Czerniecki said training will be mandatory for the Mayor and Council, Planning Board Chair and Vice Chair, Board of Adjustment Chair and Vice Chair, and Borough Supervisors and Managers. He said all other employees and volunteer committee members will be invited and encouraged to attend the training session. Council consent was given to implement the training program.

Cultural Arts Committee Appointment – Amiee Watts
(Mayor’s Appointment with Council Consent)

Mr. Hammond moved to accept the Mayor’s appointment of Aimee Watts to the Cultural Arts Committee. Mr. O’Dea seconded and the motion was approved with six yes votes.

Community Well Testing

Council consent was given for Raritan Headwaters Association to set up outside borough hall for residents to pick up samples or return test kits on April 29th from 8:00am to 11:00am.

Correspondence

Mayor Canose said she received a letter from Congressman Malinowski regarding The American Rescue Plan Relief Package which indicated Bernardsville would receive up to \$1,700,000 if the bill were to become law. The letter also indicated that counties and municipalities will be able to use the funds to mitigate the COVID public health emergency or its negative economic impacts, cover costs incurred as a result of the emergency, and to replace revenue that was lost, delayed or decreased as a result of the emergency.

Unfinished Business

Ms. McCredie asked about the status of the strategic vision plan. Mayor Canose said she gave it to Mr. Czerniecki for review and we will get back to it in the future.

Mayor Canose said she is discussing dates in March for a joint session with the Board of Education.

Ms. Zamarra said there is a Facebook group called WGirls which helps book appointments for the Covid-19 vaccine. It is mainly for seniors who are struggling with the tech-heavy process. Mr. Hammond said people need to proceed with caution and to beware of being sent to counterfeit sites. He suggested people could also contact the call center at the county.

New Business - None

OPEN SESSION

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

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations, Property Acquisition, and Pending Litigation 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 11:00 pm.
