

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
July 12, 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, 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

Candidates to Fill Council Vacancy, Christina Balas, Matthew Marino, and Mariel O'Brien had been chosen by the Democratic Municipal Committee as three candidates to fill the council vacancy of Tom O'Dea, who resigned as of June 30th. Each candidate was present, talked about their background, and answered questions from the Mayor and Council. There will be a motion later in the meeting to select one of the three candidates to fill the vacancy. That person will serve until the November General Election results are certified.

Downtown Bernardsville - Fall and Winter Events, Olivia Manning of Downtown Bernardsville was present to discuss Downtown Bernardsville's upcoming fall and winter events. She mentioned the following events. 1) 5K Race on Labor Day which may include a mini health fair; 2) Back to Cool Car Show on September 26th; 3) Scarecrow Stroll in mid-October; 4) Trunk or Treat on October 30th; 5) Small Business Saturday on November 27th; 6) Holiday Parade on December 4th. She also mentioned a holiday lights competition and that they are looking into having a temporary ice rink in town, with the location yet to be determined.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from June 28, 2021. Mr. McQueen seconded and the motion was approved with five yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Johanna Wissinger, Washington Corner Road and Environmental Commission Member, extended appreciation to the people who helped with the giveaway of the light bulbs. She said it

really says something wonderful that there are people in our community that give their time to do something positive when we know that there are people who are facing adversity. She said due to a grant from New Jersey Clean Energy and support from Sustainable Jersey, we received 400 LED 60 Wat light bulbs. She said Tom Czerniecki, Leah Horowitz, and Mr. Hammond all contributed their time and work towards meeting this goal. She also thanked John Macdowall for storing the bulbs and distributing them at the food pantry, which is connected with our churches so it was a win-win.

Hearing no comments, Mayor Canose closed the open session.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2021-1887, **AN ORDINANCE ALLOWING WINE TASTING AT THE FARMERS' MARKET AND SUPPLEMENTING 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. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

ORDINANCES (Introduction)

Mr. Donahue moved that Ordinance #2021-1889, **AN ORDINANCE REPEALING § 3-9A OF THE BOROUGH CODE ENTITLED "CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS ON PRIVATE PROPERTY"**, 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 9, 2021. Ms. McCredie seconded. Mayor Canose said we have no choice as this is part of the state's new marijuana regulations and we can no longer have any ordinances that allow us to control the use of alcoholic beverages or marijuana by minors on private property. Mr. Hammond said while he realizes the state does not give us much choice, and asked what is in place if we repeal this. It was noted that the minor's parents could be notified after the first offense, but other than that, nothing would be in place so nothing more can be done. A voice vote was taken and the motion was approved with four yes votes. Mr. Hammond voted no and said he feels this is wrong even though he realizes that the state says otherwise.

RESOLUTIONS

#21-147 AUTHORIZING PAYMENT OF BILLS

- #21-148 AUTHORIZING THE BOROUGH OF BERNARDSVILLE TO ACCEPT FUNDS FROM THE STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL (OAG) FOR BODY WORN CAMERAS**
- #21-149 AUTHORIZING AN AGREEMENT WITH THE SOMERSET HILLS REGIONAL SCHOOL DISTRICT TO PROVIDE SPECIAL POLICE OFFICERS IN DISTRICT SCHOOLS**
- #21-150 AUTHORIZING SUPPORT FOR SENATE BILL 1010**
- #21-151 MEMORIALIZING THE SHARED SERVICES AGREEMENT WITH BERNARDS TOWNSHIP FOR FIRE PREVENTION**
- #21-152 ACCEPTING THE POLICE DEPARTMENT'S RULES AND REGULATIONS**

Regarding Resolution #21-152, Mr. Hammond suggested a change to Step Three of the hiring process for new officers in that the Personnel and Organizational Development Committee Chair should be involved. Chief Valentine suggested a representative of the Personnel and Organizational Development Committee which would not have to be the Chair. Mr. McQueen suggested the Chair or representative of the Personnel and Organizational Development Committee. Mr. Czerniecki read a suggested change to that section so it would read “the Administrator, Chief of Police, the Chairpersons of the Public Safety and Personnel and Organizational Development Committees or their designees”. Council consent was to use this language.

Mr. Hammond moved to adopt Resolutions #21-147 to #21-152, with #21-152 as amend as noted above. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said on July 1st, she, Mr. Czerniecki and Mr. Markowick met with two residents who are interested in running the concession stand at the Polo Grounds. On July 6th, we hosted Congressman Malinowski for the afternoon, in which about 1:30pm met with him briefly at the Bernard's Cafe and then walked around town. They went to the movie theater and Mr. Malinowski spoke with owner Harvey Goldberg asking questions about how Covid has impacted their business if they were able to get any assistance or grants. They went to B Boutique and the Claremont Tavern and the main issue with the tavern was about how difficult it is to get help. They talked about the Boylan Terrace walkway that we had put in for a transportation alternatives grant which was turned down due to it being very competitive for grants. Mr. Malinowski encouraged us to apply again next year and said he would put it in as

one of his earmark projects as part of the infrastructure funding that's still being worked on. They went to Boylan Terrace and met with Bob Brightly who showed Mr. Malinowski how he had the project designed to get people down to the train station. Mayor Canose said possibly by late summer we may have an answer on whether we will get any of the infrastructure funding for that project. They also showed him the atrium at Bistro73 to exemplify how creative our restaurants have been. At 4:00pm they went to the Bernards Cafe where Mr. Malinowski had a town hall meeting with about 30 people in attendance. Mayor Canose thanked Olivia Manning of Downtown Bernardsville for doing much of the coordination of the day. On July 7th, Mayor Canose attended a joint County Governing Officials Association Meeting at Raritan Valley Community College, which included the Somerset, Hunterdon, and Warren County Governing Officials Association. They did a presentation on energy aggregation and Mr. Hammond also attended. Mayor Canose said it's something they can come and present to the council in the future. She said she spoke to Carol Bianchi at JCP&L to see what their input was on energy aggregation and they said they don't have a preference one way or the other because residents still get the same service from JCP&L. They have the information on energy aggregation on their website, and it is not a conflict with the service they provide. Mayor Canose said the county calls informed us we now have 71% of Somerset County residents fully vaccinated, or 205,384 people, which she believes to be number one in the state for vaccinations. Senior Centers are all doing some outside programming for vaccinated residents such as Tuesday and Thursday grab-and-go lunches. Somerset County is looking to reopen all the senior centers by September, but probably with a hybrid offering. Mayor Canose said it seems that people really like having some virtual classes so they may keep both. Somerset County said on the rescue funds, they are going to be hiring consultants to assist with the reporting requirements and are going to create a website with a dashboard to show how the money is being spent. Mayor Canose said they are looking to have all the municipalities in the county work with them in how we use the funds with an overall strategy. They will be scheduling a roundtable meeting in person to try and discuss how we are all using our funds. She said the NJ League of Municipalities is scheduling tours of a cannabis facility in Maplewood for any municipalities that are interested. Somerset County said they expect to have five locations for early voting sites that are required for the November General Election. Mayor Canose said hopefully by our next county call we will know where those five places will be. Somerset County is looking for more poll workers. Mayor Canose and Mr. Czerniecki met with Lisa Plevin and Judith Thornton from the Highlands Council on July 8th to talk about conformance with the Highlands Act and Regional Master Plan to see how that can benefit Bernardsville. She said they offer a lot of grant funding and assistance to support in development and implementation of a lot of different planning initiatives. She said the first step in the process to work with them is to apply for a fifteen thousand dollar initial assessment grant and that Mr. Czerniecki has the forms to apply. Mr. Czerniecki suggested making sure we have our Parks and Recreation Master Plan squared away so we can be clear about what is important to us in terms of land use and public land uses in the future. Mayor Canose said we should have the plan soon and there were no objections from council for Mr. Czerniecki to start the application process. Mayor Canose said on July 8th there was a Housing and Zoning Committee meeting. The committee is currently reviewing the ordinance for air conditioning units and generators and trying to make it more resident friendly

so that people on smaller lots can get generators installed or outside air conditioning units. The committee is also looking at a fencing ordinance and getting samples from other towns. Mayor Canose said on July 8th Downtown Bernardsville had a meeting which Olivia Manning covered most of that in her presentation earlier in this meeting. On July 10th Mayor Canose participated in free workout at the Polo Grounds that the Recreation Department and the Mayor's Wellness Campaign sponsored and it was a really good turnout. Earlier today Mayor Canose met with Bob Markowick and John Macdowall at 271 Mine Brook Road to look at the logistics for a concert on August 1st. Mayor Canose said as for the redevelopment project, right now the council has reviewed the proposals and issued follow-up questions to the developers. We just received their responses today so we will take some time to review them. We will have a special meeting on July 26th that will cover the presentation of the Recreation Master Plan along with an executive session to meet with our professionals and go through the developer's responses and possibly pick a developer at that meeting.

Ms. McCredie asked if we can put the redevelopment topic back out to the public to get their input on that concept plans that are online for redevelopment for Quimby Lane. She asked how the public would go about providing feedback. Mayor Canose said she does not think there is an opportunity for the public at this point until we actually name the developer because that is the council's decision to make. She said once we have a developer that is the point at which to have a public meeting for input on what their vision is and guide the developer to give them what they'd like to see. Ms. McCredie asked Mr. Czerniecki what he has seen other communities do and that she would like to make sure that we are not being seen as trying to hide anything. Mr. Czerniecki said the redevelopment plan is clear with respect to what is called the planning program, which is how much public space, how much retail, how much residential, all that sort of stuff. He said what he would encourage is that when we name a redeveloper we are going to do it on the basis of their willingness to build according to the program and their ability to do it. One of the requirements we would have is that they conduct a charrette, which is a design workshop, indicating items such as getting the colors right, getting the exact architecture right, and getting items in the right place. We would have public input that's very specific and very well guided in terms of all the design elements. He said public input with respect to the program took place when we adopted our ordinances and did the redevelopment designation and indicated what the allowable uses are.

Administrator's Report, Mr. Czerniecki said we are opening Borough Hall, and the Construction and Zoning Office on Thursday, July 15th. Tomorrow there will be a post on Facebook and social media that provides some guidelines for how we are going to proceed with this. Mr. Hammond asked if that means we will be having council meetings in person in the future or are we still going to use Zoom. Mayor Canose said we had said in person meetings will not take place until September. Mr. Czerniecki said the announcement indicates you can come to the Tax Assessor's Office, Tax Collector's Office, Construction and Zoning Offices, and it also covers how to go about meeting with a department head. Milling and paving is now underway on the eight roads that were identified in the capital bond and weather permitting, will be completed by the July 19th. The oil drums that were abandoned at the Charlotte Hill open space

area have been removed and in our conversations with our environmental insurance carrier, we anticipate that all the disposal costs will be carried and covered under our policy. Mr. Czerniecki said Fire Chief Glenn Miller reached out today and is working on plans to proceed with the new fire truck as was included in the capital bond. He said Mr. Miller asked if a request to council could be made to pass a motion to allow the CFO to sign documents to join the Houston Galveston Co-op, which is a national pricing and purchasing cooperative. He said it's an increasingly popular way of Fire Departments to get vehicles at good prices and there is an incentive to do this soon. Ms. McCredie moved to adopt **Resolution #21-153, AUTHORIZING JOINING THE HOUSTON GAVELSTON CO-OP**. Mr. Donahue seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

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

Public Safety Committee, Mr. Donahue said the committee did not meet since the last report. Chief Valentine said National Night Out is going to be held at the Polo Grounds on August 3rd. Chief Valentine said over the weekend we had three vehicle thefts that took place and another four or five vehicles were broken into. He said the thieves are not forcing their way into any of these vehicles, they are only going to unlocked vehicles and we haven't had a forced vehicle entry in a very long time. He stressed the importance of locking vehicles at night and removing any valuables and urged resident that if they see something that is not normal in their neighborhood and they think is suspicious, they should call the police. Chief Valentine said NJDOT got back to us with a plan for a crosswalk at Depot Place at Route 202 in the area of the train station. The committee discussed it and feels the plan is acceptable. There is no major action that needs to be taken on our part and we informed them that we approved of their plan. Once they get the engineering plan together they'll be able to proceed. It was noted we won't lose any parking spots because of this crosswalk.

Finance Committee, the committee has not met since the last report. Mr. McQueen will be the new chair of the committee now that Tom O'Dea has resigned from council. Mayor Canose will fill in and be the third member of the committee.

Organization Development and Personnel Committee, Mr. Hammond said the committee did not meet since the last report, but the Police Department Rules and Regulations were adopted earlier in the meeting.

Engineering, Technology, and Public Works Committee, Ms. McCredie said the committee did not meet since the last report.

Mayor Canose noted that this is our only regular meeting in July, which comes only two weeks from our June meeting where monthly reports are given. She said normally the committee reports would be done later in the month.

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

Land Use Committee, Mayor Canose said the committee did not meet since the last report.

Shade Tree Committee, Mr. Donahue asked Johanna Wissinger, committee member, if they had anything to report. Ms. Wissinger said the committee will meet on July 21st via telephone conference call at 8:30am. The committee has a new Chair, Dennis Galway, and Vice-Chair, Macie Laffey.

Planning Board, Mr. McQueen said the Planning Board canceled their meeting last Thursday.

Land Use Committee (continued), Ms. McCredie asked if the committee will be coming forward with a recommendation for every developer or are we all just going to talk together. Mayor Canose answered that we would all just talk together at the executive session on July 26th.

ITEMS OF BUSINESS

Correspondence – 2021 Bike MS Country Challenge

This bike ride will take place on September 18th and 19th and will pass through some streets in town. The organization will work with the Police Department for any safety concerns and submit an insurance certificate naming the Borough of Bernardsville as an additional insured and sign a Hold Harmless Agreement. This item was just for information only and no council action was necessary.

Fall Cyclocross Series

Mr. Donahue requested Cyclocross Series to be held in the fall after a very good spring session. The Cyclocross Series is held on the grounds at 271 Mine Brook Road. Mr. Donahue said Bob Markowick was going to run this past the Recreation Committee. Council consent was given to hold the fall Cyclocross Series

Unfinished Business - None

New Business - None

OPEN SESSION

Mayor Canose opened the meeting to the public.

Olivia Manning, Orchard Street and Downtown Bernardsville, said Downtown Bernardsville is out in the community, and offered help with anything that needs to be done to help the redevelopment process. She gave an example if a developer is chosen and they want to hold a community meeting, they would be happy to help offer a special community meeting and it would not be in conjunction with their own meetings.

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 Pending Litigation and Deliberation on Council Vacancy, 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.

REOPEN

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

Council Appointment to Vacancy

Mr. Donahue moved to appoint Matthew Marino to fill a vacancy on the Borough Council from July 12th to when the General Election results are certified. Mr. McQueen seconded. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

Additional Resolution – Professional Services

Ms. Zamarra moved adoption of Resolution #21-154, **AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH PARKER McCAY TO REPRESENT THE BOROUGH IN CONNECTION WITH A CIVIL SUIT FILED AGAINST THE BOROUGH AND SEVERAL OF ITS EMPLOYEES BY THE OWNERS OF 380 CLAREMONT ROAD.** Mr. Hammond seconded. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

ADJOURNMENT

The meeting was adjourned at 9:25pm.
