

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
May 9, 2022

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

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 27, 2021.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Memorial Park Dam Remediation, Paul Ferriero and Bob Brightly of Ferriero Engineering were present. Mary Paist-Goldman of Rippled Waters was present. Ms. Paist-Goldman showed slides of the pros and cons of dam removal, a removal restoration concept, removal restoration photos, anticipated costs for dam removal, and potential funding sources. Ms. Paist-Goldman calculated the anticipated costs for dam removal to have a construction cost of \$2,356,917.00. Mr. Ferriero showed a slide of the Engineer's estimate for dam reconstruction. The estimated total construction cost was calculated as \$2,692,085.00. Mr. Ferriero showed a video featuring a flyover of a proposed spillway at Memorial Park Dam. Ms. Greenfield said the Public Works Committee met three weeks ago and saw the presentation. They had a lot of their questions answered and incorporated into tonight's presentation. Ms. Greenfield said the committee's recommendation from both an environmental and financial perspective would be removal of the dam, letting nature run its course and reestablish the stream to its original state. Mr. McQueen asked if any council members felt strongly about maintaining the pond. Mr. Ambelang said he would like to see the financials of how much we can receive in grants and the cost. He asked if the Public Works Committee discussed this topic with the Environmental Commission. Ms. Zamarra said when this topic was originally discussed, they were involved and evaluated the options without seeing any financials. Restoration of the stream was their recommendation. Mr. Pidgeon said the next step would be a resolution to prepare and apply for grants. He said at some point we would also have to adopt an ordinance to appropriate the funds. Ms. Paist-Goldman said grant funding is usually available in the spring and fall. Mayor Canose said we could have a resolution for next meeting to pursue grants. Mr. Pidgeon said also to authorize a professional services contract to start on the grant application and specs. It was noted to put the presentation slides on the website for the public to view and have a resolution ready for the next council meeting. Mr. McQueen said this topic will be discussed at the next Finance Committee meeting.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Jeff Hammond, Flintlock Court, said if we want to make this the centerpiece of the town, which he fully agrees with, we are going to have to do something about access because without parking, people aren't going to really be able to utilize it. He said he hopes that it is built into any plan for how people get here because right now that's one reason why the area is really underutilized. He said his question is about the area near the gazebo and on the side with the train tracks. He said it's really wet and muddy, and asked if it makes a difference whether we preserve the dam or remove the dam for whether that would have any impact on that wetness or if that's unrelated to the dam. Ms. Paist-Goldman said it definitely does. She said with the helmet in place it keeps the water table artificially raised in the soil as well, so that keeps the ground soggy. She said when the dam comes out, that will all lower so we will have that area drying up a bit more.

Kerry Haselton, Mine Brook Road, asked a question regarding the removal of the dam and the existence of invasive species in the area that Mr. Hammond spoke about, specifically the knot weed that is over on that side. She said she is wondering if we did remove the dam, would we have an opportunity to remove the invasive species in that area. She asked if it would afford us an opportunity to do some mitigation of that particular invasive species so that we could eliminate it from the area going forward and replace it with native species or have the area be more amenable to walking. Ms. Paist-Goldman said with invasive removal, that's really common with dam removals in particular. U.S. Fish and Wildlife will provide a lot of support on the invasive species post restoration that goes along with the vegetation and the plant donations that they provide. Ms. Haselton said that would be great because we have done a lot of work on creating native species on the dryer side of the pond, but we haven't been able to touch the other side. She said all we've done is just chop it back but it takes a serious amount of work to get it out. She said this would afford us an opportunity to do that.

Chris Caponigro, Lloyd Road, said that 150 years ago, to use that type of manpower and resources to build the dam would have been a massive undertaking for human labor and ingenuity. He asked why they chose to use a dam at that time and why are we now feeling that just a free reigning stream would be adequate. Doug Walker, Capital Projects Manager, said at one point the Borough Hall was actually a grist mill and another time it was a lumber mill. He said the water was channeled for use to turn the grist.

Johanna Wissinger, Washington Corner Road, said in 1974 it was re-engineered and it was decided that even though it wasn't used for the mill as it was in the ancient times, it was intended to be a flood reducer. She said that was the purpose of the council spending the money at that time.

Mr. McQueen asked Chris Caponigro if he had an opinion to his question. Mr. Caponigro said he generally gets cautious about undoing things that have been in place for hundreds of years and also before making a big change. He said as long as everyone's eyes are wide open about implications, what could happen, and maybe the original intentions, then he's very satisfied. He

said if this dam really didn't have a full ability to block flooding then we understand it really can't serve that purpose. He said however, if it was some benefit at the time that people felt necessitated doing the labor, then we should just simply acknowledge it and understand that what we're doing now could have some implications in the future.

Kevin Valentine, said he hasn't heard anything discussed about the current hazard mitigation plan that the borough has in place with respect to the dam project. He said whether the dam stays or goes, we have two existing projects identified on our current hazard mitigation plan which is part of the Somerset County Hazard Mitigation Plan approved by FEMA for potential funding in the future, if mitigation funds should ever become available. One is the repair of the dam and one is replacement of the dam. He said one of the things that hasn't been discussed is what happens downstream. He said no matter if the dam stays or the dam goes, we need to take a broader look as to what the impact is going to be to the borough property to protect our infrastructure, our police department, our road department, and our sewer plant that we lose two to four feet of embankment every year to flooding as it encroaches on the driveway.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2022-1913, **SALARY ORDINANCE FOR EMPLOYEES OF THE BOROUGH OF BERNARDSVILLE WHO ARE MEMBERS OF THE PUBLIC WORKS EMPLOYEE ASSOCIATION.** Hearing no comments or questions, Mayor Canose closed the public hearing. Ms. McCredie moved to pass this ordinance on final reading and adopt as published. Ms. 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.

Mayor Canose opened the public hearing on Ordinance #2022-1914, **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$1,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.** Hearing no comments or questions, Mayor Canose closed the public hearing. Ms. Greenfield 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. Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Mr. Ribeiro voted yes. Mr. Ambelang and Ms. Zamarra abstained.

ORDINANCES (Introduction)

Mr. McQueen moved that Ordinance #2022-1915, **SUPPLEMENTING AND AMENDING CHAPTER 2 OF THE BOROUGH CODE ENTITLED "ADMINISTRATION" TO**

ALLOW COUNCIL MEMBERS TO ATTEND TWO MEETINGS PER YEAR REMOTELY AND UPDATING LANGUAGE, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, May 23, 2022. Ms. Greenfield seconded and the motion was approved with six yes votes.

Ms. Greenfield moved that Ordinance #2022-1916, **PROHIBITING SHORT-TERM RENTALS OF RESIDENTIAL PROPERTIES AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED “POLICE REGULATIONS”**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, May 23, 2022. Ms. McCredie seconded. No vote was taken and this ordinance was referred to the Public Safety Committee for review.

Mr. McQueen moved that Ordinance #2022-1917, **APPROPRIATING \$660,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2022 MUNICIPAL BUDGET**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, May 23, 2022. Ms. Zamarra seconded. Mr. Ribeiro asked if there are any additional costs for e-vehicles. Mr. McQueen said the Finance Committee was not made aware of any and asked Mr. Suriano to follow up with Mr. Czerniecki to confirm. The motion to introduce was approved with six yes votes.

RESOLUTIONS

- #22-109 **AUTHORIZING PAYMENT OF BILLS**
- #22-110 **AUTHORIZING THE ADMINISTRATOR AND CLERK TO SIGN A GRANT AGREEMENT FROM THE NJ HIGHLANDS FOR AN INITIAL CENTER ASSESSMENT STUDY**
- #22-111 **AUTHORIZING GRANT SUBMISSION TO THE SOMERSET COUNTY 2022 HISTORIC PRESERVATION GRANT PROGRAM**
- #22-112 **APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE #1803-44-006-004**
- #22-113 **AUTHORIZING REFUND OF ESCROW FEES - PB APPLICATION #655 (42 Garibaldi Street & 9 Liberty Road), STIDWORTHY**

- #22-114 APPOINTING LEAH HOROWITZ AS ASSISTANT RECREATION DIRECTOR**
- #22-115 AUTHORIZING REFUND OF ESCROW FEES - BOA APPLICATION #16-06 (63-73 Bernards Avenue), MENNELLA**
- #22-116 AUTHORIZATION OF SEWER REFUND**
- #22-117 AUTHORIZING REFUND OF ESCROW FEES - PB APPLICATION #232 (22 Morristown Road), COLUMBIA/ROSELLE**

Mr. McQueen moved to adopt Resolutions #22-109 to #22-117. 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.

ITEMS OF BUSINESS

Hearing on Property Maintenance at 107 Chestnut Avenue

Renee Apuzzo, Acting Zoning Officer, was present. Ms. Apuzzo gave some background about complaints being received for the property at 107 Chestnut Avenue. There are piles of stacked firewood, rotting of the siding/trimming, and deterioration of the house which create a concern for health and safety. The home abuts the Polo Grounds which are a safety concern for children playing on the fields. Mr. Pidgeon said a motion could be made that it is in the public interest to abate the situation and then at the next meeting there will be a resolution as to whether the cleanup of the property can be done by Public Works or an outside contractor. Mr. McQueen made a motion as stated by Mr. Pidgeon. Ms. McCredie seconded and the motion was approved with six yes votes. Mr. Macdowall will be made aware of this matter and determine whether Public Works employees can do the cleanup.

Mayor's Update

Mayor Canose said she attended Chief Valentine's LPEC meeting which went over what our requirements are for elected officials and OEM volunteers. Mayor Canose attended the NJ League of Municipalities luncheon and the topic was cyber security. Mayor Canose did a ribbon cutting at Ken Rent last Saturday. The first branding meeting took place and they are working on coming up with a brand for the entire town so we're not all using different things and our signs are consistent. Adam Sperry, Olivia Manning, Leah Horowitz, and Jerry Rizzo are assisting with branding. Mayor Canose did a ribbon cutting at R. Weiss Fine Jewelers located in Bernardsville Center. Mayor Canose said the Somerset County Governing Officials Association is having a meeting this Wednesday in Manville at 6 30pm. She said she will be away and cannot attend but other council members can go. Mayor Canose said we had the cutoff for the

Outstanding Community Volunteer awards. There were eight submissions for four people that got multiple nominations and four new candidates. Mayor Canose and Mr. Czerniecki are working out how they want to do the award presentation and hopefully in June there will be an official ceremony.

Administrator's Report

Mr. Czerniecki was absent and no report was given.

Correspondence

Mayor Canose said a letter was received today from Michael and Jeanne Poehner regarding a drainage issue on Overleigh Road. She said John Macdowall and Doug Walker are aware of this issue and are putting together a drainage plan. She said Mr. Czerniecki sent a letter to the residents informing them that borough staff is working on the issue.

Unfinished Business

Affordable Housing Ordinance, Mr. Pidgeon said Borough Planner John Szabo has requested an ordinance regarding affordable housing. Mr. Pidgeon said council can introduce at the next meeting on May 23rd and then refer it to the Planning Board for review. Council agreed to have the ordinance on May 23rd agenda for introduction.

New Business

Noise Ordinance, Ms. Zamarra said there has been some commercial activity at 4:00am that is creating noise loud enough to disturb residents. Mayor Canose said the current ordinance has regulations regarding construction noise, so it's a matter of whether this is considered construction noise. Mr. Pidgeon said the ordinance can be amended or supplemented if council wants to do so. The Public Safety Committee will review and bring their recommendations to council.

Power Outage, it was noted there was a power outage at about 3:30pm in the area of Anderson Hill Road, Mendham Road, and some side streets. Chief Valentine said JCP&L is working on fixing the problem and they estimated power would be back by 10:30pm.

CLOSED SESSION - None

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.
