

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
October 12, 2021

Mayor Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, Jeff Hammond, Matthew Marino, Jena McCredie, Chad McQueen, and Christine Zamarra. Also present were Tom Czerniecki, Administrator, and Anthony Suriano, Borough Clerk. John Pidgeon, Borough Attorney 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 24, 2020.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Alan Zalkin and Vicki Molloy of Concord Energy Services (CES) gave a presentation about community energy aggregation. They explained the aggregation process as requiring ordinances, resolutions, and agreements; CES prepares and submits bid documents to the Board of Public Utilities and Division of Rate Counsel; there is an energy auction and selection of winning bidder; there is an energy auction bid for program rate which must be lower than the utility's BGS rate at the time of the bid. They would also begin outreach to residents about the program by mailings, public outreach meetings, videos, and customized web pages. The auction process is repeated at conclusion of contract. Ms. McCredie asked for a side-by-side comparison of their numbers over the last two years. Mr. McQueen agreed that he would like to see that comparison as well. Ms. Molloy said she can send that information. No action was taken.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Sam Frenda, Board of Education, said the first Strategic Plan Meeting for the Somerset Hills School District will be taking place on October 21st. She said invitations have gone out to the Mayor and Council. Participation can be in one or all of the sessions. They are going to have pre-registration for every meeting and the registration for the first meeting will close in the evening on Sunday, October 17th. She said they will be discussing the strengths and challenges that our district is undergoing and facing along with any challenges that the public may be bringing up at the meeting. They hope that those challenges refer specifically to things that pertain to our district, as they want to focus on what specifically is and is not happening in our district. She said the night of the meeting there will be an introduction by the Board President, a state of the district given by Superintendent Dr. Dempsey, and then a small group breakout. She

said after the small group breakout, everyone will be coming back together for readouts from their respective groups.

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

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2021-1894, **AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES AND SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND USE REGULATIONS ENTITLED “ZONING”**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded. Mayor Canose said the state has put this ordinance in place for the entire state and they are just asking that municipalities follow suit, but it's already in law. Mr. McQueen said his big issue was consistency between the Master Plan and this new state ordinance and it was inconsistent in regards to the number of spaces, so we are modifying our Master Plan to be two spaces per 100 to be consistent with the state ordinance. He said that portion of the Master Plan is coming back to the Planning Board and they asked Frank Mottola to have it on an upcoming agenda. Mr. Hammond asked for clarification about Section 1d of Ordinance #1894 regarding a condition for new construction where it mentioned 15% be set aside for off street parking for EVSE, but then it references that within three years you have to do 1/3 of the 15 percent which he feels that doesn't make sense because the cost of these things is in the implementation and it would be wiser to do it all up front. He said if you do it three or six years later you would be spending more money. Mr. McQueen said he doesn't want to put conjecture on why the state would have done what they did, but they may be just trying to provide some flexibility at the town level. Mayor Canose said it does give people some flexibility even though it would be more expensive to do it over time, but if they don't have the money up front to do the whole thing, it gives them an option. The motion to adopt was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. Marino, Ms. McCredie, Mr. McQueen and Ms. Zamorra voted yes.

Mayor Canose opened the public hearing on Ordinance #2021-1897, **AMENDING CHAPTER 4 OF THE BOROUGH CODE ENTITLED “GENERAL LICENSING” BY REPEALING SECTION 4-3 ENTITLED “AUTOMATIC COIN OR ELECTRONIC AMUSEMENT DEVICES”**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. McQueen 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, Mr. Marino, Ms. McCredie, Mr. McQueen and Ms. Zamorra voted yes.

ORDINANCES (Introduction)

Mr. Marino moved that Ordinance #2021-1898, **AN ORDINANCE APPROPRIATING**

\$250,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR IMPROVEMENTS TO MUNICIPAL OPEN SPACE PROPERTIES IN ACCORDANCE WITH THE OPEN SPACE & RECREATION MASTER PLAN, 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, October 25, 2021. Mr. McQueen seconded and the motion was approved with six yes votes.

Mr. Donahue moved that Ordinance #2021-1899, **SALARY ORDINANCE FOR BOROUGH DISPATCHERS WHO ARE MEMBERS OF THE IBEW, LOCAL 1158**, 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, October 25, 2021. Mr. Hammond seconded and the motion was approved with six yes votes.

RESOLUTIONS

- #21-211 AUTHORIZING PAYMENT OF BILLS**
- #21-212 AUTHORIZING REFUND OF OVERPAYMENT OF 2018 & 2019 TAXES - TAX COURT OF NJ APPEAL 191 MINE MOUNT ROAD**
- #21-213 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH VAN CLEEF ENGINEERING TO ASSIST WITH QUIET ZONE ENGINEERING**
- #21-214 AUTHORIZING THE BOROUGH ENGINEER TO ENGINEER PICKLEBALL COURTS AT SENEY DRIVE**
- #21-215 RATIFYING THE MEMORANDUM OF AGREEMENT FOR THE LOCAL 1158 (DISPATCHER BARGAINING UNIT) CONTRACT FOR 2020 AND 2021**
- #21-216 AUTHORIZING RETURN OF STREET OPENING PERMIT ESCROW TO SANDRA WHELAN AT 39 SYCAMORE HILL ROAD**
- #21-217 APPOINTING A NIMS COMPLIANCE OFFICER**
- #21-218 REAFFIRMING THE DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE BOROUGH OF BERNARDSVILLE**

- #21-219 AWARDING A CONTRACT FOR 2021-2022 MUNICIPAL
PARKING LOT SNOW PLOWING AND SIDEWALK CLEARING**
- #21-220 APPROVING LICENSE AGREEMENT WITH DOWNTOWN
BERNARDSVILLE ALLOWING IT TO USE THE SPARE OFFICE
AT THE BOROUGH RECREATION DEPARTMENT FOR A
NOMINAL CONSIDERATION**

Regarding Resolution #21-220, Mayor Canose said now that we have been designated a Main Street, there is an agreement that we signed with Main Street New Jersey that says we agreed to the minimum payment of \$12,000 and that we also need to document in-kind donations. She said because Downtown Bernardsville and the Recreation Department have been working together to sponsor events and assist each other, it was convenient to have an empty office space available in the Recreation Department for Downtown Bernardsville, but rather than doing it informally, we wanted to have an agreement in place so that we have a document to give to Main Street to show that we are making in-kind donations as well. Mr. Donahue asked if we advertised the office space for market rate. Mayor Canose said it's an in-kind so we're not charging for it. Mr. Donahue said we have fiduciary obligations so if we can get rent for it then we should. Mayor Canose said it's inside the Recreation Office so the only people we could rent it to is Recreation. Mr. Donahue asked if Recreation is eventually going to move to the 251 Claremont Road property. Mr. Czerniecki said eventually that will be an option, but it's not an option right now and he doesn't see it being an option for a period of time given what we would need to do for it to become ADA accessible. Mayor Canose said it helps keep our Main Street designation and part of what we have to do for the Main Street designation is to show borough support. Mr. Czerniecki said the office space is to the left of the main suite for Recreation and might be able to fit a small conference table for about six people and some files. He said we are not using it and don't plan on using it for recreational purposes at the moment. Mr. Donahue asked if we offered it to any other civic groups or made it known that it's available. Mr. Czerniecki said because Downtown Bernardsville is a state sponsored program, there is a unique consideration outside of normal purchasing laws or auctioning laws. He said because of this, we are able to enter into this arrangement with Downtown Bernardsville just as we would with a Rescue Squad, Library, or Fire Department, but any other entity, even a non-profit one, would have to be auctioned to the highest bidder. Mr. Hammond said he feels the value that we get from Downtown Bernardsville far exceeds any kind of money that we could get.

Regarding Resolution #21-219, Mayor Canose said we only received one snow plowing bid and it was at a 10% increase over last year's bid. She said she was curious why there were not more bids and asked how widely we circulated the bid specs. Mr. Hammond agreed and said he would like to know why only one bid was received. Mr. Marino agreed and would like to see more information as well. Mr. Czerniecki will get more information on this topic and bring it back at the next council meeting. Resolution #21-219 was tabled.

Regarding Resolution #21-214, Mr. Hammond said he is in favor of the pickleball courts and wanted to know if it's going to be in the area of the current gravel parking lot near the basketball courts or if another parking lot will be constructed. Mr. Czerniecki said very little of the parking lot is going to be impacted. He said there's space between the parking lot and the pool and there's a corner of the pool property that's never used, so that the majority of the space we're going to be using for the pickleball courts is not in the parking lot. Mr. Hammond said he did not see a due date in this resolution for the engineering report and suggested that we should include a milestone that the report is going to be due by such a date. Mr. McQueen agreed and said globally, there needs to be deliverable dates and we should insert a date so it's in writing and we need to hold people accountable to them. Mr. Czerniecki said we can move ahead with the approval pending insertion of a due date and we can make sure the Mayor doesn't sign a contract until that's indicated.

Regarding Resolution #21-220, Ms. McCredie asked about insurance from Downtown Bernardsville. Olivia Manning, Downtown Bernardsville, said the organization has insurance and has provided a certificate for events they have done in the past. She said she also provides a hold harmless agreement for those events as well. She said they can provide a certificate of insurance and hold harmless agreement for this agreement for office space.

Mr. Marino moved to adopt Resolutions #21-211 to #21-218, and #21-220, with #21-214 being modified to insert a deliverable date. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Hammond, Mr. Marino, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes. Mr. Donahue voted no.

ITEMS OF BUSINESS

Mayor's Update

Mayor Canose said on September 28th, she met with a new resident, along with Mr. Czerniecki and Chief Valentine, who like to donate defibrillators for installation into our police cars. On September 29th and 30th, Mayor Canose attended virtual sessions of the Governor's Conference on Housing and Economic Development which talked about the different programs that are in place to support businesses and residents. On September 29th, Mayor Canose attended Wreaths Across America and St. Elizabeth's School had a wonderful presentation about what they do for veterans. She said their goal is to put a wreath on every grave of every veteran and they have programs in every state and also one in France. They do Holy Cross in Basking Ridge and this year they are going to try and do St. Bernards which is in Bernardsville on Washington Avenue because there are 238 veterans there. She said people can sponsor a wreath and then have volunteers place the wreaths with small ceremony and the names of the veterans are read. Mayor Canose attended the Local Emergency Planning Committee meeting that was organized by Chief Valentine, and they reviewed the response to Hurricane Ida and what worked and what needs to be tweaked. She said the overall response was very positive but there's always room to do things differently. Mayor Canose attended the Main Street orientation training, which was a three-hour

webinar program. She said there was so much information and resources that it is just incredible what this program is offering to our town. They will be coming in person to do training for all the volunteers that work on downtown. Mayor Canose said she met with our developer for Quimby Lane, Peter Coccoziello, along with Mr. Czerniecki, Chris Colley, and Joe DeMarco and we are close to having an agreement finalized. Mayor Canose attended Downtown Bernardsville's quarterly community meeting at the Bernardsville Movie Theater where Olivia Manning did a great explanation of Main Street, how it works, how it will affect Bernardsville, and all the advantages of the program. Olivia Manning said a recording is on Facebook Live for anyone who missed the meeting. Mayor Canose attended the Somerset County Complete Count Committee, which is the group that worked on the census. She said most of the data is available at census.gov/data. On October 7th, Mayor Canose met with our new JCP&L external affairs consultant. She said Carol Bianchi, who has been an outstanding representative for us, has been promoted and now is in charge of emergency preparedness and Jolanta Maziarz is our new consultant. Mayor Canose and Mr. Czerniecki met with Olivia Manning to see how Downtown Bernardsville and the Borough can share different jobs, what Downtown Bernardsville can take off our plate, and how we can help them. They talked about the possibility of a part-time maintenance person that they could hire to help with weeding and garbage pickup. Mayor Canose said October 9th was the Apple Festival at the Farmers Market which was very well attended.

Administrator's Report

Mr. Czerniecki said we are going to have a resolution to authorize the submission of our Transit Village Application. He said last week our managers and supervisors received their mandatory training per the Joint Insurance Fund (JIF) on the various elements of our Personnel Policies and Procedures Manual, particularly those related to the workplace environment and some new laws. Mr. Czerniecki said visitors to the Zoning and Construction Department will soon be able to make credit card payments either online or in person. He said we are securing some additional licenses where we can extend that opportunity to some other departments, but we are still waiting for some final analysis. He said it is going to be part of some substantial upgrades to our web pages as well. Mr. Czerniecki asked the council if they can all reach out to any of their contacts in the real estate community that the new train station RFP is now online and available for anyone who is interested in submitting an application. He said the difference this time is we are not putting a time limit on the lease and after consulting with NJ Transit, we feel confident that they're going to work with us in getting something that's reasonable and workable into the marketplace. Mr. Czerniecki thanked council for the appropriation with respect to the Open Space Trust Fund for park development funds. He said the Recreation Committee scheduled for tonight was moved to next Tuesday in order to not conflict with this Council meeting. He said he has two items for executive session later in the meeting.

School of St. Elizabeth - Shamrock Shuffle 5K

Hilary Dudley of St. Elizabeth's School requested to hold the 2022 Shamrock Shuffle 5K on March 19, 2022. She said it was a great event last year and they had lots of help from the

Bernardsville Road Department, Fire Department, and First Aid Squad and the Bernards Township Board of Health. The race course starts and finishes on Seney Drive in front of Our Lady of Perpetual Help/School of St. Elizabeth. Ms. Dudley said she has her paperwork started for this event such as a Hold Harmless Agreement and she will be providing a certificate of insurance naming the Borough as an additional insured. Mr. McQueen said the Finance Committee discussed rolling in some of these small budgetary items for Downtown Bernardsville and the 5K's. He asked if this is something that's getting approved in 2021 with dollars appropriated in 2022, is there anything different that we have to do or can we just continue as we had planned. Mr. Czerniecki said there are two options: Option A is the borough pays the costs, Option B is that we charge non-profits the same as we would charge a contractor to have police presence. It was noted that this is something that the Finance Committee is discussing implementing, but it's not in place right now and Mr. McQueen said these are things the Committee will discuss when they work on the budget for next year. Council consent was given for the Shamrock Shuffle 5K on March 19, 2022.

Correspondence - None

Unfinished Business

Ms. McCredie asked Mr. Czerniecki if he got an update from Chief Valentine on the cell service at Bedwell/Bernardsville Middle School. Mr. Czerniecki said his last update was that it was being worked on this past Friday and he asked if the problem is continuing today. It was noted this issue was still continuing. Mr. Czerniecki said he knows Verizon is the carrier and they are working on it and we'll get more information so that we can share. Mr. McQueen said hopefully there'll be a long term fix because about two months ago we approved a new 5G tower on Route 202/206 that was supposed to deal with this issue. Mr. Marino said it's multiple carriers and not just Verizon.

New Business- None

CLOSED SESSION

Mr. Marino moved to adjourn to an executive session to consider Attorney/Client and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved. Mr. Hammond seconded and the motion was passed with six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.
