

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**November 8, 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, Anthony Suriano, Borough Clerk, and John Pidgeon, Borough Attorney.

**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**

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Amiee Watts, Downtown Bernardsville, asked if this was a point in the meeting for discussion of Downtown Bernardsville's request to have an award ceremony at Train Station Building on November 20<sup>th</sup>. Mayor Canose said that is listed on the agenda later in the meeting for discussion.

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

**ORDINANCES (Public Hearing) - None**

**ORDINANCES (Introduction)**

Mr. Marino moved that Ordinance #2021-1900, **CONCERNING AFFORDABLE HOUSING DEVELOPMENT FEES AND AMENDING ARTICLE 13 IN THE LAND DEVELOPMENT REGULATIONS CHAPTER OF THE BOROUGH CODE ENTITLED "AFFORDABLE HOUSING"**, 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, November 22, 2021. Mr. McQueen seconded. Mr. Pidgeon said in 2006 we adopted an ordinance which said the development fees were to be imposed when an addition is put on a house, when the structure is expanded or undergoes a change to a more intense use. In 2018 our Mount Laurel consultants gave us an affordable housing ordinance and made a change to that and inserted "based on the increase of the property due to an additional dwelling unit". Mr. Pidgeon said the change did not make sense in that context, so this ordinance reverts back to the 2006 language that was approved by council. Mr. Hammond asked if there a definition for what

intense use means. He said the way he's reading the ordinance, if anybody does remodeling to their house, which increases the assessed value, they are going to get a fee. Mr. Pidgeon said that's not the intent but it has to be written in the context of the core rules and the idea is if you go from a single family to a two family, that's what is meant by more intense use under the Municipal Land Use Law. Mr. Pidgeon added that it's not just that an improvement was made to a house. Mr. Hammond said he understands the need to update the ordinance along with the background. He said he wants to make it easier for the homeowners but finds this is as confusing as the old language. He said it would be helpful for the future if we had some sort of definitions listed as to what intent is. Mr. Pidgeon said more intense use has an accepted meaning under the Municipal Land Use Law and has to be read in the context of the COAH rules. Mr. Pidgeon said it also tracks the COAH rule word for word. Mr. Hammond said there were no references to the Municipal Land Use Law. Mr. Pidgeon said it's a land use ordinance and all land use ordinances have to be read in the context of the Municipal Land Use Law. The motion to introduce was approved with five yes votes. Mr. Hammond voted no.

Mr. Donahue moved that Ordinance #2021-1901, **SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED "ZONING" TO CREATE A NEW R-3A RESIDENCE OVERLAY DISTRICT**, 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, November 22, 2021. Ms. McCredie seconded and the motion was approved with six yes votes.

### RESOLUTIONS

- #21-233      AUTHORIZING PAYMENT OF BILLS**
- #21-234      AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH CLEARY, GIACOBBE, ALFIERI, & JACOBS**
- #21-235      RESOLUTION TO ESTABLISH PRELIMINARY COSTS FOR RAILROAD CROSSING QUIET ZONES**
- #21-236      AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7029-0100 FOR CO33 LLC DBA PREMIER POOLS AND SPAS FOR 2 HOLLY RIDGE COURT**
- #21-237      AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7020-0100 DOUGLAS PHILIPSEN 130 PEACHCROFT DRIVE**
- #21-238      APPOINTING ANDREW DEMAIO AS A PROBATIONARY POLICE OFFICER**

- #21-239      ACCEPTANCE OF PICKLE BALL COURT PLAN - OPTION 2**
- #21-240      APPOINTING PATRICK MINARDI AS A PART-TIME  
SUBSTITUTE DISPATCHER**
- #21-241      AUTHORIZING THE EMPLOYMENT OF WENDY BROWN  
AS CLERICAL ASSISTANT TO THE TAX ASSESSOR**
- #21-242      AUTHORIZING TRANSFER OF FUNDS**
- #21-243      APPOINTING FRANK D'AMORE AS FIRE OFFICIAL OF THE  
BOROUGH OF BERNARDSVILLE**
- #21-244      APPOINTING COLE RHINESMITH AS A PROBATIONARY  
POLICE OFFICER**

**Regarding Resolution #21-235**, Mr. McQueen said there is a subcommittee working on the quiet zones and it was his understanding that the transition to the quiet zone was a relatively expensive endeavor and probably wasn't plausible. He said with this resolution we are using money to pursue it further and is looking for some background. Ms. McCredie said people have asked for quiet zones many times and it's assumed it'll be very expensive, so what this resolution will do is document everything in writing. She said we can better answer any new resident that comes in asking about the topic of quiet zones.

**Regarding Resolution #21-239**, Mr. McQueen asked if we received an official statement from Somerset County regarding county funds. Mr. Czerniecki said we have not yet received it. He said what this resolution does is acknowledges that there were two options the committee was looking at and Option 2 changes the orientation of the courts. He said once council approves the resolution, we are going to send a revised drawing to Somerset County to let them know Option 2 is what we're doing now. The change in court orientation basically deals with the sun and angles of the sun. It was noted this resolution does not appropriate funds as we're just improving with the Option 2 plan and that the Public Works Committee had viewed this plan.

Mr. Marino moved to adopt Resolutions #21-233 to #21-244. Mr. McQueen seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Mr. Marino, Ms. McCredie, Mr. McQueen, and Ms. Zamarra voted yes.

## **ITEMS OF BUSINESS**

### **Mayor's Update**

Mayor Canose said on October 26<sup>th</sup>, Tom Czerniecki, Leslie Roberson and she attended a webinar on the Somerset County Improvement Authority, which offers alternative funding for

capital projects. She said it's more geared towards municipalities that don't have AAA rating, which we do, so it's not certain if we will avail ourselves of it. On October 26<sup>th</sup>, Somerset County had a vaccination clinic at the Bernardsville Train Station lot from 2:00pm to 6:00pm and had about 250 people attend. The next one will be on November 16<sup>th</sup> from 2:00pm to 6:00pm. On October 26<sup>th</sup>, Mayor Canose, Leah Horowitz, and Olivia Manning met with former councilman Bill Youngblood. Mayor Canose said Mr. Youngblood is now a realtor and also has a company called Welcome To Our Neighborhood which is similar to what used to be a Welcome Wagon type of organization but is no longer. Mr. Youngblood puts together a folder that is delivered to the door of new residents and they talked about how he can have a letter from the Mayor with information from Downtown Bernardsville, Recreation, and the Police Department which would be helpful things that a new resident might need. On October 27<sup>th</sup>, Mayor Canose attended the Somerset County Human Services Commission monthly meeting which had a presentation by the Poverty Research Institute, and they talked about the different ways that poverty is calculated. Mayor Canose said the Mayor's Wellness Campaign Committee met on October 27<sup>th</sup>. She said one of the projects they are doing is sponsoring a mental health awareness training for the Borough's Department Heads and members of the Mayor's Wellness Campaign Committee. She said the training will be done by Community In Crisis. Mayor Canose said the Mayor's Wellness Campaign Committee also discussed the Stigma Free Initiative that Somerset County has undertaken and about doing a Fall Health Fair in combination with the 5k Race. On October 28<sup>th</sup>, Mayor Canose attended a webinar by Ridewise on implementing the EV model ordinance. The county call last week announced 84% of Somerset County residents ages 12 and over have been vaccinated. On October 30<sup>th</sup>, there was a costume contest and downtown trick-or-treating that the Recreation Department and Downtown Bernardsville did an outstanding job with. On November 6<sup>th</sup>, Mayor Canose attended a candlelight vigil for Max Gray, a 2020 Bernards High School graduate and currently a student at Rowan College. She said it was really a lovely tribute and there were hundreds of people that came out to support the family. She said she was glad that we were able to provide the turf field for the candlelight vigil and thanked Leah Horowitz for making the arrangements.

### **Administrator's Report**

Mr. Czerniecki said we have received four responses for each of the recreation related RFPs that we issued with a due date this past Thursday. He said the RFPs were for Trails Engineer and General Parks and Recreation Engineer and we are in a process of reviewing them. Mr. Czerniecki said there are ongoing budget meetings with department heads. He said the office will be closed this Thursday for Veterans' Day. Mr. Czerniecki thanked Borough Clerk Anthony Suriano, Deputy Clerk Cindy Beringer, and all involved for their work in last week's General Election and everything went well. He said there is the one item he has for executive session.

### **Holly Days**

The Chamber of Commerce requested to hold 2021 Holly Days activities such as the Christmas tree lighting at Olcott Square, Santa riding on a fire truck, caroling, and book reading. Council

consent was given to the Chamber of Commerce on the condition that the Christmas tree would be taken down by the third week of January. Mr. Czerniecki noted the hold harmless agreement goes until January 16, 2022.

### **Finance Committee- Funding the Master Plan**

Mr. McQueen said the goal is to improve the general facilities and amenities in the town and to enhance the lives of all of our residents young and old. He said the plan to accomplish this is also without creating any new taxes or creating any long-term liability commitments that are outside of our perceived funding mechanism. In Mr. McQueen's presentation he discussed the steps taken so far, identified high priority items, the potential impact over five years, and an appropriation plan. He said all projects requiring an RFP will come to council for approval of the RFP and the final spend. He said we are appropriating money now for the following reasons: 1) it allows us to get started on the small items; 2) it earmarks money for this project globally and provides direction to the borough staff to begin in earnest; 3) it allows initial required engineering and planning; 4) it allows us to submit shovel ready grants for funding from the state.

### **2022 Reorganization/Council Meeting Schedule**

The 2022 council meeting schedule was discussed. A resolution will be on the November 22 meeting agenda for approval. Mr. Suriano was directed to prepare a list of terms expiring and distribute to council.

### **Best Practices**

The Best Practices questions from the state are answered each year and the number of yes answers equals a score which dictates state aid amounts. We are required to score 15 or more to get full state aid and it was noted that we scored 20.5 and received full state aid. Last year we scored 19 so we increase our score by 1.5 points.

### **Somerset County Health Department Use of Train Station Building for Covid Vaccinations**

Council consent was given to the Somerset Somerset County Health Department to use the Train Station Building for Covid vaccinations. The next clinic will be held on Tuesday, November 16, 2021.

### **Downtown Bernardsville Award Ceremony at Train Station Building**

Amiee Watts from Downtown Bernardsville discussed their request to have a small awards ceremony at the Train Station Building during the Farmers Market on November 20<sup>th</sup> where people can come to the market and go inside to pick up their medal and also have a cup of coffee and some cookies. Council consent was given for this request. Olivia Manning mentioned a few

upcoming events by Downtown Bernardsville such as this November 20<sup>th</sup> award ceremony at the train station building; November 27<sup>th</sup> Small Business Saturday where they will have a table and gift wrapping with available babysitting in partnership with the Recreation Department; December 1<sup>st</sup> is when their holiday lights competition officially begins for the town's businesses and residents; December 4<sup>th</sup> they are planning a holiday parade.

**Correspondence** - None

**Unfinished Business** - None

**New Business**

**Mobile MVC**, Ms. Zamarra asked if we got a response from the Department of Motor Vehicles to find out if the Mobile MVC could come back to Bernardsville. Mr. Czerniecki said he contacted the Department of Motor Vehicles but has not gotten a response yet and will follow up.

**Veterans Day**, Ms. Zamarra said this Thursday is Veterans Day and this Sunday the Recreation Department is sponsoring an event for veteran step-ups. She said it's a pre-event and people can donate if they want to. The purpose is to raise the awareness and the reason of why we celebrate Veterans Day.

**Menorah**, Mr. Hammond said he has been working with Rabbi Shemtov of the Chabad Center in Millington and Brenda Curnin at Bernardsville Centre and they will erect the menorah at Bernardsville Centre again this year. He said this year Chanukah comes on the Sunday after Thanksgiving. The lighting of the Menorah will be that Sunday at about 5:00pm or 6:00pm and he will make sure there is an announcement about the time.

**CLOSED SESSION**

Mr. McQueen moved to adjourn to an executive session to consider Contract Negotiations and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved. Ms. McCredie seconded and the motion was passed with six yes votes.

**ADJOURNMENT**

The meeting was adjourned at 8:15 p.m.

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