

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**December 12, 2022**

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield, Chad McQueen, Jena McCredie, Al Ribeiro, 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 27, 2021.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**Downtown Bernardsville annual review/report** – Olivia Manning, Downtown Bernardsville, distributed a 2021-2022 Impact Report to council. Ms. Manning discussed Downtown Bernardsville's 2021-2022 strategy, goals and completed deliverables, financial report, and a strategy plan for 2023.

**Transit Village Application**, Chris Colley of Topology gave a presentation regarding Bernardsville's Transit Village application. Mr. Colley said the objectives of his presentation was to introduce/refresh the Transit Village Program, Summarize Bernardsville's Transit Village application, and collect feedback regarding the proposed Transit Village designation. Mr. Colley gave a Transit Village overview including its benefits and key criteria. Mr. Colley showed a map of the proposed Transit Village. The following people spoke after the presentation: Declan O'Dea, Holly Ridge Court; Olivia Manning, Orchard Street; Jan Greco, Maple Village Court; Marian Desimone, Hill Street; Jeff Horowitz, Laurel Lane; Tim Manning, Orchard Street; Leah Horowitz, Assistant Recreation Director and Liberty Ridge Road resident in Basking Ridge; Kerry Haselton, Mine Brook Road; Kathy Peachey, Church Street; and Robert Richardson, Prospect Street.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Declan O'Dea, Holly Ridge Court, said there is not a convenient safe way to get from Bernards High School to the downtown area of Bernardsville, especially Bernardsville Centre. He said he presented a few ideas to the Board of Education and the Student Council. He said he is asking all members of our community to read about his proposal and sign his petition asking to "Create a Safe Student Walkway from Bernards High School to Bernardsville Centre". He said his goal is to reach as many students, families, and community members as possible. He said he will send an email to the Mayor and Council with the link that has the petition.

Olivia Manning, Orchard Street; Jan Greco, Maple Village Court; Marian Desimone, Hill Street; Jeff Horowitz, Laurel Lane; and Kathy Peachey, Church Street commented and asked questions to Chris Colley about the Transit Village application.

Tim Manning, Orchard Street, said there is a topic later in the agenda about a request from the Chamber of Commerce. He said the Chamber of Commerce has been pretty non-existent since 2020 as there are no group meetings or membership going on. He said it's misleading to the community to think there is one and the businesses do need one. He said there needs to be a strong Chamber of Commerce to back ongoing programs such as revitalization and programs Downtown Bernardsville is doing.

Leah Horowitz, Assistant Recreation Director and Liberty Ridge Road resident in Basking Ridge spoke about the request for a nativity scene at the borough pond which is later in the agenda. She said she agrees with Mr. Manning's comments about the Chamber of Commerce. She said she knows Jewish business owners in the community and if they were represented by the Chamber of Commerce there would not have been this type of request. She said there needs to be a clear line between church and state and there's no reason to just be showing one religion.

Kerry Haselton, Mine Brook Road, spoke about changes to development and zoning of 55 Claremont Road. She said she wanted to draw the council's attention to the effect Ordinance #2022-1936 will have on that property, the stream, and the environment in that area.

Robert Richardson, Prospect Street, talked about overnight parking and parking/no parking areas. He said there has been no enforcement of the ordinance that indicates no overnight parking November 15 to April 1, from 2:00am to 6:00am. He said when he spoke to the Police Department on the phone, he was told that was mainly for inclement weather. He said that is not what the ordinance states. He mentioned occurrences of this happening on West Street, Prospect Street, and Center Street. He said some residents are paving on part of their property

Mayor Canose closed the open session to the public.

### **ORDINANCES (Public Hearing)**

Mayor Canose opened the public hearing on Ordinance #2022-1936, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR BLOCK 71 LOT 6 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.** Joe DeMarco, Redevelopment Attorney, said this is to amend sub area 6, which is on the corner of Claremont and Mill Street to permit a height measurement and change the density from 18 units to 19 units. Aaron Duff, Crestview Drive, said he has followed this application at Planning Board meetings and does not understand the wisdom of making the amendment at this point. He said it's premature and sets a bad precedent. Hearing no further comments, Mayor Canose closed the public hearing. Mr. McQueen 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 #2022-1937, **AMENDING ORDINANCE #2022-1917, WHICH APPROPRIATED \$67,000 FROM THE CAPITAL IMPROVEMENT FUND FOR A RADIO SHE.** Hearing no comments, 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. Ambelang, Ms. Greenfield, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on Ordinance #2022-1938, **AMENDING CHAPTER 3-5.10b OF THE BOROUGH CODE REGARDING REGULATIONS FOR TOWING SERVICE OPERATORS TO ADJUST INSURANCE AND INDEMNITY REQUIREMENTS.** Hearing no comments, Mayor Canose closed the public hearing. Mr. Ribeiro moved to pass this ordinance on final reading and adopt as published. Mr. Ambelang 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 #2022-1939, **APPROPRIATING THE SUM OF \$104,000 FOR THE PURCHASE OF ROAD DEPARTMENT VEHICLES** Hearing no comments, Mayor Canose closed the public hearing. Ms. Greenfield moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra 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 #2022-1940, **AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE USE OF BOROUGH TRAILS.** Hearing no comments, Mayor Canose closed the public hearing. Mr. Ambelang 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.

#### **ORDINANCES (Introduction) - None**

#### **RESOLUTIONS**

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| <b>#22-234</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>   |
| <b>#22-235</b> | <b>ESTABLISHING DECAL FEES AND OTHER REGULATIONS FOR MUNICIPAL PARKING LOTS DURING 2023</b>           |
| <b>#22-236</b> | <b>AUTHORIZING THE MAYOR AND CLERK TO SIGN A TRANSPORTATION SERVICE CONTRACT WITH SOMERSET COUNTY</b> |

- #22-237      APPROVING THE 2023 SCHEDULE OF MEETINGS OF THE  
MAYOR AND COUNCIL**
- #22-238      RESOLUTION OF GRATITUDE ACCEPTANCE FOR  
CAMPBELL ROAD IMPROVEMENTS GRANT**
- #22-239      RESOLUTION OF THE BOROUGH OF BERNARDSVILLE,  
COUNTY OF SOMERSET, NEW JERSEY DESIGNATING  
CERTAIN PROPERTY IDENTIFIED AS BLOCK 71, LOT 3 AS  
SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF  
BERNARDSVILLE AS A NON-CONDEMNATION AREA IN NEED  
OF REDEVELOPMENT PURSUANT TO THE LOCAL  
REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET  
SEQ.***
- #22-240      AUTHORIZING PROPERTY LINE STAKEOUT AT PETERS'  
TRACT AND PROPERTY LINE STAKEOUT/DEMOLITION OF  
STRUCTURES AT 271 (275) MINE BROOK ROAD**
- #22-241      AUTHORIZING CONTRACT WITH THE CANNING GROUP,  
LLC, TO ASSIST THE BOROUGH IN ITS SEARCH FOR A NEW  
ADMINISTRATOR**
- #22-242      AWARDING A CONTRACT FOR DRAINAGE IMPROVEMENTS  
TO AND ROADWAY RECONSTRUCTION OF BERNARDS  
AVENUE**
- #22-243      AUTHORIZING TRANSFER OF FUNDS**
- #22-244      REMOVING ACTING STATUS OF RENEE APUZZO, ZONING  
OFFICER**
- #22-245      A RESOLUTION AUTHORIZING LEASE WITH SOMERSET  
COUNTY FOR INSTALLATION OF COMMUNICATIONS  
TOWER ON BOROUGH PROPERTY**
- #22-246      AUTHORIZING EXECUTION OF AN AGREEMENT WITH NEW  
JERSEY TRANSIT FOR THE LEASING OF THE  
BERNARDSVILLE RAILROAD STATION FOR A TERM OF FIVE  
YEARS WITH ONE ADDITIONAL FOUR-YEAR OPTION**
- #22-247      AUTHORIZING PURCHASE OF A 2023 FORD F550 DIESEL  
MASONRY DUMP TRUCK THROUGH NEW JERSEY STATE  
CONTRACT #A88214**

Mr. Pidgeon noted that Resolution #22-246 needed to be removed as the lease agreement with NJ Transit has not been finalized yet. Ms. Zamarra moved to adopt Resolutions #22-234 to #22-248, except #22-246. 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.

## **ITEMS OF BUSINESS**

### **Mayor's Update**

Mayor Canose said she attended an Age Friendly Advocacy in Local Government Webinar. She said the Mayor's Wellness Committee will be working on age friendly things for next year. Mayor Canose attended the Downtown New Jersey Virtual Conference which was about branding, marketing, and media coverage. Last weekend was the Wonderland Weekend by Downtown Bernardsville and Mayor Canose thanked Olivia Manning and Leah Horowitz for organizing an amazing array of events. Mayor Canose also thanked Bernardsville Centre for allowing us to use the former SuperCuts to have photos with Santa. Mayor Canose said the holiday parade was a very successful event and people are already talking about next year so it will continue to grow every year. Mayor Canose said Sunday was the Cookie Crawl and the tree lighting ceremony. She said it was a fabulous weekend that really brought a lot of people out and into town. Mayor Canose said we had a Land Use Committee meeting which we will discuss in executive session. Mayor Canose attended the Somerset County Planning Partners Forum which was a Presentation by the New Jersey State Planning Commissioners on placement of warehouses. Mayor Canose attended a webinar on the Mayor's Wellness Campaign for the application process for our programs. She said the application is due on January 12th. Mayor Canose said she met with Ashwin Barama who is doing a wind bush project, She said it's being shipped here this week, and thanked John Macdowall and Len Delia for finding a place for us to store it until we can get installed. Mayor Canose said today she went to the Somerset County Business Partnership annual meeting. She said there were 400 people attending and they were excited to see what's going on in Somerset County in the business community. Mayor Canose said this Saturday at 2:00pm will be Wreaths Across America for the second year at St. Bernards' Cemetery. Mayor Canose said December 19<sup>th</sup> was the grand opening of Ricky's Thai Restaurant at Bernardsville Centre. She said from 4:00pm to 8:00pm they're going to be having small plate tasting and she will be cutting the ribbon at 6:00pm.

### **Administrator's Update**

Mr. Czerniecki thanked council for their support in removing the acting status of the Zoning Officer. He said she has done a great job and is now a regular Department Head. He said we have been exploring installing a public charging station at the Library parking lot. He said we have a new vehicle planned for next year to replace the Construction Office vehicle and we can apply for a grant for the actual equipment. Mr. Czerniecki discussed ANSI (American National Standards Institute) standards. He said it's generally for the private sector and new for us.

### **Zoning Line Change Request for 70 Stone Fence Road**

It was noted that a zoning line change would need to be done by ordinance. Council referenced a prior zoning line change request for 477-1 Mine Brook Road at the November 28th meeting that was sent to the Planning Board and wanted to have a procedure for these types of requests. Mr. Pidgeon suggested an ordinance approving the zoning line change, which would have to be sent to the Planning Board for recommendation after introduction and to property owners within 200 feet of the subject property. He said we cannot introduce an ordinance in one calendar year and adopt in another, so this topic will have to be dealt with in January.

### **Correspondence**

Letter from Aaron Duff, Mayor Canose said we received a letter from Aaron Duff regarding downtown redevelopment. Mr. Czerniecki said he has had dialogue with Mr. Duff who has made some excellent points and suggestions. Mr. McQueen said he expects the Planning Board will be discussing downtown redevelopment in 2023 as well. Mayor Canose thanked Mr. Duff for his letter.

Letter from Mary Ann Streiter, Mayor Canose said we received a letter regarding noise coming from the Ferrante property on Bernards Avenue. She said we have forwarded the letter to the Police Chief and Zoning Officer for review.

### **Unfinished Business**

#### **New Business**

**Holiday Display – Chamber of Commerce Request for Creche at Borough Pond,** council discussed a request from the Chamber of Commerce for a nativity scene at the borough pond (Nervine Park). Mr. Pidgeon said the bottom line is that there can't be what would be considered religious displays as part of an overall holiday display. He said they have to have not only displays for different religions, but also totally secular displays such as candy canes and snowflakes. It was noted that a menorah is now displayed at Bernardsville Centre and not on borough property as in the past. After further discussion, council referenced the ordinance on holiday displays which states that requests for such displays must be received by October 31st and denied the request based on the timing of the request.

**Review of Committees,** Mayor Canose said there will be a committee to look at our current advisory committees and council committees and review ways to potentially make some changes to them. The committee that will review this topic will be Mayor Canose, Mr. McQueen, and Mr. Ribeiro.

**Resident Parking,** Mr. McQueen said we need to find a better way of enforcement for when residents put concrete on their grass to add parking. He said there's a very specific policy for doing this and he feels many residents have done it without getting permission. He asked Mr. Czerniecki to direct this topic to the right committee to help start solving this problem.

**December 27, 2022 Council Meeting**, Council agreed to move the time of this meeting from 7:00pm to 8:00am and have it be a remote meeting (on Zoom and not in person).

### **CLOSED SESSION**

It was moved to adjourn to an executive session to consider Property Acquisition and Contract Matters 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 10:50 p.m.

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