

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
October 23, 2023

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield (remotely), Jena McCredie, Al Ribeiro, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Nancy Malool, Administrator, and Anthony Suriano, Borough Clerk. Council Members Chad McQueen arrived at 7:15pm.

STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News and Courier News, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 15, 2022.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Proclamations

Borough Clerk Anthony Suriano administered the swearing in of Police Officers, Briana Stednick and Connor Roehr.

APPROVAL OF MINUTES

Ms. Zamarra moved approval of minutes from August 28, 2023 and September 1, 2023. Mr. Ribeiro seconded and the motion was approved with five yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Fran Daley, Library Director, said at their last meeting, the Library Board of Trustees accepted the lowest bid for library bathroom renovations and now they would like the council to approve an additional \$30,000 out of the capital improvement fund in order to complete the project. Mayor Canose said there is an ordinance on for introduction later in this meeting.

Barbara Long, Lloyd Road, suggested something be done regarding parking at the Borough Hall parking lot in order to free up parking spaces for people who want to come to meetings in person.

Johanna Wissinger, Washington Corner Road, thanked the Centennial Committee for changing the date of Back In Time At Upton Pyne from November 5th to November 4th and added that the Visiting Nurses appreciated that.

Mayor Canose closed the open session.

ORDINANCES (Public Hearing)

Mr. McQueen arrived at 7:15pm.

Mayor Canose continued the public hearing on Ordinance #2023-1979, **PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE DOWNTOWN DISTRICT AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED “ZONING”** from October 10th. Toni Knoll, Community In Crisis, said the ordinance is good public health policy and consistent with statewide policy. Hearing no further comments, Mayor Canose closed the public hearing. Mr. Ambelang moved to pass this ordinance on final reading and adopt as published. 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.

Ms. Greenfield moved to amend and continue the public hearing on Ordinance #2023-1981, **MAKING DETACHED ACCESSORY DWELLING UNITS A PERMITTED ACCESSORY USE IN THE R-1 AND R-1-10 ZONES AND SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED “ZONING”** to November 13, 2023 at 7:00pm. Mr. Ribeiro seconded and the motion was approved with six yes votes.

Matt Jessup, Redevelopment Attorney and Daniel Marinello and Daniel Banker of NW Financial Group, LLC spoke about Ordinance #2023-1983.

Mayor Canose opened the public hearing on Ordinance #2023-1983, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY, GRANTING A TAX EXEMPTION WITH RESPECT TO CERTAIN PROPERTY IDENTIFIED ON THE BOROUGH’S TAX MAP AS BLOCK 125, LOTS 1, 2 AND 3 (35-39 OLCOTT SQUARE AND 5 MORRISTOWN ROAD) AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH AR AT BERNARDSVILLE URBAN RENEWAL LLC.**

Bob Graham, Dryden Road, spoke about the proposed housing units at the Palmer property and how they relate to school taxes. He said he has one idea if the proponents of this development are electing to not be part of the community. He suggested the landlords then need to pay for the Somerset Hill School District tuition minus the state's contribution for every student attending the Borough schools if there is going to be a school tax abatement.

Claudia Diaz, Mt. Harmony Road, inquired about the percentage of the apartments at the Palmer property being allocated for low income housing.

Rosalie Ballantine, Pheasant Hill Drive, said she is in complete support of downtown renovation/revitalization but it must be appropriate in character and in harmony with its surroundings as well as with our Master Plan. She said she is very much against granting the 30 year tax subsidy. She feels it would be a very heavy burden on our schools if we get new

students in 2025 and they're not financed.

Pat Duncan, Brook Hollow Lane, said she recently viewed the Palmer property on the tax duplicate and it showed \$10,000 lower in a two week period. She said she's concerned about accountability and in trusting all other projections. She said she is opposed to this tax exemption and sees no reason for it. She suggested the town proceed with more caution before they start giving away taxpayers dollars.

Kerry Haselton, Mine Brook Road, asked the council to vote down this PILOT ordinance and require the developer to cover its own taxes as other residents in the borough do. She said granting a PILOT to this area in need of redevelopment could set a precedent for other areas in need of redevelopment.

Jeff Hammond, Flintlock Court, said he is concerned with setting a precedent by adopting this PILOT ordinance. He said he thinks PILOTS could be good when they're structured correctly but the developer said they can't build this without a PILOT. He said we've heard before at the Planning Board and Board of Adjustment that things couldn't get done unless they were done exactly the way the builder wants it, but when there's push back they're able to modify the plan and it somehow is able to be affordable. He said he feels the same thing is happening here and asked council to be really careful about giving a very favorable deal to the developer that's less favorable to the community.

Kathleen Williams, Round Top Road, spoke about the statistics of potentially how many new students would be living in the 68 units to be built. She discussed net new versus just students living in the apartments.

Bob Graham, Dryden Road, said their COAH obligation for this property is eight units and there's no way the absence of tax payment (PILOT) prevents them from developing this project as it's such a small scale compared to the total project.

Rich Steinberg, 16-22 Mine Brook Road, said the developers are selling this project and are going to make it sound as rosy as possible. He said he does not believe the five student net increase. He spoke of concerns regarding parking and traffic. He said he hasn't heard how this development is going to enhance the town. He said it comes down to return on investment to determine if the PILOT is needed.

John Wooding, Mount Harmony Road, talked about NW Financial's presentation on October 10th and discussed debt service coverage ratio, debt service, and cash flow. He said he understands the return on investment, but if it's cash positive, why would they need a PILOT. He spoke about conventional taxes and said it seems like we are taking \$14,000,000 from the County School Board. He said the redevelopment agreement mentions the redeveloper has to provide financial evidence within 90 days of effective date, and asked why we wouldn't ask them to provide their financial commitments and their financial capabilities before we provided the PILOT program to show their hand before they are granted the PILOT.

Julie Ruth, Mount Harmony Road, said she is opposed to the ordinance and a lot of valid points

were made by prior commenters. She said this ordinance if adopted will set a precedent.

Aaron Duff, Crestview Drive, said there are a lot of concerns from the taxpayers that haven't been answered. He suggested not rushing into anything as this is a potential eight figure liability and listening to the taxpayers. He suggested slowing down to look at all the numbers in order to make an informed decision. He said at past meetings there have been concerns about the scale, density, and traffic regarding this project and the Planning Board can only enforce the rules that the council writes and they will not be able to as the zoning for this property was written specifically to accommodate this project.

Melanie dePoortere, Mine Brook Road, said she agrees with what others have said tonight. She said this is not a good thing for the town. She said she does not agree with NW Financial's assessment of five students coming into town from this project. She spoke about low income housing and other locations for it. She said this project will require additional sewer capacity, police and fire personnel. She said the housing will not go to our town people and instead to people from outside of our town. Mayor Canose said we don't get to decide who lives in the housing units and a group of Mayors are petitioning to change that so that local residents can benefit.

Simon Leyland, Wesley Avenue, talked about the background of the project when the council was designating it as an area in need of redevelopment to control the size of the development. He said now the developer can't build what they want to without this tax break and it just seems like it's a setup. He discussed wording in the financial study and said he agrees with other comments made previously in the meeting.

Rich Steinberg, 16-22 Mine Brook Road, said he wanted to make sure that the proposed rental costs that he believes the PILOT is being based on are not being taken 100%

Jeffrey DeLeo, Mine Mount Road, said council's vote on this ordinance is very important to the town and they will be held accountable for their vote. He said the project is a horrible one for the town and he doesn't like the idea of giving away tax dollars to a project that he believes doesn't benefit the town. He said it benefits the developer, who will be making money on it.

Barbara Long, Lloyd Road, said everyone has spoken eloquently and she endorses everything that was said. She said any realtor would say that if a developer was told they would get a 30 year tax exemption, they would easily take that deal.

Jeff Wooding, Mount Harmony Road, spoke about costs and population. He said he wants to make sure council is also thinking about the cost side of this and not just the additional revenue.

Kerry Haselton, Mine Brook Road, mentioned a development that has gone in recently in Bedminster in their historic town center, very close to the Route 206/Lamington Road intersection. She said it has two large buildings of apartments with some retail underneath and it's a similar sort of building. She said it might be useful to look at how full it is, how it's sold, what are the rates, has the retail been filled. She said she feels like what we're getting as a community from this development is a wider sidewalk on one side. She said she feels we're

paying too large a price for no public open space.

Pat Duncan, Brook Hollow Lane, said we should look to our neighbors and see what happened after Fellowship Village was built.

Hearing no further comments, Mayor Canose closed the public hearing.

Mr. McQueen noted that Matt Jessup and NW Financial Group LLC are contractors for the Borough and representing the Borough and not the developer.

Mr. Marinello, Mr. Banker, and Mr. Jessup made further comments about the PILOT ordinance, financial agreement, including rents.

Jan Mayle, Skyline Drive, questioned why he as a taxpayer is being asked to pay for the project.

Kerry Haselton, Mine Brook Road, asked how much our expenses are on the commercial district relative to our residential taxpayers with children in the schools.

Mr. Ribeiro 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. McCredie, Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes. Ms. Greenfield voted no.

Mayor Canose opened the public hearing on Ordinance #2023-1984, **AN ORDINANCE ADOPTING REGULATIONS FOR PRIVATELY-OWNED SALT STORAGE AND SUPPLEMENTING AND AMENDING CHAPTER 22 OF THE BOROUGH CODE ENTITLED “STORMWATER REGULATIONS”**.

Steve Reynolds, Stevens Street, asked for clarification on this ordinance. It was noted that it is regarding salt storage on private property.

Johanna Wissinger, Environmental Commission Chair, said she and the Commission will do what they can to educate the public on this topic so that there is less enforcement.

Hearing no further comments, Mayor Canose closed the public hearing. Ms. Zamarra moved to pass this ordinance on final reading and adopt as published. 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.

ORDINANCES (Introduction)

Mr. Ambelang moved that Ordinance #2023-1985, **AMENDING ORDINANCE #2023-1977, WHICH APPROPRIATED \$150,000 FOR LIBRARY BUILDING PUBLIC RESTROOM RENOVATIONS**, 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 13, 2023. Mr. Ribeiro seconded and the motion was passed with six yes votes.

RESOLUTIONS

- #23-196 AUTHORIZING PAYMENT OF BILLS**
- #23-197 RESOLUTION AUTHORIZING THE PROVISION OF A GRANT PURSUANT TO THE BOROUGH OF BERNARDSVILLE AFFORDABILITY ASSISTANCE PROGRAM FOR CODE COMPLIANCE / EMERGENCY REPAIRS OF AN AFFORDABLE HOUSING UNIT LOCATED AT 19E FOX HOLLOW TRAIL, BERNARDSVILLE, NJ 07924**
- #23-198 ACCEPTING THE 2023 EMERGENCY OPERATION PLAN (EOP) FOR THE BOROUGH OF BERNARDSVILLE**
- #23-199 AMENDING THE HOURLY RATE OF SLEO III's**
- #23-200 REGARDING EMPLOYEE APPOINTMENTS FOR QPA, PAYROLL, FINANCE, AND PLANNING/ZONING**
- #23-201 MEMORIALIZING THE APPOINTMENT OF JULIE MISTOVE AS TAX CLERK/ADMINISTRATIVE ASSISTANT**
- #23-202 MEMORIALIZING THE APPOINTMENT OF CHIANA ARMENTI AS CONSTRUCTION DEPARTMENT ASSISTANT**
- #23-203 ACCEPTING A DONATION TO THE BERNARDSVILLE POLICE DEPARTMENT**
- #23-204 APPOINTING CLASS III SPECIAL POLICE OFFICER**
- #23-205 AUTHORIZING A TRANSFER OF FUNDS**
- #23-206 AWARDING A CONTRACT FOR EXCAVATION OF TEST PITS**
- #23-207 AUTHORIZING THE PURCHASE OF A 2024 FORD F250 PICKUP TRUCK THROUGH STATE CONTRACT**
- #23-208 APPOINTING DENISE CHARLTON AS TEMPORARY, PART TIME, TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL (TACO)**
- #23-209 A RESOLUTION AUTHORIZING THE BOROUGH OF BERNARDSVILLE TO ESTABLISH A COMMODITY RESALE SYSTEM AND TO ENTER INTO A COMMODITY RESALE AGREEMENT WITH THE SOMERSET HILLS BOARD OF EDUCATION**

- #23-210 RESOLUTION TERMINATING SHARED SERVICES AGREEMENT WITH BERNARDS TOWNSHIP FOR FIRE PREVENTION**
- #23-211 AWARDING A CONTRACT FOR MUNICIPAL PARKING LOT SNOW PLOWING AND SIDEWALK CLEARING**
- #23-212 AUTHORIZING THE MAYOR AND CLERK TO SIGN A SHARED SERVICES AGREEMENT WITH LONG HILL TOWNSHIP FOR STYROFOAM RECYCLING**
- #23-213 AUTHORIZING THE MAYOR TO SIGN A GRANT APPLICATION FOR AN ELECTRIC VEHICLE**
- #23-214 AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH STORMWATER COMPLIANCE SOLUTIONS**
- #23-215 AUTHORIZING A GRANT APPLICATION TO NJDEP FOR STORMWATER MANAGEMENT**

Mr. Ribeiro moved to adopt Resolutions #23-196 to #23-215. 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.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose noted the following: she went to Bedwell School to be interviewed by fourth grade girls who wanted to learn what a Mayor does; performed her 12th wedding; attended an open house for Fire and First Aid; the Haunted History tour was last Saturday; attended the third meeting of the NJ League of Municipalities working group on affordable housing, the main issue being setting aside a certain percentage of affordable housing for local residents; attended a Somerset County Stigma Free committee meeting and will be handing out flyers to healthcare providers on resources for mental health and substance abuse; met with a third grade Brownie Troop that is working on their democracy badge; November 4th is Back In Time At Upton Pyne.

Administrator's Report, Ms. Malool noted the following: she met with the Fire Chief and First Aid Squad who are looking for members; the Borough offices will not be moving to 150 Morristown Road as we could not come to terms with the lease; other options to improve Borough Hall will be reviewed.

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

COUNCIL COMMITTEE REPORTS

Public Safety Committee, Ms. Greenfield said the committee discussed accreditation which is on track; two new Patrol officers have started at the academy and will be full time in April; one new officer, Briana Stednick, is helping the Police Department by covering for crossing guards and doing administrative work; we are awaiting the agreement regarding the Mount Airy Road/Prospect Street crosswalk flashing lights project; Doug Walker attended a sidewalk grant informational meeting; a SLEO II hire for work at Bernards High School should be approved at the next Board of Education meeting; the committee discussed having a representative from the Fire Company and First Aid attend approximately the first 15 minutes of the committee's meetings; the committee is exploring a dispatch backup plan in case the current dispatch console goes down; they discussed whether an additional mid-block crosswalk at Essex Avenue is necessary.

Finance Committee, Mr. Ribeiro said the committee discussed economic development as a follow up to the Main Street Bernardsville conversation from a previous council meeting; appropriations for this year are being finalized; the 2024 budget is starting to be worked on.

Organization Development and Personnel Committee, Mayor Canose said the committee did not meet.

Engineering, Technology, and Public Works Committee, Ms. Zamarra said the committee is meeting tomorrow.

OTHER COMMITTEE REPORTS

Planning Board, Mr. McQueen said the Board was to hear the Equinet application at their last meeting but the hearing was rescheduled.

HPAC, Ms. Greenfield said HPAC met on October 12th and discussed properties due for HPAC review with the Planning Board and Board of Adjustment; they discussed HPAC's content review of The Main Street Bernardsville Design Committee's Museum in the Streets project.

Housing Committee, Ms. Greenfield said the committee did not meet.

Recreation Committee, Ms. Greenfield said the committee has not met, but the winter programs are available; there are a number of art, enrichment, sports, and fitness classes; signups can be done via Community Pass which is in the Recreation Department section of the borough website.

ITEMS OF BUSINESS

Holly Days/Tree Lighting

Council consent was given to the Bernardsville Chamber of Commerce request to hold Holly Days on December 2nd. Council added that the tree/wreaths, or anything that is put on display must be taken down pursuant to ordinance which states *Holiday displays shall be permitted*

during the period from the Saturday before Thanksgiving to the first Saturday following New Year's Day, but set a date of January 15th that they have to be taken down by. It was also noted that the ordinance indicates fines to be issued if that is not adhered to.

Parking Lots (ParkMobile)

Ms. Malool said we currently have Pay By Phone for kiosk parking and she looked into ParkMobile and recommends it. She said they offer multiple ways to pay, provide signage, and are used most throughout the state. Council consent was given to use ParkMobile and Ms. Malool will inform them that we will start with the train station lot.

Valet Parking

Mayor Canose said we had talked about other ways for Ristorante MV to have valet parking and Dr. Chen on Quimby Lane has been talking with Ristorante MV about a potential lease.

Request for Crosswalk Across Essex Avenue

Ms. Greenfield said the Public Safety Committee discussed the crosswalk and came to the conclusion that they didn't see the necessity for it. She said there is one crosswalk already there by Claremont Road and they felt if people were leaving the apartment building they would go down to Claremont to go into town. Council consent was to not have a crosswalk at this location.

Best Practices

Ms. Malool said there are 29 “yes” answers required to the Best Practice questions in order to receive maximum state aid, and we have 35 “yes” answers.

Main Street Bernardsville

Mr. Ribeiro moved to fulfill the Borough’s commitment to give an annual \$12,000 to Main Street Bernardsville. Ms. Zamarra seconded and the motion was approved with six yes votes.

Correspondence

Letter from Aaron Duff, re: PILOT ordinance, Mayor Canose acknowledged this letter by Aaron Duff and said most of the comments made in the letter were address earlier by Matt Jessup and NW Financial’s representatives.

Letter from Daniel Woods, re: PILOT ordinance & redevelopment, Mayor Canose acknowledged this letter by Daniel Woods and said most of the comments made in the letter were address earlier by Matt Jessup and NW Financial’s representatives.

Unfinished Business

Mr. McQueen asked about the status of the lights at the Polo Grounds Pavilion. Mr. Ribeiro said the Public Works Committee will discuss that at their meeting tomorrow night.

New Business

Ms. Malool said Recreation had asked her if there is something we need to do when alcohol is involved at an event. She said the event is being requested by The Meraki Company for a Create & Sip Social at a private facility (Osteria Morini) and Recreation is involved because they are helping to publicize it, registering people, and receiving \$10 per person. Our Risk Manager indicated it would be covered as long as Council approved the event. Ms. Zamarra moved to approve the event. Ms. McCredie seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Kathy Peachey, Chilton Street, thanked Fran Daley for her time and effort as Library Director; said she was impressed by all the comments of residents on the PILOT ordinance topic; thanked the Mayor and Council for their time and effort in volunteering as elected officials; said she has concerns for the Planning Board going to live stream only and how it will affect public comment.

Aaron Duff, Crestview Drive, said he thinks the wrong decision was made in adopting Ordinance #2023-1983 and a lot of taxpayer money is at stake for a project that a lot of taxpayers don't want. He said he hopes it works out now that the ordinance has been passed.

Bob Graham, Dryden Road, spoke about the Library bathroom project as indicated in Ordinance #2023-1985.

Kathleen Williams, Round Top Road, discussed a drainage issue she is having at her home on Round Top Road.

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

CLOSED SESSION

It was moved to adjourn to an executive session to consider Personnel Matters, Contract Negotiations, and Property Acquisition 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 four yes votes.

ADJOURNMENT

The meeting was adjourned at 11:20pm.
