

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
August 14, 2023

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

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 and supplemented on July 25, 2023 to change the start time to 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Swearing In of Sergeant Tyler DeMott and Sergeant Peter Archibald, Tyler DeMott and Peter Archibald recited the oath of office and were sworn in as Sergeants by Borough Clerk Anthony Suriano.

Assemblywoman Matsikoudis, congratulated Sergeant Tyler DeMott and Sergeant Peter Archibald on their promotion. Assemblywoman Matsikoudis said in November, Bernardsville will become part of the 21st Legislative District. She said she has been working very hard in Trenton and there are a number of laws that they've been able to pass. She said one of them involves veterans who are medically trained that leave the military and helps them become nurses more quickly. She said another bill regarding harassment was turned into law recently. She said her office is located in New Providence and is open and available. She said they specialize in helping with anything that people need statewide. She said her office has recovered over \$560,000 since she's been elected with things like disability claims insurance benefits. She said they help with Motor Vehicles and also have a notary on staff.

APPROVAL OF MINUTES

Ms. Greenfield moved approval of minutes from June 26, 2023. Ms. McCredie seconded and the motion was approved with six yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Charlie Szrom, Tower Mountain Drive, asked for council support for a Special Law Enforcement Officer (SLEO).

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

ORDINANCES (Public Hearing)

Mayor Canose continued the public hearing from July 10th on Ordinance #2023-1971, **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MUNICIPAL PROPERTY IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$1,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,615,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.** Hearing no comments, Mayor Canose closed the public hearing. Mr. Ribeiro 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. Ms. Greenfield, Ms. McCredie, Mr. McQueen, and Mr. Ribeiro voted yes. Mr. Ambelang and Ms. Zamarra abstained.

Mayor Canose opened the public hearing on Ordinance #2023-1974, **ALLOWING NON-FAMILY MEMBERS TO OCCUPY DETACHED ACCESSORY DWELLING UNITS IN THE R-1 AND R-1-10 ZONES.** Hearing no comments, Mayor Canose closed the public hearing. Mr. McQueen moved to continue the public hearing on this ordinance to September 11, 2023 at 7:00pm with no further notice. 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.

Mayor Canose opened the public hearing on Ordinance #2023-1975, **CONCERNING OUTDOOR DINING AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED "ZONING"**. Mayor Canose said we had some input from the Green Team about adding outdoor smoking and vaping. She said we're going to discuss that at the September meeting and then can amend it at that time. She said tonight we have mainly maintenance type issues and then next meeting we can discuss and add those other issues.

Jeff Hammond, Flintlock Court, said he is on the Green Team and they support this ordinance and the future amendment. He said Community In Crisis have volunteered to have people come speak in support of this ordinance as well. He said there are other towns that have these types of ordinances and he can send samples to Mr. Suriano and Mr. Pidgeon. Mr. Hammond said in September he would also like council to consider signs on public property.

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

Ms. Zamarra moved that Ordinance #2023-1976, **PROHIBITING DRIVE-THROUGHS IN THE DOWNTOWN ZONE DISTRICT AND SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED "ZONING"**, 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, September 11, 2023. Ms. McCredie seconded and the motion to introduce was approved with six yes votes.

RESOLUTIONS

- #23-142 AUTHORIZING PAYMENT OF BILLS (AS OF 7/21/23)**
- #23-143 AUTHORIZING PAYMENT OF BILLS (AS OF 8/10/23)**
- #23-144 AUTHORIZING REFUND OF BUILDING SUBCODE PERMIT
FOR PORTER RESIDENCE 3 STIRLING RD.,
BLOCK 146, LOT 30**
- #23-145 AUTHORIZING REIMBURSEMENT TO SOMERSET HILLS
BASEBALL CLUB**
- #23-146 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
WITH MATTHEW JESSUP OF MCMANIMON, SCOTLAND &
BAUMANN, LLC**
- #23-147 APPOINTING KRISTINE MCNAMARA AS ASSISTANT TO THE
POLICE CHIEF/RECORDS MANAGER**
- #23-148 A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR THE ACCEPTANCE OF
BEQUESTS AND GIFTS AS REQUIRED BY N.J.S.A. 40A:4-39
FOR USE BY THE POLICE DEPARTMENT**
- #23-149 RESOLUTION FOR RENEWAL OF MEMBERSHIP
IN THE SUBURBAN MUNICIPAL JOINT INSURANCE FUND**
- #23-150 APPOINTING ADRIENNE AUERBACH TO THE GREEN TEAM**
- #23-151 APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C.
LICENSE #1803-44-005-006**
- #23-152 RESOLUTION AUTHORIZING THE PROVISION OF A LOAN
PURSUANT TO THE BOROUGH OF BERNARDSVILLE
AFFORDABILITY ASSISTANCE PROGRAM FOR THE
PURCHASER OF AN AFFORDABLE HOUSING UNIT
LOCATED AT 15-22 PINE STREET, BERNARDSVILLE, NJ
07924**
- #23-153 ACCEPTING THE RETIREMENT OF ROBERT COOK,
EQUIPMENT OPERATOR**

- #23-154 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PARKER McCAY FOR LEGAL SERVICES**
- #23-155 AUTHORIZING SALE OF VEHICLES**
- #23-156 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2022)**
- #23-157 AUTHORIZING RENEWAL OF INACTIVE A.B.C. LICENSE**
- #23-158 AUTHORIZING SUSTAINABLE HABITAT SOLUTIONS LLC TO CONDUCT DEER MANAGEMENT HUNT ON BOROUGH-OWNED PROPERTIES**
- #23-159 AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7047-0100 FOR VARTULI FOR 20 POST KENNEL RD.**

Ms. Greenfield moved to adopt Resolutions #23-142 to #23-159. 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.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose said on July 11th, she John Macdowall, and Ms. Malool had a meeting with representatives from New Jersey Transit, which was organized by Olivia Manning. They looked at what the Borough's part and NJ Transit's part is regarding what needs to be fixed, how they can help us, and about the outdoor dining for the train station. Mayor Canose attended a reading of the Gilded Frame by its author at the Library. Mayor Canose and Ms. Malool met with Chris Cooley of Topology to go over the last piece of the Transit Village. Mayor Canose said she has been participating in the Library's strategic planning process on their engaging the community goal. Mayor Canose said she officiated her ninth wedding on July 15th at the Cross Estate Gardens. Mayor Canose said there was a meeting of the Mayor's Wellness Campaign Committee. She said Leah Horowitz of the Recreation Department and Susan Visser from Community In Crisis have completed and submitted the Mayor's Wellness Campaign Mental Health Initiative Grant. Mayor Canose said we've also created a survey for seniors and are going to start distributing it at the senior barbecue at the pool on Thursday. On July 18th Mayor Canose said we had a visit from Main Street America to review how we're doing and the feedback was very positive. She said they gave us some good ideas to get even better organized and keep moving forward. Mayor Canose said we had a Centennial Committee meeting on July 26th and now have nine designs submitted for the logo. She said the committee is going to bring it down to three and then have a public vote to see what becomes the Centennial logo. Mayor Canose attended the Somerset County DLC Luncheon, which is put on by the Business Partnership. She said the Legislative Committee has been bringing in different mayors to talk about their towns and what the business environment is like. Mayor Canose said Ladies Night

was July 27th by Main Street Bernardsville and was a phenomenal success. She said it really has helped our businesses tremendously. Mayor Canose said we had Mayor's Wellness Camp Day at the Recreation Camp. She said the Police, Fire, and First Aid were there. Community In Crisis had 20 minute educational segments on mental health, physical training, and safety. Mayor Canose said August 1st was National Night Out and it was very successful and well attended. On August 3rd, Mayor Canose sat on the Highlands Resilience Project Focus group. She said municipalities are now required to do a vulnerability assessment. The Highlands Council is trying to create guidance as this is going to be quite an undertaking. The Planning Board is already looking into it but every municipality is going to have to do this based on the increase and the degree of the storms we've been having. Mayor Canose said she is on the Conference of Mayor's Housing Policy Working group and they had their first meeting on August 9th. They are trying to come up with some proposals for new ways of looking at affordable housing that hopefully we can pass on to the legislature to find a better way to deal with affordable housing. Mayor Canose said on August 10th we had a council meeting with the Palmer project architects presentation. She said it is on our website for people to view or look at the slides.

Administrator's Report, Ms. Malool said Ms. Malool said the Motor Vehicle Commission Mobile Unit was supposed to be here in July at the Train Station Parking Lot but had to rescheduled because they couldn't get internet access. They have now asked for the Library Parking Lot on Tuesday August 29th. She said there is a signup sheet on our website. Ms. Malool said the Bernards Avenue project is all complete. She said we applied to the Federal Government and received permission to change our website to .gov, so now instead of being bernardsvilleboro.org, we are bernardsville.gov. Ms. Malool said as we have discussed at numerous committee, subcommittee meetings and executive sessions, we have been considering moving the administrative employees. There are a lot of reasons for this as our employees are in two different locations now and having the workforce in one place makes a lot of sense. The Police Department needs more space as well and would have more room in the current Borough Hall. Ms. Malool said we have been negotiating an agreement at 150 Morristown Road to have three suites. Ms. Greenfield noted that council meetings will still be held at 166 Mine Brook Road. Mayor Canose said one of the key things about it is the security and the safety of the employees.

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

COUNCIL COMMITTEE REPORTS

Public Safety Committee, Ms. Greenfield said the committee met on July 17th and discussed the possibility of getting a flashing light with a crosswalk at the intersection of Mount Airy Road and Prospect Street. She said it's a county road and there are requirements. She said Ms. Malool emailed the county engineer and they are reviewing the proposal. Ms. Greenfield said the committee discussed the two new patrol officers that will be starting the academy in October, the replacement cost estimate of the dispatch console, and Bernards Avenue surrounding street parking issues. Regarding the parking issue, Ms. Greenfield said the Public Safety Committee will work with the Public Works Committee on solutions and will be taking a look at the wording of the parking ordinance as it relates to overnight parking. The next Public Safety Committee

meeting has been rescheduled for August 16th.

Finance Committee, Mr. Ribeiro said the committee met on August 11th and spent the majority of the time speaking about financing the office space that Ms. Malool spoke about in her report. Mr. Ribeiro said the committee reviewed what the cost is going to be from a rent utility perspective, possible offsets that the borough has, and ways that will impact our budget over the course of the next few years. He said for the most part the Finance Committee was very comfortable with fitting it within the budget and mindful of the budget goals and priorities of the council. He said they also talked about a possible shared services agreement with another municipality which will be further discussed in closed session.

Organization Development and Personnel Committee, Mayor Canose said the committee met on August 8th and also discussed the shared service which will continue in closed session. She said they talked about the move of borough offices in terms of which employees are going to be where. She said other topics will be discussed in closed session.

Engineering, Technology, and Public Works Committee, Ms. Zamarra the committee met on July 18th and were updated by Doug Walker about the Bernards Avenue project which is 99.99% done. She said from what she has heard people seem to be happy about the project. She said they discussed the dam which is at the NJDEP for approval. We are working on finalization of the design for the Pavilion at the Polo Grounds. Recently a tornado hit and caused a lot of damage to our trails, specifically Laurelwood, which is still closed for a little while longer while we clean it up.

OTHER COMMITTEE REPORTS

Recreation Committee, Ms. Greenfield said the committee did not meet but she has more information about the trails.

Trails Committee, Ms. Greenfield said when the tornado hit down there were several extremely large trees that are all converging in one spot in the middle of the trail and the committee is going to go out and re-mark that section of the trail. Ms. Greenfield went to the site with John Macdowall and the Road Department has re-routed the trail to the left of the downed trees. The trail has been closed until it's re-marked and is going to stay closed until all of the construction materials and equipment in the parking lot is removed. The other trails are open and useable.

Housing/Zoning Committee, Ms. Greenfield said the committee met on July 14th but there is nothing new to report. The committee will be meeting again on August 18th.

HPAC, Ms. Greenfield said the committee did not meet.

Board of Health, Mr. Ribeiro said the Board met about a month ago and discussed increasing the fines for builders who ask for inspections and then don't show up when our inspectors arrive. He said it's currently a \$100 fine and they are going to increase that to \$500 because they've had a number of no-shows when Health Officials have shown up to do a septic inspection.

Library Board of Trustees, Mr. Ambelang said the Board is meeting tomorrow.

Recreation (continued), Ms. Zamarra said the Recreation Department is doing a great job having so many events such as a craft fair they had this weekend.

ITEMS OF BUSINESS

Fall Activities and Wonderland Weekend, Olivia Manning of Main Street Bernardsville handed out a flyer with upcoming events by Main Street Bernardsville. The events are a Haunted History Tour on October 14th, The Drake Family Bash Murder Mystery Dinner Event on October 26th, Trunk or Treat on October 28th, Back In Time at Upton Pyne on November 4th, Small Business Saturday on November 25th, Wonderland Weekend from December 1st to December 3rd, and a Holiday Lights Competition from December 1st to December 22nd. Ms. Manning asked for approval for a beverage cart at the Train Station Parking Lot for the Haunted History Tour event. The current ordinance only allows for certain public areas to have alcoholic beverages and will have to be amended at a future meeting.

Meeting Format Starting In September, Mayor Canose said a new meeting format will be held off until January.

Correspondence

Letter from Sue Rankin regarding sidewalks on Bernards Avenue Extension and Pine Street, Mayor Canose said we don't have the engineering done yet. Ms. Zamarra said the Public Works Committee is meeting next week and will talk about this topic. Mayor Canose said we talked about having another neighborhood meeting with the engineer present. Mr. Ribeiro said there are a few residents that are really affected and we thought about possibly meeting with them in person and then also a public meeting just so everyone understands, similar to what we did for the road which went really well.

Letter from Adina Crump regarding 22 West Street Sidewalk and Belgium Block, this letter regarding planting a replacement tree on the property of 22 West Street due to an existing tree in the right-of-way having to be removed will be discussed at a future meeting.

Unfinished Business - None

New Business

Request from Somerset Hills Rotary Club for Signs at Bernardsville Locations for an Event in Basking Ridge, council consent was given to the Somerset Hills Rotary Club to place their signs at Olcott Square, ShopRite, and Bernardsville Centre for an event in Basking Ridge.

Resolution #23-160, **AUTHORIZING THE MAYOR TO SIGN THE 2023-2024 ABBREVIATED ANNUAL GRANT APPLICATION FOR SOMERSET HILLS MUNICIPAL ALLIANCE & YOUTH SERVICES COMMISSION**

Mr. Ambelang moved to adopt Resolutions #23-160. Ms. Zamarra seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, and Mr. McQueen, Mr. Ribeiro, and Ms. Zamarra voted yes.

Resolution #23-161, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NW FINANCIAL GROUP, LLC

Mr. Ambelang moved to adopt Resolutions #23-161. Ms. Greenfield 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.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Fran Daley, Library Executive Director, said the Library has been very thankful to the Borough for help with things like outdoor water leaks and finishing the Library's restroom improvement project. She said the Library has been reaching out to a lot of community partners such as the schools, clergy, and non-profits because there are ESL classes that are being sponsored by Somerset County beginning in September. They are taking students for a whole year for a full course with a paid teacher and are trying to get the word out. Ms. Daley said the Library is very grateful to Clean Communities for co-sponsoring the summer reading finale on August 26th. She said they will be sending out invitations for the Library's annual September 11th memorial. Mayor Canose said the Library Foundation is holding a 50/50 raffle. Ms. McCredie suggested Main Street Bernardsville help with getting the word out for ESL classes and possibly having stores display a poster with ESL class information.

Johanna Wissinger, Environmental Commission Chair, asked Council if the Commission could participate in the activities that are put through the Recreation Department. She said they also want to participate in the tree decorating at the Environmental Affiliation Center as they are going to do decorations with recycling materials. Council was in favor of the Commission's participation.

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 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 six yes votes.

ADJOURNMENT

The meeting was adjourned at 9:45pm.
