

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**January 22, 2024**

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

**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 14, 2023.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

Main Street Bernardsville, Annual Report, Olivia Manning was present. Ms. Manning discussed a slide presentation of Main Street Bernardsville's 2023 annual report, goals for 2024, and a proposed budget for 2024. Council consent was to put the new Discover Bernardsville app on the Borough's website.

License Plate Readers, Chief John Remian was present. Chief Remian discussed License Plate Readers. Council consent was given to proceed with ordering the equipment necessary for the license plate readers.

**APPROVAL OF MINUTES**

Ms. Zamarra moved to approve the minutes of November 13, 2023, November 27, 2023, December 11, 2023, and December 26, 2023. Mr. Ribeiro seconded and the motion was approved with five yes votes.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Aaron Duff, Crestview Drive, gave background about Ordinance #2024-1990 which is amending an ordinance originally passed in 2018 to implement obligations that the Borough undertook as part of its settlement of its Third Round Fair Share Housing obligations. He asked if the borough intends on providing that to Fair Share and the court to assure itself that it's not in violation of the settlement agreement and not jeopardizing the judgment; questions about the rounding formula; about the Borough having some authority to essentially disregard the mandatory language in the ordinance and allow for payments in lieu with respect to larger residential developments. Mr. Pidgeon responded that there is really no authority at the present time as the COAH rule expired

years ago and the court looks to the COAH rules for guidance. He said any units that the ordinance provided were above and beyond the Borough's Fair Share obligation, so it was really a voluntary ordinance. He said with there being no rule in place at the present time, we just felt that it was impractical to require small developments of 10 or fewer units to provide affordable housing on site. He said with respect to the rounding rule, we discussed making it fractional and we could still do that, but the way it was written before was it always got rounded up.

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

### **ORDINANCES (Public Hearing) - None**

### **ORDINANCES (Introduction)**

Mr. McQueen moved that **Ordinance #2023-1989, AN ORDINANCE CONCERNING CONSTRUCTION CODE FEES AND AMENDING CHAPTER 12 OF THE BOROUGH CODE ENTITLED "BUILDING AND 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, February 26, 2024. Ms. Zamarra seconded and the motion was approved with five yes votes.

Ms. Zamarra moved that **Ordinance #2023-1990, AN ORDINANCE CONCERNING AFFORDABLE HOUSING SET-ASIDES AND SUPPLEMENTING AND AMENDING ARTICLE 13 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS 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, February 26, 2024. Mr. McQueen seconded and the motion was approved with five yes votes.

Mr. Ribeiro moved that **Ordinance #2023-1991, AN ORDINANCE CONCERNING TOWING CONTRACTORS AND AMENDING ARTICLE 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"** 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, February 26, 2024. Ms. Zamarra seconded and the motion was approved with five yes votes.

Ms. McCredie moved that **Ordinance #2023-1992, AN ORDINANCE CONCERNING THE QUALIFIED PURCHASING AGENT'S RESPONSIBILITIES AND AMENDING ARTICLE 2 OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"** 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, February 26, 2024. Ms. Zamarra seconded and the motion was approved with five yes votes.

### **RESOLUTIONS**

**#24-23**

**AUTHORIZING PAYMENT OF BILLS**

- #24-24      AUTHORIZING THE ADMINISTRATOR AND CLERK  
TO SIGN AN APPLICATION FOR A HIGHLANDS STORMWATER  
GRANT**
- #24-25      AUTHORIZING THE PURCHASE OF BULK ROCK SALT  
THROUGH SOMERSET COUNTY CO-OP CONTRACT**
- #24-26      DESIGNATING FIELD TREATMENTS IN 2024**
- #24-27      AUTHORIZING A CONTRACT WITH TRUGREEN  
THROUGH SOMERSET COUNTY CO-OP CONTRACT**
- #24-28      AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT  
WITH PARKER MCCAY FOR LEGAL SERVICES**
- #24-29      APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #24-30      APPROVING A REQUEST FROM THE GREEN TEAM &  
ENVIRONMENTAL COMMISSION FOR OBTAINING  
SEEDLINGS FOR DISTRIBUTION IN APRIL IN CONJUNCTION  
WITH EARTH DAY - TREE RECOVERY CAMPAIGN APPROVAL  
REQUEST**
- #24-31      AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT  
WITH JOE PLATT OF TRAFFIC PLANNING & DESIGN, INC.**
- #24-32      AUTHORIZING THE ADMINISTRATOR TO SIGN AN  
AGREEMENT WITH PARKMOBILE**
- #24-33      AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2024  
RECYCLING AGREEMENT WITH SOMERSET COUNTY**
- #24-34      AUTHORIZING A PAYMENT FOR SERVICES TO RARITAN  
HEADWATERS ASSOCIATION FOR THE 2024 ANNUAL  
STREAM CLEANUP**
- #24-35      AUTHORIZING A GRANT APPLICATION FOR A NATIONAL  
FISH AND WILDLIFE FOUNDATION (NFWF) FIVE STAR  
WATER RESTORATION GRANT AND AUTHORIZING RIPPLED  
WATERS TO APPLY**
- #24-36      APPOINTING NICHOLAS BARRAS AS TRUCK  
DRIVER/LABORER, PUBLIC WORKS DEPARTMENT**
- #24-37      AUTHORIZING THE MAYOR AND CLERK TO SIGN AN  
AGREEMENT CONCERNING THE HIRING AND PLACEMENT**

## **OF A SPECIAL POLICE OFFICER (SLEO) IN THE SCHOOL OF SAINT ELIZABETH**

Mr. Ribeiro moved to pass Resolutions #24-23 through #24-37. Ms. Zamarra seconded and the motion was approved with the following roll call vote: Ms. McCredie, Mr. McQueen, Mr. Ribeiro, Mr. Roos, and Ms. Zamarra voted yes.

### **COUNCIL COMMITTEE REPORTS**

**Mayor's Update**, since her last report, Mayor Canose performed two weddings; cleanup for Wreaths Across America was completed; Main Street NJ held a Board meeting where they reviewed their year-end summary; Mayor Canose and Ms. Malool met with Chris Schmidt, President of the Bernardsville Law Enforcement Foundation (BLEF), to discuss how they can make purchases; Mayor Canose attended a Somerset County Stigma Free meeting on January 19<sup>th</sup>; Mayor Canose will be attending an upcoming Somerset County Governing Officials Association meeting in February; Mini golf will be held on February 3<sup>rd</sup> at the Library; Mayor Canose announced her appointments for the Quimby Project Advisory Committee: Robert Frawley, Jeff Horowitz, Sam Maddaluna, Paul Sedlak, Bonnie Sellers, and James Sasso.

**Administrator's Report**, Ms. Malool said there are no ParkMobile signs at train station lot as referenced at the last meeting. The signs currently at the train station are from our current vendor Pay By Phone, which looks similar to ParkMobile; the Audi property has electricity but no heat. There is no danger of frozen pipes since there is no water in the pipes. Regarding maintenance, DPW pulls weeds, makes sure it's clean of garbage, clear the sidewalk of snow, and plow; regarding Boylan Terrace our new Engineer signed up for the class that the Federal Government requires; Regarding the status of the bid for the Pavilion, it is supposed to go out around the end of February and work would begin at some point in May. Ms. Malool said we need to work out the timing of when the work will be done, day versus night; the train station waiting area is closed to the public due to two portions of the ceiling fell and broke one of the benches. John Macdowall is working to get a contractor for repair. Mr. Pidgeon said if it's structural repair to the building it would be the responsibility of NJ Transit.

Ms. Zamarra moved to accept the monthly reports. Ms. McCredie seconded and the motion was approved with five yes votes.

### **COUNCIL COMMITTEE REPORTS**

**Public Safety Committee**, Ms. McCredie said the committee met and discussed the topic of license plate readers.

**Finance Committee**, Mr. Ribeiro said committee met and discussed the upcoming 2024 budget.

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

**Engineering, Technology, and Public Works Committee**, Ms. McCredie said the committee

did not meet and are considering meeting on the second Tuesday of the month.

**Land Use Committee**, Mayor Canose said the committee did not meet.

## **OTHER COMMITTEE REPORTS**

**Planning Board**, Mr. McQueen said the Board met but he was travelling and unable to attend their last meeting.

**Board of Health**, Ms. McCredie said the Board met earlier tonight and appointed Dr. Len Freidman as President and Francine Dello Russo as Board Secretary. The Board also discussed the contract with the VNA.

## **ITEMS OF BUSINESS**

**Correspondence** - None

### **Unfinished Business**

**Request from Harrington Construction to Use Gravel Lot Across from Borough Hall for Fill Dirt**, this item was discussed at the January 16<sup>th</sup> Council meeting where Council consent was to direct Harrington Construction to see if there is a temporary storage location in Far Hills instead of Bernardsville. Harrington Construction noted that they were unable to find a location in Far Hills. Council consent was to allow Harrington Construction use of the gravel lot across from Borough Hall for a period of three weeks. Harrington Construction will provide an insurance certificate naming the Borough of Bernardsville as an additional insured and a signed hold harmless agreement.

### **New Business**

**#24-36      APPOINTING NICHOLAS BARRAS AS TRUCK  
DRIVER/LABORER, PUBLIC WORKS DEPARTMENT**

**#24-37      AUTHORIZING THE MAYOR AND CLERK TO SIGN AN  
AGREEMENT CONCERNING THE HIRING AND PLACEMENT  
OF A SPECIAL POLICE OFFICER (SLEO) IN THE SCHOOL OF  
SAINT ELIZABETH**

These resolutions were adopted with the consent resolutions earlier in the meeting.

## **OPEN SESSION**

Mayor Canose opened the meeting to the public. Hearing no comments from the public, Mayor Canose closed the open session.

### **CLOSED SESSION**

It was moved to adjourn to an executive session to consider 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 five yes votes.

### **ADJOURNMENT**

The meeting was adjourned at 8:50pm.

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