

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**February 26, 2024**

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, 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.

**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**

**Proclamation Honoring Eagle Scout Max Bozack**, Mayor Canose announced a proclamation is on file for Max Bozack. She said the Eagle Scout Court of Honor will be recognizing Max for his accomplishments with Boy Scout Troop 150 on March 10, 2024.

**Plant Management**, Megan Sartor of Hawkins, Delafield, and Wood was present. Ms. Sartor discussed a slide presentation that included requests for bids, sale contract requirements, and recent municipal system sales. Ms. Sartor discussed a timeline of the referendum process for the potential sale of the Bernardsville Wastewater System.

**APPROVAL OF MINUTES**

Ms. Zamarra moved to approve the minutes of January 2, 2024, January 16, 2024, and January 22, 2024. Mr. Ribeiro seconded and the motion was approved with six yes votes.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Rob Wilson and Kerry Haselton, Environmental Commission Members, spoke about putting trail signs at trailheads. Council had no objections.

Kathy Peachey, Chilton Street, spoke about affordable housing, the status of the quarry transfer station, monitoring pollutant output at the quarry site, truck traffic being part of a traffic study, and if there are any changes to the Mount Airy Road bridge.

Aaron Duff, Crestview Drive, spoke about Polo Grounds lighting, the walking path at the Polo Grounds, and funding for the Polo Grounds project.

Fran Daley, Library Director, spoke about items and events happening at the Library.

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

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

Mayor Canose opened the public hearing on **Ordinance #2024-1989, AN ORDINANCE CONCERNING CONSTRUCTION CODE FEES AND AMENDING CHAPTER 12 OF THE BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**. Hearing no comments, Mayor Canose closed the public hearing. Mr. Roos moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and the motion was approved with the following roll call vote: Mr. Ambelang, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, Mr. Roos, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on **Ordinance #2024-1990, AN ORDINANCE CONCERNING AFFORDABLE HOUSING SET-ASIDES AND SUPPLEMENTING AND AMENDING ARTICLE 13 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED "AFFORDABLE HOUSING"**. Aaron Duff, Crestview Drive, spoke about the Fair Share Housing Settlement Agreement and recommended not adopting this ordinance. Hearing no further 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 with the following roll call vote: Mr. Ambelang, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, Mr. Roos, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on **Ordinance #2024-1991, AN ORDINANCE CONCERNING TOWING CONTRACTORS AND AMENDING ARTICLE 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**. Hearing no comments, Mayor Canose closed the public hearing. Mr. Ribeiro moved to pass this ordinance on final reading and adopt as published. Ms. Zamarra seconded and the motion was approved with the following roll call vote: Mr. Ambelang, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, Mr. Roos, and Ms. Zamarra voted yes.

Mayor Canose opened the public hearing on **Ordinance #2024-1992, AN ORDINANCE CONCERNING THE QUALIFIED PURCHASING AGENT'S RESPONSIBILITIES AND AMENDING ARTICLE 2 OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**. Hearing no comments, Mayor Canose closed the public hearing. Ms. Zamarra moved to pass this ordinance on final reading and adopt as published. Mr. Ribeiro seconded and the motion was approved with the following roll call vote: Mr. Ambelang, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, Mr. Roos, and Ms. Zamarra voted yes.

### **ORDINANCES (Introduction)**

Mr. McQueen moved that **Ordinance #2024-1993, CALENDAR YEAR 2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)** 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, March 25, 2024. Ms. Zamarra seconded and the motion was approved with six yes votes.

Mr. Ambelang moved that **Ordinance #2024-1994, AN ORDINANCE ABOLISHING HOUSING, PROPERTY MAINTENANCE AND ZONING COMPLIANCE ADVISORY COMMITTEE, AND AMENDING CHAPTER 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, March 25, 2024. Mr. McQueen seconded and the motion was approved with six yes votes.

Mr. Roos moved that **Ordinance #2024-1995, AN ORDINANCE CONCERNING PAYMENTS TO MUNICIPAL PROFESSIONALS UNDER THE MUNICIPAL LAND USE LAW (“MLUL”)** 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, March 25, 2024. Ms. Zamarra seconded and the motion was approved with six yes votes.

## RESOLUTIONS

- #24-38            AUTHORIZING PAYMENT OF BILLS (As of 2/7/24)**
- #24-39            AUTHORIZING PAYMENT OF BILLS (As of 2/21/24)**
- #24-40            AUTHORIZATION OF TAX REFUND**
- #24-41            AWARDING A CONTRACT FOR LIQUID ALUM**
- #24-42            APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #24-43            RATIFYING THE MEMORANDUM OF UNDERSTANDING FOR THE PBA LOCAL 365 SERGEANTS AND LIEUTENANTS CONTRACT FOR 2024 TO 2027**
- #24-44            RATIFYING THE MEMORANDUM OF UNDERSTANDING FOR THE PBA LOCAL 365 PATROLMAN AND DETECTIVES CONTRACT FOR 2024 TO 2027**
- #24-45            TEMPORARY ACCESS AGREEMENT WITH NJDOT FOR GEOTECHNICAL BORINGS IN ROUTE 202 ROW FOR WATER MAIN EXTENSION**
- #24-46            ACCEPTING DONATION OF COMPUTER EQUIPMENT**
- #24-47            AMENDING CONTRACT WITH J. CALDWELL AND ASSOCIATES, LLC**

- #24-48 AUTHORIZING A TRANSFER OF FUNDS**
- #24-49 APPROVING EMERGENCY TEMPORARY APPROPRIATION**
- #24-50 RENEWAL OF INACTIVE POCKET ABC LICENSE**
- #24-51 APPOINTING A TRUCK DRIVER/LABORER**
- #24-52 APPROVING THE INSTALLATION OF TWO NEW FIRE HYDRANTS AS PART OF NJ AMERICAN WATER COMPANY'S MOUNT HARMONY ROAD WATER MAIN EXTENSION PROJECT**
- #24-53 AGREEMENT WITH THE SOMERSET HILLS REGIONAL SCHOOL DISTRICT TO PROVIDE SPECIAL POLICE OFFICERS IN DISTRICT SCHOOLS**
- #24-54 HOME IMPROVEMENT PROGRAM, HOMEOWNER/PROGRAM AGREEMENT FOR 19C FOX HOLLOW TRAIL (VIA CGP&H)**
- #24-55 AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE BOROUGH OF BERNARDSVILLE AFFORDABILITY ASSISTANCE (VIA CGP&H)**
- #24-56 APPROVAL TO SUBMIT A GRANT APPLICATION TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL (HIGHLANDS COUNCIL) FOR FUNDING ASSISTANCE TO ACHIEVE COMPLIANCE UNDER THE 2023 TIER A MUNICIPAL STORMWATER GENERAL PERMIT (NJPDES: NJ0141852)**
- #24-57 AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BOROUGH OF BERNARDSVILLE AND THE BERNARDSVILLE FREE PUBLIC LIBRARY FOR PAYROLL**
- #24-58 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,325,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**
- #24-59 AGREEMENT BETWEEN THE COUNTY OF SOMERSET AND BOROUGH OF BERNARDSVILLE FOR RECEIPT OF ARP FUNDING IN SUPPORT OF PUBLIC SEWER AND WATER IMPROVEMENTS**
- #24-60 APPROVING ITEMS OF BUSINESS FROM THE**

**FEBRUARY 20, 2024 WORK MEETING**

- #24-61 AUTHORIZING THE MAYOR TO SIGN A SOMERSET HILLS MUNICIPAL ALLIANCE AND YOUTH SERVICES COMMISSION GRANT AGREEMENT**
- #24-62 AUTHORIZING SUBURBAN CONSULTING ENGINEERS TO GO OUT TO BID FOR POLO GROUNDS PAVILION AND LIGHTING**
- #24-63 APPROVING A MEMORANDUM OF AGREEMENT WITH BERNARDSVILLE PUBLIC WORKS EMPLOYEES ASSOCIATION**
- #24-64 ADVISING THE SOMERSET COUNTY COMMISSIONERS OF MUNICIPAL PARTICIATION IN THE UPDATE OF THE SOMERSET COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**
- #24-65 APPROVING AMENDMENT TO PERSONNEL POLICY**
- #24-66 AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH CROSSROADS PAVING FOR BERNARDS AVENUE IMPROVEMENTS PROJECT**
- #24-67 AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH CROSSROADS PAVING FOR BERNARDS AVENUE NEIGHBORHOOD IMPROVEMENTS PROJECT**
- #24-68 ACCEPTING ROADWAY DEDICATION**
- #24-69 RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY RESCINDING THE DESIGNATION OF 65 MORRISTOWN ROAD FBG, LLC AS CONDITIONAL REDEVELOPER OF BLOCK 125, LOT 13 ON THE OFFICIAL TAX MAPS OF THE BOROUGH, ALSO KNOWN AS 65 MORRISTOWN ROAD**
- #24-70 RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY AUTHORIZING THE PREPARATION AND ISSUANCE OF A REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR REDEVELOPMENT OF BLOCK 125, LOT 13 ON THE OFFICIAL TAX MAPS OF THE BOROUGH, ALSO KNOWN 65 MORRISTOWN ROAD**

Matt Jessup, Redevelopment Attorney, gave a background of the 65 Morristown Road

property relating to Resolutions #24-69 and #24-70.

Ms. McCredie moved to pass Resolutions #24-38 through #24-70, except #24-58. Ms. Zamorra seconded and the motion was approved with the following roll call vote: Mr. Ambelang, Ms. McCredie, Mr. McQueen, Mr. Ribeiro, Mr. Roos, and Ms. Zamorra voted yes.

Mr. Ribeiro moved to pass Resolution #24-58. Ms. McCredie seconded and the motion was approved with the following roll call vote: Ms. McCredie, Mr. McQueen, Mr. Ribeiro, and Mr. Roos voted yes. Mr. Ambelang and Ms. Zamorra abstained.

## **COUNCIL COMMITTEE REPORTS**

**Mayor's Update**, Mayor Canose said there was a Centennial Committee meeting held in January; Mayor Canose attended an ELC Lunch which is done by the Somerset County Business Partnership; Mayor Canose met with Alex Ireland, the new Executive Director at the NJ Audubon; the Library held a Hole In One event which was well attended; February 5<sup>th</sup> was the first Mayors and Police Chiefs meeting; Mayor Canose was invited to the YMCA annual meeting and fundraising kickoff; Main Street Bernardsville held a Galantines' Day event on February 8<sup>th</sup> and had a good turnout; Mayor Canose did a ribbon cutting at Broadway Salon Suites on Claremont Road; there were several Somerset Hills Public Safety Committee meetings which was led into by a webinar with Congressman Kean where they talked about car thefts/break ins and what kind of legislation they can put in place; Mayor Canose and Ms. Malool met with the Far Hills Mayor to talk about shared services; as part of the Centennial Celebration, the Library has a history of the Library on display; Mayor Canose attended the Somerset County Governing Officials Association meeting; Barry Thompson held a Centennial event at The Coffee Shop where he spoke about the history of the pictures that are on display; Somerset County did an assessment of the Office of Emergency Management and Bernardsville's OEM received bonus points for a score of over 100.

**Administrator's Report**, Ms. Malool and Mayor Canose thanked OEM for their efforts are congratulated them on their outstanding score in the county's assessment of OEM Departments; Ms. Malool said we had a request from residents at 5 Ambar Place for a no parking zone across the street from their home. The Public Safety Committee reviewed the request and did not recommend it due to the precedent it would set. Captain Buttel spoke with the resident and Officers spoke with the neighbors who are cognizant of the issue. The Police Department can assist the resident in backing out of their driveway if needed.

Mr. Ribeiro moved to accept the monthly reports. Ms. McCredie seconded and the motion was approved with six yes votes.

## **COUNCIL COMMITTEE REPORTS**

Mayor Canose said Council Committee Reports will now be given at the work meeting. Council agreed and no reports were made at this meeting.

## **ITEMS OF BUSINESS**

**Correspondence** - None

**Unfinished Business**

**Bernards Avenue**, Mr. McQueen asked about the status of parking and striping on Bernards Avenue. Ms. Malool said the Borough Engineer and Traffic Consultant are reviewing. Mr. McQueen said residents are parking on an angle with one wheel on the curbing and one on the grass and this needs to be dealt with.

**New Business** - None

**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 Personnel Matters and Contract Negotiations 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 9:20pm.

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