

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**November 13, 2023**

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield, Jena McCredie, Chad McQueen, Al Ribeiro, and Christine Zamarra. Also present were Nancy Malool, 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 15, 2022.

**PLEDGE OF ALLEGIANCE**

**OPEN SESSION**

Mayor Canose opened the meeting to allow Kathleen Williams to speak before the presentation due to a later commitment Ms. Williams had.

Kathleen Williams, Round Top Road, followed up on her comments from last meeting about a drainage issue on her property. She distributed a cease and desist letter to the Mayor, Council, and Ms. Malool, which stated the borough has ten days to cease unauthorized stormwater drainage on her property. As indicated in the letter, she said the Borough has ten calendar days and on Friday November 24<sup>th</sup> she will be sealing it shut. Also as indicated in the letter, she said she will be dealing with any further actions to recoup those costs and damages.

**PRESENTATIONS**

**Bernardsville Library**, Fran Daley, Library Director, discussed the Bernardsville Library's vision, strategic planning process, and 2023-2028 goals. The goals pertained to communication, collection, programming, facility, and how they engage and support the community.

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Aaron Duff, Crestview Drive, thanked Fran Daley for her all work at the Library. Mr. Duff had a question about Resolution #23-221 regarding the placement of a Special Police Officer (SLEO II) at the Far Hills Country Day School. Mr. Pidgeon said despite its name, Far Hills Country Day School is located in Bernardsville. He said pursuant to state law, we can provide this service if council agrees and we also provide it to St. Elizabeth School's. He said Far Hills Country Day School is paying for this and it was at their request.

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

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

Mayor Canose continued the public hearing from October 23<sup>rd</sup> 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”.**

Samantha Ortiz, Mendham Road, said she has comments on the Accessory Dwelling Unit (ADU) situation based on comparisons to Maplewood and Princeton ADU laws along with her own experience. She said Bernardsville’s current revision proposal does not specify a single family unit; it does not specify utilizing the same driveway entrance which is an issue that she currently has seen in the borough; we allowing four people versus two or three in comparison to other towns similar to ours; 1,500 square feet was the maximum listed in the proposal which is bigger than her first house in town and is pretty large for an ADU; other towns in comparison have limitations to 600 or 800 square feet; many of the R-1 and R-1-10 zone properties are on well and septic and we need to be mindful of allowing double the number of homes and families in the area due to service load and capacity; the ADU should have to be within certain proximity to the principal residence; people should not be able to build their ADU at the far end of the property where it doesn't affect them; design requirements should match the principal residence; financial gain questions including short-term rentals/long-term rentals should be addressed.

It was noted these comments will be relayed to the Planning Board for their discussion on this ordinance at their meeting on Thursday, November 16<sup>th</sup>.

Hearing no further comments, Mayor Canose closed the public hearing. Ms. McCredie moved to continue the public hearing on Ordinance #2023-1981 to November 27<sup>th</sup>, 2023 at 7:00pm. Ms. Greenfield seconded and the motion was approved with six yes votes.

Mayor Canose opened the public hearing on Ordinance #2023-1985, **AMENDING ORDINANCE #2023-1977, WHICH APPROPRIATED \$150,000 FOR LIBRARY BUILDING PUBLIC RESTROOM RENOVATIONS.** 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)**

Ms. Zamarra moved that Ordinance #2023-1986, **AN ORDINANCE AMENDING SALARY ORDINANCE #2023-1955**, 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 27, 2023. Ms. Greenfield seconded and the motion to introduce was approved with six yes votes.

## **RESOLUTIONS**

- #23-216            AUTHORIZING PAYMENT OF BILLS**
- #23-217            APPOINTING FRANK D'AMORE PART TIME FIRE OFFICIAL  
AND APPOINTING PART TIME FIRE INSPECTORS STEVE  
WATERS AND RYAN VALENTINO**
- #23-218            AUTHORIZING THE BOROUGH OF BERNARDSVILLE OFFICE  
OF EMERGENCY MANAGEMENT TO ACCEPT A SUBGRANT  
AWARD OF THE FEDERAL FISCAL YEAR 2023 OF  
EMERGENCY MANAGEMENT PERFORMANCE GRANT AND  
EMERGENCY MANAGEMENT AGENCY ASSISTANCE**
- #23-219            AUTHORIZING THE MAYOR AND CLERK TO SIGN A SHARED  
SERVICES AGREEMENT WITH SOMERSET COUNTY FOR A  
RECTANGULAR RAPID FLASHING BEACON (RRFB) SYSTEM  
ON MOUNT AIRY ROAD (CR525)**
- #23-220            APPOINTING BILL ROBERTS AS HOUSING  
INSPECTOR/ZONING CODE ENFORCEMENT OFFICER**
- #23-221            AUTHORIZING THE MAYOR AND CLERK TO SIGN AN  
AGREEMENT CONCERNING THE HIRING AND PLACEMENT  
OF A CLASS II SPECIAL LAW OFFICER IN THE FAR HILLS  
COUNTRY DAY SCHOOL**
- #23-222            AUTHORIZING THE FILING OF AN APPLICATION FOR  
MEMBERSHIP IN THE NATIONAL COOPERATIVE  
PURCHASING ALLIANCE**
- #23-223            AUTHORIZING A TRANSFER OF FUNDS**
- #23-224            INCREASING THE NOT TO EXCEED AMOUNT IN THE  
CONTRACT WITH NW FINANCIAL LLC**
- #23-225            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 19 E FOX HOLLOW ROAD, BERNARDSVILLE, NJ 07924**

- #23-226 APPOINTING MICHAEL MASTRO AS TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL (TACO)**
- #23-227 APPOINTING BRIAN STIO AS TRUCK DRIVER/LABORER, PUBLIC WORKS DEPARTMENT**
- #23-228 AUTHORIZING THE MAYOR AND CLERK TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH J. CALDWELL & ASSOCIATES LLC AND APPOINT JESSICA CALDWELL DYKSTRA AS A PLANNER**

Ms. Greenfield moved to adopt Resolutions #23-216 to #23-228. 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.

## **ITEMS OF BUSINESS**

### **Mayor's Update**

Mayor Canose said she attended the Economic Legislative Committee lunch, which is part of the Somerset County Business Partnership; Trunk or Treat took place on October 28<sup>th</sup>; November 2<sup>nd</sup> was the ribbon cutting at the Red Horse with chef David Burke; November 4<sup>th</sup> was Back In Time At Upton Pyne; Bernards High School sports teams had successful seasons and we are looking at what we can put together to do some kind of celebration; Mayor Canose and Ms. Malool will be attending the NJ League Conference on Tuesday, Wednesday, and Thursday of this week; Jeff Hammond will be accepting our Sustainable Jersey Bronze Award; a letter was received from resident Mike Spagnola thanking the Police Department for their presence and work on Halloween night where they closed some of the roads in his neighborhood.

### **Administrator's Update**

Ms. Malool followed up on ParkMobile with our plan for implementing it in the train station lot after the first quarter of 2024; decals will be sold as normal and then after ParkMobile is up and running, people could sign up for \$1 to get ParkMobile; the tax sale was done on November 8<sup>th</sup>.

### **Request For 2024 Winter Farmers' Market Sign To Be Displayed More Than Two Weeks**

Council consent was given to the Farmers' Market to display signs advertising the market for more than the two week period permitted by ordinance.

### **Mayor's Appointment with Council confirmation of Robert Re (unexpired term to 12/31/25) and Joan Contess (unexpired term to 12/31/24) to the Library Board of Trustees**

Mr. Ambelang moved to confirm the Mayor's appointment of Robert Re (unexpired term to 12/31/25) and Joan Contess (unexpired term to 12/31/24) to the Library Board of Trustees. Ms. Greenfield seconded and the motion was approved with six yes votes.

### Construction Fees

Ms. Malool discussed the proposed increases to construction fee as requested by the Construction Official. An ordinance will be on for introduction at the November 27, 2023 council meeting.

### Correspondence - None

### Unfinished Business - None

### New Business

**Boylan Terrance**, Mr. Pidgeon said in order to complete the West Street/Boylan Terrace Sidewalk and Road Reconstruction project, the Borough needs to obtain title to Block 106, Lot 28, which is a vacant undersized lot on Boylan Terrace. Mr. McQueen moved to adopt **Resolution #23-229 to authorize the purchase of Block 106, Lot 28 for \$1,500**. Ms. Zamarra seconded and the motion was approved with six yes votes.

**Last meeting in December 2023 (12/26/23) and 2024 Meetings**, Mayor Canose and the Borough Council agreed to change the time of the December 26, 2023 Council meeting from 7:00pm to 2:00pm and make the meeting remote only via Zoom. The 2024 Council meeting schedule will be adopted at a future meeting.

**Floating Solar Farm**, Jeff Hammond, Green Team member, and Tom Voss, Environmental Commission consultant, discussed the project of a floating solar farm which would be located at Old Quarry Road if agreed to by the owner. Council was agreeable to hearing a presentation on this project as long as the property owner is interested. The Environmental Commission will reach out to the property owner to gauge interest and report back to council.

### **CLOSED SESSION**

It was moved to adjourn to an executive session to consider Personnel Matters, Anticipation Litigation, 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 9:35p.m.

---