

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
October 10, 2023

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield, Jena McCredie, Al Ribeiro, and Christine Zamarra. Also present were Nancy Malool, Administrator, Anthony Suriano, Borough Clerk, and John Pidgeon, Borough Attorney. Council Member Chad McQueen arrived at 8:00pm.

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

PRESENTATIONS

Matthew Jessup, Redevelopment Attorney, and Daniel Marinello and Daniel Banker of NW Financial Group, LLC, gave a presentation regarding **Ordinance #2023-1983, PILOT ordinance for Palmer property.**

OPEN SESSION

Mayor Canose opened the meeting to the public.

Patricia Duncan, Brook Hollow Lane, said she does not know why the PILOT would be considered urban renewal, and why the town would consider a tax abatement at this time. She said she is opposed to anything that removes properties off the tax record. She said the scope of the project is too big.

Jeff Hammond, Flintlock Court, said he is not against a PILOT and PILOT's have worked well in other Somerset County municipalities, but the numbers seem to be based on best case scenario. He suggested getting a range of occupancy estimates. He suggested finding out what the minimum occupancy would need to be on year two for the new development to at least equal the taxes we would have had if it was not built.

Kathy Peachey, Chilton Street, asked if the project could go forward with conventional taxes. Mr. Jessup said based on NW Financial's analysis, the project would not move forward if it were conventionally taxed. Ms. Peachey asked if Advance knew this. Mr. Jessup said yes, the Redevelopment Agreement we executed with Advance did contemplate and foreshadow that Advance would be seeking a PILOT in order to move forward. Ms. Peachey asked if the PILOT could be shorter than 30 years. Mr. Marinello said there are PILOTs for less and 30 years is the maximum.

Aaron Duff, Crestview Drive, said the entire premise of the application by the developer is that the project cannot get built without substantial tax relief from the borough.

Bonnie Sellers, Post Kennel Road, said she's really excited for this project. She asked about the ground lease and mentioned the financial analysis does not talk about the affordable housing shortfall dollars. Mr. Jessup said that NW Financial's presentation included the developer's obligation to make a \$1,000,000 payment into the affordable housing trust fund.

Jeff Horowitz, Laurel Lane, asked who would be the lessor on the ground lease. Mr. Jessup said the underlying property owner is, which is Palmer Enterprises.

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

ORDINANCES (Public Hearing)

Mayor Canose continued the public hearing from September 25th on Ordinance #2023-1979, **PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE DOWNTOWN DISTRICT AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED "ZONING"**. Hearing no comments, Mayor Canose closed the public hearing. Mr. Ambelang moved to continue the public hearing on Ordinance #2023-1979 to October 23, 2023 at 7:00pm. Ms. McCredie seconded and the motion was approved with five yes votes.

Mr. McQueen arrived at 8:00pm.

Mayor Canose continued the public hearing from September 25th 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"**. Hearing no comments, Mayor Canose closed the public hearing. Mr. McQueen moved to continue the public hearing on Ordinance #2023-1981 to October 23, 2023 at 7:00pm. Ms. Zamorra seconded and the motion was approved with five yes votes.

ORDINANCES (Introduction)

Ms. Zamorra moved that 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"**, 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, October 23, 2023. Mr. Ribeiro seconded and the motion to introduce was approved with six yes votes.

RESOLUTIONS

- #23-191 AUTHORIZING PAYMENT OF BILLS**
- #23-192 AWARDING CONTRACT FOR GARBAGE CONTAINER
REMOVAL AND DISPOSAL**
- #23-193 AUTHORIZATION OF LEAD INSPECTION FEE REFUND**
- #23-194 A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY
TO FILE AN ANSWER TO AN OPRA COMPLAINT FILED BY
AARON DUFF IN THE SUPERIOR COURT OF NEW JERSEY**
- #23-195 AUTHORIZING RELEASE OF A STREET OPENING ESCROW
BOND FOR 86 MINE MOUNT ROAD**

Ms. McCredie moved to adopt Resolutions #23-191 to #23-195. 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 was invited to the ribbon cutting at the Middle School Media Center. On October 29th Mayor Canose attended the Mayor's Roundtable in Plainsboro. Mayor Canose is on the NJ League of Municipalities affordable housing working group. She said this group is holding workshops on affordable housing. Mayor Canose said she did her 11th wedding and on Friday will do her 12th. Mayor Canose attended a concert sponsored by Friends of the Library, who are doing Sunday concerts. Mayor Canose attended a Board Meeting of the NJ Conference of Mayors. Mayor Canose picked the winner of the apple basket at the Farmers Market. Mayor Canose attended a ceremony honoring Eagle Scout RJ Bubnowski. Mayor Canose did a ribbon cutting for State Farm located in Bernardsville Centre. Mayor Canose attended a webinar on the NJ State Plan update.

Administrator's Update

Ms. Malool said we received the Initial Highlands Assessment from Van Cleef Engineering. She said she and Mayor Canose will be meeting with staff from Van Cleef to review it. Ms. Malool said the Planning Board and Board of Adjustment will start to meet in person once again. They will live stream the video on YouTube but there will be no remote participation.

2024 Winter & Summer Farmers' Market Request

Council consent was given to hold the Farmers' Market in 2024. The Winter Market will be Saturdays, 10 am to 12 pm; January 13 – March 30. The Summer Market will be Saturdays, 9 am to 1 pm; June 8 – December 14 with no market on the date of the Far Hills Races in October or over Thanksgiving weekend.

2024 Parking Decal Resolution

Council had no objections or changes to the parking decal resolution from 2023. A resolution will be done at a future meeting setting the same fees for 2024. Ms. Malool discussed the potential of having kiosk parking in the train station lot using ParkMobile.

Zoom Meetings - Participation Protocols

Council discussed security of public meetings using Zoom. Mayor Canose suggested a security audit of our whole system. Ms. Malool will reach out to someone to inquire about the audit. She said we've increased the security options on Zoom for council meetings. Council discussed allowing people to have their video on while speaking. Council decided that when a member of the public wants to speak, they can turn their video camera on but no one will be allowed to share their screen.

Correspondence

Food Bank, Peter Roselle of Kings of Kings Worship Center was present. They would like to start using the Claremont Fieldhouse on Tuesdays beginning October 24th, they would not use it on December 26th, and they would vacate whenever the borough needs them to in the spring. Council consent was given contingent on the approval by Recreation Director Bob Markowick.

Parking on Borough Property, a resident asked to use borough property to park vehicles for a surprise party near their home. Council had no objections and insurance and a hold harmless agreement must be provided by the resident.

Unfinished Business

New Business

Empty Storefronts, Ms. Zamarra suggested coming up with an ordinance to address empty commercial storefronts. It was decided to have Mr. Pidgeon look at ordinances from other towns to see how they address this topic.

CLOSED SESSION

It was moved to adjourn to an executive session to consider Contract Negotiations, Personnel Matters, and Pending Litigation, 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 9:30p.m.

