

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 11, 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 7:05pm.

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

Mayor's Proclamation, September 2023 as Prostate Cancer Awareness Month, Mayor Canose read a proclamation for Prostate Cancer Awareness Month.

Mr. McQueen arrived.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Johanna Wissinger, Washington Corner Road and Environmental Commission Chair, spoke on behalf of the Environmental Commission, and thanked all the people who worked rapidly at 267 Mine Brook Road to fix the steep slope destruction. She said it's difficult to regenerate a forest on a slope like that.

Kerry Haselton, Mine Brook Road, said she is glad to see the park naming on the agenda and looks forward to giving the park a new name of Kirkpatrick Park.

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

ORDINANCES (Public Hearing)

Mayor Canose continued the public hearing from August 14th 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. There was no motion to adopt. Ordinance #2023-1974 was not adopted.

Mayor Canose opened the public hearing on Ordinance #2023-1976, **PROHIBITING DRIVE THROUGHS IN THE DOWNTOWN ZONE DISTRICT AND SUPPLEMENTING AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED “ZONING”**. Hearing no comments, Mayor Canose closed the public hearing. Mayor Canose said this ordinance is one of our requirements for our Transit Village application. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Mr. Ribeiro 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)

Mr. Ambelang moved that Ordinance #2023-1977, **AMENDING ORDINANCE #2022-1911, WHICH APPROPRIATED \$60,000 FOR LIBRARY BUILDING PUBLIC RESTROOM RENOVATIONS**, 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 25, 2023. Ms. McCredie seconded and the motion to introduce was approved with six yes votes.

Ms. Zamarra moved that Ordinance #2023-1978, **AMENDING ORDINANCE #2023-1972, WHICH APPROPRIATED \$100,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR ENGINEERING COSTS FOR PISTA GRIT REPLACEMENT**, 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 25, 2023. Ms. Greenfield seconded and the motion to introduce was approved with six yes votes.

Mr. McQueen moved that Ordinance #2023-1979, **PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE DOWNTOWN DISTRICT 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 25, 2023. Ms. Zamarra seconded and the motion to introduce was approved with six yes votes.

Ms. McCredie moved that Ordinance #2023-1980, **ADDING A DEFINITION OF “SMOKING” TO INCLUDE “VAPING” TO SECTION 3-8 OF THE BOROUGH CODE WHICH PROHIBITS SMOKING IN BOROUGH BUILDINGS, PARKS, PLAYGROUNDS, RECREATION AREAS AND VEHICLES**, 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 25, 2023. Ms. Greenfield seconded and the motion to introduce was approved with six yes votes.

Ms. Greenfield moved that 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”**, 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 25, 2023. Ms. McCredie seconded and the motion to introduce was approved with six yes votes.

Mr. Ribeiro moved that Ordinance #2023-1982, **AN ORDINANCE CONCERNING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES AND SUPPLEMENTING AND AMENDING CHAPTER 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, September 25, 2023. Mr. McQueen seconded and the motion to introduce was approved with six yes votes.

RESOLUTIONS

- #23-169 AUTHORIZING PAYMENT OF BILLS (AS OF 8/23/23)**
- #23-170 AUTHORIZING PAYMENT OF BILLS (AS OF 9/6/23)**
- #23-171 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT #04-280-7073-0100 FOR MJ DEVELOPMENT
PARTNERS FOR 1 PRESERVE LANE**
- #23-172 APPROVING A FIREWORKS PERMIT FOR SOMERSET HILLS
COUNTRY CLUB**
- #23-173 AMENDING RESOLUTION #23-158, WHICH AUTHORIZED
SUSTAINABLE HABITAT SOLUTIONS LLC TO CONDUCT
DEER MANAGEMENT HUNT ON BOROUGH-OWNED
PROPERTIES, TO ADD LITTLE BROOK SANCTUARY**
- #23-174 APPOINTMENT OF DOUG SEALS AS POLICE RECORDS
CLERK**
- #23-175 APPOINTING MEMBERSHIP ON THE CERT TEAM**
- #23-176 APPOINTING TWO PART-TIME SCHOOL CROSSING GUARDS**
- #23-177 AUTHORIZING AN AGREEMENT WITH PRIMEPOINT FOR A
TIME MANAGEMENT AND/OR PAYROLL SYSTEM**
- #23-178 APPOINTING BRIANA STEDNICK AS A PROBATIONARY
POLICE OFFICER**
- #23-179 APPOINTING CONNOR ROEHR AS A PROBATIONARY
POLICE OFFICER**
- #23-180 AMENDING RESOLUTION #23-154 WHICH AUTHORIZED A
PROFESSIONAL SERVICES AGREEMENT WITH PARKER**

**McCAY FOR LEGAL SERVICES BY INCREASING THE CAP
FROM \$2,000 TO \$5,000**

**#23-181 APPOINTING DOMENICK SALVATORE AS EQUIPMENT
OPERATOR**

Ms. McCredie moved to adopt Resolutions #23-169 to #23-181. 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.

ITEMS OF BUSINESS

Mayor's Update

Mayor Canose talked about the Integrated Community Project (ICP); senior barbecue at the pool; interviews for Planning Board/Zoning Board Secretary; Walter Lane of Somerset County facilitating a meeting with AARP to review the process of how to become age friendly town or county; Mayor Canose officiated her 10th wedding; as part of an initiative by the School Superintendent, the Police Chiefs and Mayors of all our school districts were invited to a Board of Education meeting where they were recognized and given certificates; Mayor Canose met with Max Bozack to finish up his Eagle Scout paperwork; Mayor Canose attended a charity baseball game at Kiwanis Field which celebrated the fifth anniversary of the Little League team that went to the state championship; Mayor Canose was a speaker on August 31st at the Overdose Awareness Ceremony at Community In Crisis; the Bernardsville Library had to cancel their 9/11 ceremony; the Bernardsville Fire Company had an impressive display at the Firehouse; Heartworks had a ceremony in the morning; Mayor Canose took a moment to remember the 2977 people who lost their lives including our own two people from Bernardsville, Allison Horstmann Jones and Thomas Reinig; Mayor Canose read a poem from Heartworks.

Administrator's Update

Ms. Malool said we are collecting food for Foodstock 2023; Motor Vehicle Commission attempted to setup a mobile unit but had issues on two different occasions and were not able to do so.

Commercial Use of Public Parking

Mayor Canose said she will reach out to Dr. Chang to see if an agreement can be reached between him and Ristorante MV to use Dr. Chang's parking lot on Quimby Lane to resolve valet parking issues for Ristorante MV. Mr. Ribeiro suggested to look into a parking plan with the Borough Planner. Mr. McQueen suggested using ParkMobile which allows people to park and pay on an app.

Request by Adina Crump for Tree Planting at 22 West Street

Ms. Greenfield moved to authorize a tree planted at 22 West Street in an amount not to exceed \$600 and to be planted by the Public Works Department. Mr. McQueen seconded and the motion was approved with six yes votes.

Petition to name 267 Mine Brook Road as Kirkpatrick Park

Kerry Haselton gave a background of the Kirkpatrick family.

Mayor Canose opened the public hearing on Resolution #23-182, **NAMING 267 MINE BROOK ROAD AS KIRKPATRICK PARK**. Hearing no comments, Mayor Canose closed the public hearing.

Ms. Greenfield moved to adopt Resolutions #23-182. 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.

Request from Friends of the Bernardsville Library to Hold a Wine Presentation & Tasting at the Library

Mr. McQueen moved to approve this request from Friends of the Bernardsville Library. Ms. McCredie seconded and the motion was approved with six yes votes.

Construction Fees

Ms. Malool discussed an update to the construction fee schedule as requested by the Construction Official. An ordinance will be introduced at a future meeting to make the updates.

Correspondence - None

A request from Main Street Bernardsville was received to use the Bernardsville Train Station Lot to have a beverage cart at the Haunted History Tour. A Social Affair permit will need to be obtained by Main Street Bernardsville. Mr. McQueen moved to allow the use of the Train Station Lot for this event pursuant to Main Street Bernardsville obtaining a Social Affair permit. Ms. Greenfield seconded and the motion was approved with six yes votes.

Unfinished Business

Main Street Bernardsville, council discussed Main Street Bernardsville and Olivia Manning's volunteer time.

Special Improvements District, Steve Grillo will be present at the September 25th council meeting and will do a presentation on this topic.

New Business - None

CLOSED SESSION

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

ADJOURNMENT

The meeting was adjourned at 9:30p.m.
