

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 25, 2023

Mayor Mary Jane Canose called this meeting to order at 7:00 p.m. Present were Council Members Jay Ambelang, Diane Greenfield, Jena McCredie, and Al Ribeiro. Also present were John Pidgeon, Borough Attorney, Nancy Malool, Administrator, and Anthony Suriano, Borough Clerk. Council Members Chad McQueen and Christine Zamarra were 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 15, 2022.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Proclamations

Mayor Canose read a proclamation in honor of Eagle Scout R.J. Bubnowski.

Mayor Canose announced that October 6, 2023 is recognized as Knock Out Opioid Abuse Day in Bernardsville.

Jeff Hammond representing the Green Team, spoke about Breathe Free Program and Signs.

Ms. McCredie recused herself at this time in the meeting for discussion on Special Improvement Districts.

Steven Grillo, Urban Solutions Group/representing Main Street Bernardsville, and Matthew Jessup, Borough Redevelopment Attorney, spoke about Special Improvement Districts.

APPROVAL OF MINUTES

Ms. Greenfield moved approval of minutes from August 10, 2023 and August 14, 2023. Mr. Ribeiro seconded and the motion was approved with four yes votes.

OPEN SESSION

Mayor Canose opened the meeting to the public.

Fran Daley, Library Executive Director, said the Library held a fundraiser raffle this weekend. She said the Library has a strategic plan that they would like to present to Council at a future meeting. She gave the holiday schedule for the Library for the remainder of 2023.

Johanna Wissinger, Washington Corner Road and Environmental Commission Chair, spoke about the importance of having a Shade Tree Committee. She suggested having a per diem arborist while she tries to get more people to volunteer to be on the Shade Tree Committee.

Glenn Miller, Fire Company Member, asked that Resolution #23-188 be pulled from the agenda as the current shared services agreement for Fire Prevention with Bernards Township needs to be further reviewed and some discrepancies need to be resolved before the resolution is considered.

Chris Herold, Bedminster resident and commercial property owner in Bernardsville, spoke about SID and said if it's going to be assessed to all commercial properties it should be to everybody. He said everyone should know it's the businesses that are going to be taxed, not the property owners.

Christina Castelli, Bernardsville resident and business owner, said she does not understand why she would have to pay for general services such as street cleaning and planters, as some businesses either already have services or services are not applicable to them. She said each business is different and has their own needs. She said she would like to know if people are willing to pay more for the goods and services they enjoy.

Kathy Peachey, Chilton Street, said she is appreciative of the Fire Company and all that they do. She said she agrees with Johanna Wissinger's suggested of having an arborist. She spoke about SID and said all retail here wants to thrive with or without a SID.

Andrew Mallia, Columbia Drive, said something should be done and if a SID doesn't work, inaction should not be an option. He suggested potentially being put to a vote at an election, similar to open space tax.

Christina Gianni, Highview Avenue and business owner, said SID has to be an economic and business oriented solution, and not community driven. She said businesses need a coordinator and a problem solver to get issues across.

Brenda Curnin, representing Bernardsville Centre, said SIDs need a coordinator and support from Council.

Mark Melillo, Campbell Road, said businesses need parking and council should focus on parking and let Main Street Bernardsville continue as a valuable volunteer organization.

Brian Wallace, Seney Drive and business owner, said he is in full support of a SID. He said it's important for small businesses to build a rapport with the community in order to build their business.

Maria Nadel, Bedminster resident and partner with Chris Herold of Mine Brook Properties, discussed vacancies and said there are not that many vacancies in town. She listed the Palmer property, Advance Realty's properties, Kings', and Audi as vacancies.

Grant Moffett, Stirling Road, said all businesses do not have the same needs. He said adding another layer of bureaucracy is not a welcoming idea.

Rick Weiss, Verona resident and Bernardsville business owner, said the improvement of the general district improves everyone and he is in favor of a SID.

Maryl Nazi, Old Colony Road and member of the Design Committee of Downtown Bernardsville, said she is in favor of a SID but feels it's too much money and should be reduced. She said housekeeping in front of the buildings should be the property owner's responsibility

Steven Grillo, followed up with further discussion about SID in response to the comments above.

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

Council discussed the SID topic.

Mr. Ambelang said he is not in support of moving forward with the SID as it creates a layer of government that he is not comfortable with. He said he is willing to look at other options that might be available to support Main Street Bernardsville. He said there is potentially a funding issue to solve but this is not the right answer to the solution.

Mr. Ribeiro said he cannot support the SID. He said it is more government/higher taxes and he fought for smaller government/lower taxes. He said he is willing to work to find ways of sustainable solutions for Main Street Bernardsville, but he cannot support what he believes is more government and higher taxes.

Ms. Greenfield said she agrees with Mr. Ambelang and Mr. Ribeiro. She said if businesses in town want to use the services of Main Street Bernardsville, they should pay for them. She said if businesses do not want those services, they should not be forced to pay for them by a tax or assessment put on by the Borough. She said she is not in favor of the SID.

Ms. McCredie returned to the meeting.

ORDINANCES (Public Hearing)

Mayor Canose opened the public hearing on Ordinance #2023-1977, **AMENDING ORDINANCE #2022-1911, WHICH APPROPRIATED \$60,000 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, and Mr. Ribeiro voted yes.

Mayor Canose opened the public hearing on Ordinance #2023-1978, **AMENDING ORDINANCE #2023-1972, WHICH APPROPRIATED \$100,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR ENGINEERING COSTS FOR PISTA GRIT REPLACEMENT.** Hearing no comments, Mayor Canose closed the public hearing. Ms.

Greenfield moved to pass this ordinance on final reading and adopt as published. Ms. McCredie seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, and Mr. Ribeiro voted yes.

Ms. McCredie moved to continue the public hearing on Ordinance #2023-1979, **PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE DOWNTOWN DISTRICT AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED "ZONING"** to October 10, 2023 at 7:00pm. Ms. Greenfield seconded and the motion was approved with four yes votes.

Mayor Canose opened the public hearing on 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.** Hearing no comments, Mayor Canose closed the public hearing. Ms. McCredie 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, and Mr. Ribeiro voted yes.

Ms. Greenfield moved to continue the public hearing 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"** to October 10, 2023 at 7:00pm. Ms. McCredie seconded and the motion was approved with four yes votes.

Mayor Canose opened the public hearing on 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"**. 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, and Mr. Ribeiro voted yes.

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 four yes votes.

ORDINANCES (Introduction)

Mr. Ambelang moved that Ordinance #2023-1983, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY, GRANTING A TAX EXEMPTION WITH RESPECT TO CERTAIN PROPERTY IDENTIFIED ON THE BOROUGH'S TAX MAPAS BLOCK 125, LOTS 1, 2 AND 3 (35-39 OLCOTT SQUARE AND 5 MORRISTOWN ROAD) AND AUTHORIZING THE EXECUTION OF A**

FINANCIAL AGREEMENT WITH AR AT BERNARDSVILLE URBAN RENEWAL LLC, 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 as follows: two yes votes (Ambelang and Ribeiro), two no votes (Greenfield and McCredie). Mayor Canose voted yes to break the tie. Mayor Canose noted that a presentation on this ordinance by our Redevelopment Attorney Matt Jessup will take place at the October 10th council meeting.

RESOLUTIONS

- #23-183 AUTHORIZING PAYMENT OF BILLS**
- #23-184 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PAULUS, SOKOLOWSKI AND SARTOR, LLC FOR BERNARDSVILLE WWTP PISTA GRIT REPLACEMENT AND WATER MAIN EXTENSION DESIGN ENGINEERING SERVICES**
- #23-185 AUTHORIZING A TAX REFUND**
- #23-186 AUTHORIZING THE MAYOR TO SIGN A MASTER SERVICE AGREEMENT WITH LEXIPOL FOR POLICE ACCREDITATION**
- #23-187 REJECTING ALL BIDS FOR THE BERNARDSVILLE PUBLIC LIBRARY ROOF REPLACEMENT**
- #23-188 RESOLUTION TERMINATING SHARED SERVICES AGREEMENT WITH BERNARDS TOWNSHIP FOR FIRE PREVENTION**
- #23-189 AMENDING RESOLUTION #23-180 WHICH INCREASED THE CAP OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKER McCAY FOR LEGAL SERVICES**
- #23-190 AMENDING RESOLUTION #23-158 TO CHANGE THE START DATE OF DEER MANAGEMENT TO SEPTEMBER 25, 2023**

Ms. McCredie moved to adopt Resolutions #23-183 to #23-190, except for #23-188 which will be removed from the list. Ms. Greenfield seconded and the motion was approved by the following roll call vote. Mr. Ambelang, Ms. Greenfield, Ms. McCredie, and Mr. Ribeiro, voted yes.

COUNCIL COMMITTEE REPORTS

Mayor's Update, Mayor Canose gave her update. She said she attended a Somerset County Governing Official meeting, a Centennial Committee meeting, and a County Stigma Free meeting; Mayor Canose, Ms. Greenfield, Lt. Paradiso, and Sgt. Alt bagged groceries at ShopRite

for Help Bag Hunger Day; Mayor Canose met with a resident who would like to work on an initiative to help the Latino population in some of the things we do in town; Mayor Canose attended an ELC Luncheon for a Meet the Mayors series; Mayor Canose pulled the drawing for the raffle held by the Friends of the Bernardsville Library; Mayor Canose completed the NJ League of Municipalities Leadership program.

Administrator's Report, Ms. Malool gave an update on the Mobile MVC. She said they came and processed 29 transactions.

Ms. Greenfield moved to accept the monthly reports as listed on the agenda. Ms. McCredie seconded and the motion was approved with four yes votes.

COUNCIL COMMITTEE REPORTS

Public Safety Committee, Ms. Greenfield said Police Accreditation will be starting November 1st; new patrol officers will start at the Academy on October 2nd; the committee discussed Crossing Guards and are exploring the possibility of privatization in 2024; the committee discussed the Mount Airy/Prospect Street project and the county is willing to pay for and install one set of rapid rectangular flashing lights at the crosswalk. The borough will pay for maintenance and coordinate installation with the county in 2024; the Police Department will review Anderson Hill/Highview crosswalk and other crosswalks for safety and determine any necessary action; the committee discussed the sidewalk priority list.

Finance Committee, Mr. Ribeiro said the committee discussed the finance plan for expansion of borough offices to 150 Morristown Road; the committee discussed proposals for salaries of new borough roles/hires.

Organization Development and Personnel Committee, Mayor Canose said the committee met and those topics will be discussed in closed session.

Engineering, Technology, and Public Works Committee, Ms. Greenfield reported for Ms. Zamarra. Campbell Road engineering is complete, plans were sent to NJDOT for review, bids will go out on October 5th and opened on November 12th; Bernards Avenue Roadway Neighborhood project and Bernards Avenue Roadway project are complete; the architectural plans for the Pavilion are being finalized; engineering plans are being finalized for the Polo Grounds utilities and bid documents are being prepared; the sidewalk project for West Street and Boylan Terrace will go to bid in December with work beginning in spring of 2024; Ms. Greenfield discussed a possible change in work description for a Stormwater Assistance Grant from the NJDEP for construction of a bioswale and removal impervious cover at 251 Claremont Road. She said since the Recreation Department is not moving into that building, the committee is recommending increasing the amount of impervious pavement that we replace with porous pavement in the existing driveway. It was decided to refer this topic to the Recreation Committee and there was no timeframe to respond.

OTHER COMMITTEE REPORTS

Recreation Committee, Ms. Greenfield discussed fall programs, events, and activities that are offered by the Recreation Department.

Trails Subcommittee, Ms. Greenfield said the subcommittee, Public Works, Recreation, and Environmental Commission are working on repairing the damages by the Cyclocross group.

Housing/Zoning Committee, Ms. Greenfield said the committee did not meet since the last report.

HPAC, Ms. Greenfield said the committee will meet on October 7th.

Board of Health, Mr. Ribeiro said the Board discussed the recent adoption of the contractor no-show ordinance. He said they also reviewed the Health Officer's report.

ITEMS OF BUSINESS

Tie The Town Pink 2023

Council consent was given to Dance For The Cure to provide pink ribbons to be displayed in town throughout October for Breast Cancer Awareness month.

Farmers Market Food Truck

Council consent was given for the Farmers' Market to have a food truck as a vendor in 2024.

Back In Time at Upton Pyne, Social Affair Permit

Council consent was given to Main Street Bernardsville to apply for a Social Affair Permit for the event Back In Time at Upton Pyne.

VFW Flag Retirement Ceremony

Council consent was given for the Bernardsville Fire Company to assist the VFW in holding a flag retirement ceremony on Saturday, October 7, 2023 at the gravel lot across from Borough Hall from 9:00am to 11:00am. The VFW will need to provide insurance and a hold harmless agreement.

Correspondence- None

Unfinished Business - None

New Business- None

OPEN SESSION

Mayor Canose opened the meeting to the public.

Aaron Duff, Crestview Drive, said he objected to the council going into closed session to discuss Ordinance #2023-1983 as closed session discussion on the ordinance was not on the agenda. Mr. Pidgeon responded that no decision was made in closed session and council received expert advice from its Financial Advisor and Redevelopment Attorney. He said Ordinance #2023-1983 is on for introduction and there will be a legal publication stating the time and date of the public hearing for this ordinance as October 23, 2023 at 7:00pm.

Hearing no further 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, Pending Litigation, and Personnel Matters 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 four yes votes.

ADJOURNMENT

The meeting was adjourned at 10:35pm.
