

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Minutes
September 15, 2025

Council President Christine Zamarra called this meeting to order at 7:00 p.m. Present were Council Members, Jena McCredie, Jeff Roos, Al Ribeiro, Rich Traynor, Christine Zamarra, and Ross Zazzarino. Also present were John Pidgeon, Borough Attorney, Nancy Malool, Administrator, and Anthony Suriano, Borough Clerk. Mayor Mary Jane Canose was 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 5, 2024.

PLEDGE OF ALLEGIANCE

OPEN SESSION

Council President Zamarra opened the meeting to the public.

Erica Edwards, attorney at Edwards Law Offices LLC, said she represents the owners of 91 Post Lane. She said there are challenges in selling the property due to substantial required work, including installation of a new septic system and other improvements. She requested consideration for issuing permits into escrow so that work could proceed prior to making tax payments, noting that property taxes owed were significant. Denise Filardo, Zoning Officer, was present. Council, Ms. Filardo, Ms. Malool, and Mr. Pidgeon discussed this matter and the following points were made:

- Zoning and construction permits cannot be issued until all applicable approvals are in place. Several proposed improvements, including expansion of accessory apartments and driveway work, are not compliant with current zoning and would require variances from the Board of Adjustment.
- The construction official reported that prior work on the property was performed without permits and failed most inspections, further preventing issuance of new permits.
- Issuing permits in escrow would conflict with ordinances and the Uniform Construction Code, which prioritize safety and proper inspection.
- Legal and procedural precedent must be maintained; exceptions for tax or financial reasons cannot override zoning and code requirements.

Council suggested that the property owners pursue the proper variance and permit process through the Board of Adjustment. Discussion also included the potential for the buyer to negotiate credits at closing for incomplete work, though this is a private matter between buyer and seller. The burden of proving legality of any pre-existing accessory

units lies with the property owner. It was noted that the property owners should work with the Board of Adjustment and Zoning officials to resolve variances and permit issues before proceeding with sale. Council did not approve Ms. Edwards' request for permit issuance.

Fran Daley, Library Director, thanked council members for attending the recent ribbon-cutting and anniversary event. She thanked Ms. Zamarra for doing the 9/11 ceremony. She noted that the Library renovations have been well received by the community.

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

MAYOR & COUNCIL DISCUSSION ITEMS

Special Events Ordinance, REPLACING THE BROUGH SPECIAL EVENT ORDINANCE AND AMENDING CHAPTER 4 OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING", council reviewed the proposed update to the Borough Special Event Ordinance (Chapter 4, General Licensing). Sergeant Tim Richard was present and talked about the need for improved coordination among Police, Fire, OEM, DPW, and Recreation for events using borough resources or affecting public safety. The following areas were discussed:

- **Purpose:** Ensure awareness and safety at events, including private and public gatherings.
- **Event Thresholds:** Proposed attendee number is currently at 250 in the proposed draft and there was consideration to lower that number to 100. There will be exemptions that apply for routine school events.
- **Applicability:** Ordinance would now cover for-profit events, in addition to non-profits, and events on private property if there is a public safety or resource impact.
- **Approval Process:** Council discussed whether the administrator or Borough Council should approve permits.
- **Fees:** A nominal application fee is suggested, potentially lower for non-profits, to cover administrative and staff resource costs.
- **Recurring Events:** One permit could cover a series of recurring events, though annual limits, four per year, were discussed.

Mr. Pidgeon will provide a revised draft for review at the October work session.

Request for Nativity Scene at Borough Pond, council consent was given to Peg Carton, on behalf of Our Lady of Perpetual Help Church, to place a nativity scene at the borough pond from December 6th to January 4th. Ms. Malool said Main Street Bernardsville has requested a holiday parade and tree lighting on December 6th.

Holiday Parade/Tree Lighting, Ms. Malool said while this item was not on the agenda, we received a request from Main Street Bernardsville for a holiday parade and holiday tree lighting scheduled for December 6, with a rain date of December 13. Also received was a

request from a resident, Joe Rossi, who stopped at Borough Hall to request a sample certificate of insurance and blank hold harmless agreement for holiday activities including a tree lighting. It was noted that Mr. Rossi has done the tree lighting in the past along with the Lions Club. Council agreed in concept to Main Street's request but discussed the importance of coordinating the two groups (Main Street and Rossi/Lions Club) that are requesting to handle the holiday tree lighting at Olcott Square in order to avoid conflicts. Main Street Bernardsville will be asked to confirm coordination with Rossi/Lions Club. If both groups come to council with a plan, council can evaluate the competing proposals or the two groups can coordinate. Once coordination is confirmed, council can proceed with approval. No approval was granted at this meeting as approval is contingent upon coordination.

Weeds in Downtown, council discussed complaints about weeds and sidewalk conditions downtown. It was noted that under the borough ordinance, both residential and commercial property owners are responsible for maintaining sidewalks adjoining their property, including weed removal. While Public Works has occasionally responded to complaints, it was agreed this is not the borough's responsibility. Council consent was given to send letters to property and business owners reminding them of their obligations under the ordinance. If owners fail to comply, code enforcement could first issue warnings, followed by summonses. In a similar situation outside of downtown, four homes on Mount Airy Road along a county-installed sidewalk were being maintained by Public Works, though responsibility rests with the homeowners. Letters will be sent to notify them. It was noted that Somerset County has agreed to maintain the wall in this area and is reviewing whether that includes weed removal.

Library Roof, council discussed repair to the library roof. It is approximately \$10,000 in repairs to extend the roof's life by an estimated five years and including incidental administrative and inspection costs, the total is expected to be less than \$20,000. Council consent was to proceed with the repairs, with the understanding that long-term replacement costs can be planned for over the next five years. It was noted that interior repairs to water-damaged wood will be required regardless of whether the roof is repaired or replaced. Quotes will be obtained to proceed with roof repairs. Quotes will also be obtained for interior water damage repairs.

Request for Purple Ribbons on Trees for Domestic Violence Awareness Month, council consent was given to Safe & Sound Somerset to display purple ribbons on trees in town for Domestic Violence Awareness Month. A resolution will be on the September 29th agenda to formalize council consent.

Request from Bernardsville Library Foundation to serve alcohol at a Gratitude Event for Major Donors on November 15th, council consent was given to the Bernardsville Library Foundation to apply to the ABC for a social affair permit to serve alcohol at a Gratitude Event on November 15th at the Library. A resolution will be on the September 29th agenda to formalize council consent.

Request from Friends of the Bernardsville Library to Display Signs for StoryWalk (for more than the 14 days as permitted by ordinance), council consent was given to the Bernardsville Library to display signs for StoryWalk for more than 14 days. A resolution will be on the September 29th agenda to formalize council consent.

Bernardsville Middle School Request for Use of Polo Grounds for Color Run on October 21st, council consent was given to the Bernardsville Middle School to use the Polo Grounds for a Color Run event on October 21st. A resolution will be on the September 29th agenda to formalize council consent.

Shared Service - Bedminster Fall Fest, council discussed a request from Bedminster Township for a shared service agreement to provide DPW support for their Fall Fest, which draws over 1,000 attendees. The proposed agreement would provide three DPW employees, with Bedminster reimbursing the borough for actual costs, including overtime. Council consent was given to this request. A shared service agreement will be approved by resolution at a future meeting.

Dayton Crescent, this project which is funded by a grant, includes drainage, curbing, and paving. Design work is being done by Borough Engineer, Joe Vuich, with initial work by Ferriero Engineering. The project will incorporate a mix of mountable and vertical curbs which will be determined by existing conditions. The properties where residents park in the right-of-way will receive grass seed rather than paving. A resolution to request an extension may be required as design work is still in progress and the project is scheduled for award by October 31st.

Memorial Park Dam, council discussed the status of the dam removal and stream restoration project. Mary Paist Goldman, a consultant on this project from Rippled Waters Engineering LLC, previously indicated that grants could cover 100% of costs, however much of the federal funding is no longer available. The borough now has the opportunity to apply for a \$500,000 grant, which, while not covering the full cost, would provide significant support. Council reviewed options: start construction next year without the grant, or apply for the grant, potentially delaying construction by several months due to plan reviews. Council consent was given to apply for the grant to avoid leaving funds on the table. A \$500,000 grant application will be submitted.

GENERAL BUSINESS

Ordinances, Council President Zamarra said a public hearing on the following ordinance will be held at the September 29, 2025 Council Meeting at 7:00pm:

Ordinance #2025-2026, ORDINANCE #2025-2026, AMENDING SECTION 11-4 OF THE BOROUGH CODE ENTITLED “REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE”

Introduction of the following ordinances will be on the September 29, 2025 agenda:

Ordinance #2025-2027, REQUIRING THE PAYMENT OF DELINQUENT TAXES AS A CONDITION FOR THE ISSUANCE OF A MUNICIPAL LICENSE OR PERMIT AND SUPPLEMENTING AND AMENDING CHAPTER 2 OF THE BOROUGH CODE ENTITLED “ADMINISTRATION”

Ordinance #2025-2028, AMENDING ORDINANCE #2024-2000 ENTITLED “AN ORDINANCE VACATING A PORTION OF BERNARDS AVENUE WHICH IS OUTSIDE THE PAVED ROADWAY AND SIDEWALK AREA AND WHICH IS NECESSARY FOR THE CONSTRUCTION OF THE AFFORDABLE HOUSING DEVELOPMENT AT 63 BERNARDS AVENUE” BY CORRECTING THE DESCRIPTION OF THE AREA VACATED

Ordinance #2025-2029, AN ORDINANCE CHANGING THE MEMBERSHIP QUALIFICATIONS REQUIRED FOR APPOINTMENT TO THE BERNARSVILLE FIRE COMPANY NO. 1 FIRST AID SQUAD AND AMENDING CHAPTER 2 OF THE BOROUGH CODE ENTITLED “ADMINISTRATION”

Resolutions

Council President Zamarra said the following resolutions will be considered for adoption at the September 29th Council Meeting:

- Bill List
- Authorization of Tax Refund
- Approving the Installation of One New Fire Hydrant as part of NJ American Water Company’s Mine Brook Road Water Main Extension Project
- Authorizing Execution of Developer’s Agreement with RPM for 63 Bernards Avenue 100% Affordable Housing Development Property
- Requesting Approval of Items of Revenue and Appropriations Per NJSA 40A:4-87, Clean Communities
- Requesting Approval of Items of Revenue and Appropriations Per NJSA 40A:4-87, 2022 Recycling Tonnage Grant
- Requesting Approval of Items of Revenue and Appropriations Per NJSA 40A:4-87, PSE&G Foundation, 2025 Sustainable Jersey Grant
- Requesting Approval of Items of Revenue and Appropriations Per NJSA 40A:4-87, Water Resources Planning Management Stormwater Assistance Grant
- Authorizing the Mayor to Sign Renewal Contracts with Far Hills Country Day School, Somerset Hills School District, and St. Elizabeth’s School for Special Law Enforcement Officers (SLEO III)
- Authorizing the Hiring of Part Time Substitute Dispatchers
- Authorizing an Amount of \$6,500 to Loeffler Pool Management for Winterization of the Municipal Pool
- Appointing Samantha D’Antuono as a Full Time Dispatcher
- Accepting the Resignation of Patrolman Samuel Pradarits

- Accepting the 2025 Emergency Operation Plan (EOP) For the Borough of Bernardsville
- Dayton Crescent Grant Extension Request
- Appointment of a Truck Driver/Laborer
- Governing Body Certification of the Annual Audit (2024)

Presentations

A presentation on the 2024 Audit will be done by Suplee Clooney at the September 29, 2025 council meeting.

OTHER BUSINESS AS MAY BE REQUIRED BY THE COUNCIL

Municipal Attorney Report – there were no questions or comments from council on Mr. Pidgeon’s monthly report.

Recreation Committee, Mr. Zazzarino said the Recreation Department reviewed the pool season, noting excellent staffing and water quality. Some minor issues, such as chair shortages will be addressed for next season. He said summer camp ran smoothly and future trips for camp participants may be reintroduced. Increased focus on advertising and planning for pool events, including movie nights, is planned. He said an upcoming Halloween event will take place on October 25th at the Polo Grounds. It will feature a petting zoo, DJ, pumpkin painting, trunk-or-treat, and a maze. Promotion for this event will be done via social media and other community ways. The senior barbecue event had record attendance of 40 participants, with entertainment including trivia, bingo, and music.

Environmental Commission, Mr. Traynor said the Commission asked about the status of Highlands Preservation Ordinance. He said he informed them that mapping is in progress by Jessica Caldwell and a grant will cover the cost of mapping. He said he believes we are on track to have that done by the end of the year. The Environmental Resource Inventory (ERI) will be updated and coordinated with the Planning Board for the master plan reexamination. He said the Commission discussed the C-PACE program. The Adopt-a-Drain program will start next month with prior funding support.

Board of Health, Ms. McCredie said the Board discussed a lead level issue from a resident. The Board appointed a new registrar, Jenelle Sorisi. She said they are promoting blood pressure screenings. There is a vaccine drive scheduled at the Library on October 27 and fees apply only to uninsured participants. A flyer will be posted on the borough website.

Public Works Committee, Ms. Malool said the West Street/Boylan project may be delayed due to New Jersey American Water installing a new water main. A pre-construction meeting is scheduled to discuss timing. She said current paving projects are underway on Holly Ridge, Dogwood, Skyline, Hardscrabble, and Chestnut to Jockey Hollow. Completion is expected next Monday. Ms. Malool said the walking path contractor needs to finish grass seeding and funding is available for punch list items. The

Childs Road and train station project are under survey with awards expected in December. The pavilion and stairway projects may require external architects/engineers.

Public Safety Committee, Ms. Malool said enforcement efforts on speeding and traffic violations have increased. There were 140 stops recorded over six days, exceeding the ten year average of 60. Accreditation assessors visited and will meet with Chief Remian on October 9. She said we expect full accreditation shortly. Traffic safety improvements include upcoming flashing beacons.

Correspondence - None

Unfinished Business

Post Office, Ms. Malool discussed the post office building. We are currently exploring retail use options. The market-rate rent established at \$30 per square foot which is approximately \$180,000/year. She said there are resident concerns regarding maintenance, parking lot, and general upkeep. The Borough is now responsible for property maintenance.

New Business

Major Disposal of Parkland Hearing at 8:00pm at the September 29th Borough Council Meeting, Mr. Pidgeon said a public hearing will be held at the September 29th council meeting for major parkland disposal. He said the resolution cannot be scheduled until October due to advertising and public notice requirements. Mr. Pidgeon gave background on this topic. He said Claremont Field contains a building and parking lot encroaching on Green Acres-protected land. The Rossi's property (75 Claremont Road) and Ludlow's property (71 Claremont Road) were found to overlap with parkland based on recent surveys. To comply with Green Acres regulations, the borough must provide substitute land. Rossi's encroachment required a 20:1 ratio of replacement property. Ludlow's encroachment required a 1:1 replacement ratio. Substitute land was taken from 271 Mine Brook Road and will remain parkland. Rossi and Ludlow are paying cash for their encroachments. Funds will go to the Open Space Trust Fund. No changes will occur to Claremont Field and the park remains fully dedicated to public use. The transaction is beneficial to the borough, as the encroached parking lots were no longer in use and the borough will recover costs associated with the process. Some public concerns were already addressed, emphasizing that this is essentially a land swap (or diversion) and the overall parkland remains protected.

Health and Dental Insurance, Ms. Malool said the State Health Benefits Plan will increase by 36% which prompted exploring alternatives with our Risk Manager. She said after reviewing quotes from four carriers, New Jersey Solutions Health Insurance Fund (HIF) plan backed by Horizon Blue Cross Blue Shield was chosen. While the new plan still represents an increase, it is substantially less than the state plan and maintains the same level of benefits, which is necessary to comply with union contracts. The borough also secured improved dental coverage with only a modest cost increase. A resolution

will be on the agenda at the September 29th council meeting to authorize the change before the November 1st deadline.

Tie the Town Pink, council consent was given to Dance For The Cure to hang pink ribbons in town in recognition of breast cancer awareness month in October.

CLOSED SESSION

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

ADJOURNMENT

The meeting was adjourned at 10:00p.m.
