

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**December 9, 2019**

Mayor Canose called this meeting to order at 7:00 p.m. Present were Council Members John Donahue, Diane Greenfield, Jeff Hammond, Thomas O’Dea, Jr., Chris Schmidt, and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Ralph A. Maresca, Jr., Administrator/CMFO, and Anthony Suriano, Borough Clerk.

**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 11, 2018.

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

**Proclamation for Bernards High School Boys Soccer Team**, Allen Thurlow, Assistant Coach, thanked the Mayor and Council for recognizing the team at this meeting. Mayor Canose read the proclamation and distributed a copy of the proclamation to each member and coach of the soccer team. A short recess was taken.

**OPEN SESSION**

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

**ORDINANCES (Public Hearing)**

Mayor Canose continued the public hearing from November 12, 2019 Ordinance #2019-1807, **AN ORDINANCE AUTHORIZING INSTALLATION OF A SPEED HUMP ON WESLEY AVENUE AND SUPPLEMENTING AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED “TRAFFIC”**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Hammond said there has been new information from Chief Valentine showing improvement from use of the electronic speed signs. He said this proves the speed signs’ worth and he does not want to move forward with this ordinance. Ms. Zamarra said while the problem may not have been solved forever, we feel we have made significant improvements that we do not want to proceed with the ordinance. Mr. O’Dea asked if we can get another report in the future with data in about four months. Chief Valentine said it is easy to get data from the signs and will continue to monitor the data. No motion was made to adopt this ordinance.

Mayor Canose continued the public hearing from October 28, 2019 on Ordinance #2019-1810, **AN ORDINANCE PROHIBITING MARIJUANA FACILITIES AND SUPPLEMENTING AND AMENDING SECTION 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED “ZONING”**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Pidgeon said the Planning Board recommend changing the word “prescription” to “recommendation”. Mr. Hammond said while it is a prescription we cannot call it that. Mr. O’Dea asked if the wording is appropriate to legally identify people in a clinical trial are accepted by this ordinance. Mr. Pidgeon said it can be challenged but that would not be a determining factor. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published (following the October 28<sup>th</sup> amendment). Ms. Greenfield seconded the motion. Mr. Hammond said we have heard from the public in the past about not wanting kids to walk past a dispensary and not displaying signage. He said this is not a place you would walk by and know that it is a marijuana dispensary. Mr. Hammond said some people have thought this would diminish the value of our town. He said it would not increase traffic and data has shown that home values increase when there is a dispensary. Mr. Hammond read three studies from Denver, Colorado. He said as far as approving this and having it become a way to expand to recreational marijuana, we can control that. He said he is against approval of recreational marijuana and per a seminar on this topic at the NJ League Conference held in November, as soon as the state makes a ruling, municipal ordinances are null. A roll call vote was taken on the motion to adopt this ordinance earlier in this section. Mr. Donahue, Ms. Greenfield, and Mr. Schmidt voted yes. Mr. Hammond, Mr. O’Dea, and Ms. Zamarra voted no. Mayor Canose voted yes to break the tie and the ordinance passed.

Mayor Canose opened the public hearing on Ordinance #2019-1827, **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION**. Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Schmidt moved to pass this ordinance on final reading and adopt as amended. Ms. Greenfield seconded and the motion was approved by a roll call vote. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea and Mr. Schmidt voted yes. Ms. Zamarra abstained.

Ms. Zamarra moved that Ordinance #2019-1828, **SALARY ORDINANCE FOR EMPLOYEES OF THE BOROUGH OF BERNARDSVILLE WHO ARE MEMBERS OF THE PUBLIC WORKS EMPLOYEE ASSOCIATION**, 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., Thursday, December 19, 2019. Ms. Greenfield seconded and the motion was approved with six yes votes.

Mr. Hammond moved that Ordinance #2019-1829, **AN ORDINANCE INCREASING THE ANNUAL REGISTRATION FEE FOR VACANT AND ABANDONED PROPERTIES**

**AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED “PROPERTY MAINTENANCE”**, 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., Thursday, December 19, 2019. Ms. Zamarra seconded and the motion was approved with six yes votes.

### **RESOLUTIONS**

- #19-237      AUTHORIZING PAYMENT OF BILLS**
- #19-238      AUTHORIZING THE MAYOR AND CLERK TO SIGN A  
TRANSPORTATION SERVICE CONTRACT WITH SOMERSET  
COUNTY**
- #19-239      AWARDING A CONTRACT FOR EMERGENCY TREE  
PRUNING/REMOVAL**
- #19-240      RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87  
NJ DIVISION OF CRIMINAL JUSTICE 2018 BODY ARMOR  
GRANT**
- #19-241      AUTHORIZING A TRANSFER OF FUNDS**
- #19-242      AUTHORIZING AN AGREEMENT WITH THE SOMERSET  
HILLS REGIONAL SCHOOL DISTRICT TO PROVIDE SPECIAL  
POLICE OFFICERS IN DISTRICT SCHOOLS**

Ms. Greenfield moved to adopt Resolutions #19-237 to #19-242. Ms. Zamarra seconded the motion and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O’Dea, Mr. Schmidt, and Ms. Zamarra voted yes.

### **ITEMS OF BUSINESS**

#### **Mayor’s Update**

Mayor Canose said she went to Trenton on November 26<sup>th</sup> for our plan endorsement pre-petition meeting with Borough Planner, John Szabo and Walter Lane of the Somerset County Planning Board. They discussed town designation and we have to go through the process of pre-petitioning and that was the first meeting where we provided all of our data. Mayor Canose said she attended the interfaith Thanksgiving service at St. Marks’ along with the Mayor of Bernards

Township. November 30<sup>th</sup> was Small Business Saturday and Olivia Manning of Downtown Bernardsville had a tent set up. Many people attended including a lot of non-residents. Mayor Canose and Mr. Hammond participated in the tabletop exercise held at the firehouse with Chief Valentine. She said it was very valuable in preparing for a big snow storm. On December 5<sup>th</sup> Mayor Canose attended the Ridewise breakfast to get an award for outstanding achievement in creating programs that provide and promote commuting options for employees. Mr. Schmidt asked about the mural project and Mayor Canose responded that we should have the artwork design in January and the painting should begin in May. On December 7<sup>th</sup>, Mayor Canose and Mr. Maresca served at the Lions Club lunch for seniors at the Presbyterian Church. Also on December 7<sup>th</sup> the tree lighting took place. On December 8<sup>th</sup>, Mayor Canose was invited to the Spin-A-Thon at Cycle Bar. Mayor Canose said the Cookie Crawl and Holiday Parade are this coming Saturday.

### Correspondence

There was none.

### Unfinished Business

Mr. Hammond said at the last meeting he announced that he and Ms. Zamarra would try to pursue a technical assistance grant for bicycle corridors from Ridewise. He said we need a resolution of support to make the grant application to the Complete Streets Tech Assist Program.

Ms. Zamarra moved adoption of **Resolution #19-243, RESOLUTION AUTHORIZING AN APPLICATION TO THE COMPLETE STREETS TECHNICAL ASSISTANCE PROGRAM**. Mr. Hammond seconded and the motion passed with six yes votes.

### New Business

There was none.

### **CLOSED SESSION**

It was moved to adjourn to an executive session to consider Pending Litigation, Contract Negotiations, Attorney/Client Privilege 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.

**REOPEN**

It was moved and seconded to reopen the meeting to the public. The motion passed with six yes votes.

**ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

---