

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Minutes  
September 23, 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**

**Swearing in of Sergeants Dan Buttell and Michael Paradiso  
and Patrolman Peter Archibald**

Borough Clerk Anthony Suriano swore in Patrolman Peter Archibald and Sergeants Dan Buttell and Michael Paradiso. Each officer recited the oath of office.

**Mayor's Proclamation – Knock Out Opioid Abuse Day**

Mayor Canose read a proclamation which proclaimed October 6<sup>th</sup> as Knock Out Opioid Abuse Day in Bernardsville.

**Downtown Revitalization Committee**

Paul Sedlak, Downtown Revitalization Committee, asked council to pass Resolution #19-191 which will be considered later in this meeting, and will approve a professional services agreement with Topology NJ, LLC, for planning services in connection with the Quimby Lane area. He provided questions and answers about the revitalization project for publication on the website. Council had no objections to posting. Mr. Sedlak asked council to consider hiring a redevelopment attorney and said the Downtown Revitalization Committee supports Topology's recommendation of attorney John Inglesino.

**APPROVAL OF MINUTES**

Ms. Greenfield moved approval of minutes from August 12, 2019, August 28, 2019, and September 9, 2019. Mr. Donahue seconded and the motion was approved with six yes votes.

**OPEN SESSION**

Michael dePoortere, Mine Brook Road, discussed Ordinance #2019-1810. He said we have a lot of problems with opioids and those with pain should be able to get the pain medication they need. Mr. dePoortere asked council to look at information and statutes before making a decision on this ordinance.

Patricia DeLeo, Mine Mount Road, discussed Ordinance #2019-1810 and asked if the term in the ordinance “marijuana facilities” covers dispensaries. Mr. Pidgeon said that was the recommendation of the Board of Health, and facilities was meant to be a broader term that included dispensaries, but that could be added. Ms. DeLeo suggested more specific language regarding alternative treatment centers in paragraph two and use of licensed physicians and pharmacists be removed from paragraph three. She suggested Mr. Hammond recuse himself from voting on this ordinance, and said while not saying he would do it, the ordinance as written could possibly give him an opportunity to benefit from what she is considering a loophole. Mr. Hammond responded that while he went through the state process to be able to prescribe, he does not have a clinical practice, does not see patients, and there is no way he would benefit. He added he addressed this when he attended the Board of Health meeting. Mr. O’Dea said it is helpful to have someone on the council like Mr. Hammond who has medical training and experience. Ms. DeLeo said Mr. Hammond is a licensed physician and the ordinance provides him an opportunity the way it is written.

David Neill, Prospect Street, suggested council table Resolution #19-191, which authorizes a professional services agreement with Topology NJ LLC regarding the downtown redevelopment project. He added that some property owners in the area that the downtown redevelopment would take place are considering legal action.

Jeff DeLeo, Mine Mount Road, read questions directed to the Mayor and Council regarding Ordinance #2019-1810. The questions are 1) do you or any members of your immediate family have any financial interest in marijuana facilities and dispensaries, now or in the foreseeable future? 2) Do the companies or hospitals you are employed by have any financial interest in establishing marijuana facilities or dispensaries in Bernardsville? 3) Mr. DeLeo said he viewed everyone’s financial disclosure statement on the state’s website, and no one has disclosed that they have any financial interest in marijuana facilities or dispensaries. He asked if someone has anything to disclose, to please disclose it. Ms. Zamarra said her workplace prohibits her from investing in any marijuana related investments.

Paul Sedlak, Charlotte Hill Drive, said to meet our affordable housing commitment there is an 80 unit overlay in the Quimby Lane area and if we do nothing as a town, any developer can build 80 units to totally suit their benefit. He said by doing the downtown revitalization project, we can build to meet affordable housing requirements in a way that benefits the residents of Bernardsville.

Melanie dePoortere, Mine Brook Road, said Ordinance #2019-1810 is a bad idea. She said to bring a facility into our town, in the future, the governor can approve it for recreational use, we will have a really big problem.

Andi Williams, Executive Director of Community Outreach and Development from Community In Crisis, read a statement from Community In Crisis and urged council to wait until more research is done. She said there is concern for youths and left references of marijuana policies for the council to review.

Paul Sedlak, Charlotte Hill Drive, discussed Ordinance #2019-1818 and said the statement of purpose is to exempt public safety communication towers from the requirement that borough projects obtain site plan approval, subdivision approval, and C variances from the Planning Board. He said he respects the departments of Police, Fire, and First Aid Squad, and understands the need for communication towers, but he feels that there could potentially be a tower next to a resident's property with no public notice. He asked to have reconsidered the requirement of giving notice.

Glenn Miller, Fire Chief, said this ordinance has been requested as the county will not participate in a full Planning Board review due to costs. He said we are one of a few towns that has an ordinance requiring full Planning Board review for any type of equipment on borough property. Mr. Miller said it is a concern of the volunteers to be able to communicate on some emergency calls and gave examples of past calls where radio communication was an issue and it is a scary topic. He said they are not saying residents can't come to the council and voice their opinions and ask for a tower to be relocated, but the only way to have a tower built is to not require a full Planning Board review. Mr. Miller said that is the only way the county will spend money on a tower and that is why the ordinance was requested. Mr. O'Dea said the county would pay the full cost to construct the tower. Mayor Canose added the county would not pay for Planning Board review.

Peter Birnbaum, Round Top Road, spoke about Ordinance #2019-1810 regarding marijuana. He said he looked at other industries regarding possible conflicts of interest with this ordinance. Mr. Birnbaum said people who have been funding the anti-cannabis movement include the liquor industry, police departments getting federal and state funds for enforcement, prison complexes from arrests, pharmaceutical companies. He suggested council look at these other potential conflicts.

Jim Jackson of Prestige Auto, said there are rumors that members of the Downtown Revitalization Committee have been in touch with business owners. He said he got a phone call over a year ago from Bonnie Sellers that lasted about a minute and a half, asking him if he thought it was a good idea to do revitalization downtown. He responded yes and has not been contacted since that time by any member of the committee to ask of his opinion. Mr. Jackson said social media and the newspaper stated businesses and property owners in that area are on

board and going to be compensated, but none of them have heard from anyone. He said communication could be better to keep people informed of what is going on.

Tom Wood, Grove Street, said there is lack of communication on the downtown revitalization project and it is moving too quickly. He mentioned sewer pipes in district three that will eventually need repair. Mr. Wood said there are no plans for revitalizing district three or Olcott Square and we should think this through before revitalizing the wrong part of town. He added that Quimby Lane is a great area the way it is. Mr. Wood said money is continuing to be spent and this is costing the taxpayers a quarter of a million dollars even though it was sold at no cost to the taxpayers. He suggested council think this project through.

Michael Sullivan, Stevens Street, responded to the prior comments on downtown revitalization. He said there has been dramatic loss to the housing values. He said the idea of this project is to maintain control and have the town work with a developer or several developers and not give control to a developer who builds what they want.

David Neill, Prospect Street, talked about a potential 80 low income units on Quimby Lane. He said he does not want to see COAH tied into why the downtown revitalization project has to be done.

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

### **ORDINANCES (Public Hearing)**

Regarding 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"**, Mr. Hammond mentioned that there were questions and answers about this ordinance posted on the website earlier today since the traffic engineer who provided the answers had been away and suggested tabling the ordinance to the next meeting.

Mayor Canose opened the public hearing on Ordinance #2019-1807.

David Ross, Wesley Avenue, said he is opposed to installation of a speed hump in front of his house on Wesley Avenue. He said it impacts living and would like to learn more about other solutions. Mr. O'Dea said a speed hump is lower than a speed bump and is less noisy. Mr. Schmidt said a speed table is the quietest but there is no room for one on Wesley Avenue. Mr. Hammond asked for the following two questions to be asked to the traffic engineer. What is the noise generated by a typical sedan travelling at 25mph going over a speed hump? What is the noise generated by a typical sedan travelling at 35mph going over a speed hump?

Jackie Somers, Wesley Avenue, said she is opposed to installation of a speed hump on Wesley Avenue. She said she would like to know what is the noise generated by other vehicles that frequently drive on Wesley Avenue, such as school buses, garbage trucks, and landscaping vehicles with trailers? This question and Mr. Hammond's question will be sent to the traffic engineer and the answers will be posted on the website.

Simon Leyland, Wesley Avenue, said he understands the noise concerns from speed humps but is in favor of installation.

Mr. Hammond moved to continue the public hearing to the October 15, 2019 meeting. Ms. Greenfield seconded and the motion passed with six yes votes. Mr. Pidgeon stated that no further notice would be given.

Regarding Ordinance #2019-1810, **AN ORDINANCE PROHIBITING MARIJUANA FACILITIES AND SUPPLEMENTING AND AMENDING SECTION 12 OF THE BOROUGH LAND USE ORDINANCE ENTITLED "ZONING"**, council discussed possible amendments for Mr. Pidgeon to make and distribute to council for the next meeting. The amendments were to allow clinical trials; and as recommended by the Board of Health to include "and dispensaries" in the title; stating that a licensed physician should only be allowed to write and a pharmacist allowed to fill a prescription for medical marijuana. Mayor Canose took a straw poll regarding allowing clinical trials. Mr. Schmidt was opposed and there were no other oppositions. Ms. Greenfield moved to direct Mr. Pidgeon to make the amendments as noted. Mr. Donahue seconded and the motion was approved with six yes votes. The amendments will be presented at the October 15<sup>th</sup> meeting.

Mayor Canose opened the public hearing on **ORDINANCE #2019-1812, AN ORDINANCE APPROPRIATING \$146,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR VARIOUS IMPROVEMENTS TO EXISTING BOROUGH RECREATION AND OPEN SPACE FACILITIES** and mentioned no specific costs are listed for the items and read the list of items.

Jeff DeLeo, Mine Mount Road, said he would like it to be specified how much each item will cost. Mayor Canose said that will be in a separate resolution for each project. Mr. DeLeo asked why we are draining the lower Polo Grounds. Mr. O'Dea said there is standing water in left field and Mr. Walker said we are just draining the left field area and not the whole field.

Pat McFadden, Chair of the Open Space Committee, asked about prices for the Recreation Plan Study. Mr. O'Dea and Mayor Canose said there will be an RFP for that project. Mr. O'Dea added that it is a forward looking plan that would address a broad spectrum of needs. He said rather than using 2018 or 2019 money toward the plan, after the RFP and we bid the plan, he feels we should reimburse the 2018 and 2019 money with 2020 money assuming the referendum passes. Mr. O'Dea said his opinion is based on whether the referendum passes. Mayor Canose

said regardless whether the referendum passes, we still need a plan. Mr. O'Dea moved to pass this ordinance as amended on September 9<sup>th</sup> on final reading and adopt as published. Mr. Hammond seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

Mayor Canose opened the public hearing on **ORDINANCE #2019-1817, APPROPRIATING THE SUM OF \$45,000 FROM THE SEWER UTILITY CAPITAL FUND FOR PRELIMINARY ENGINEERING EXPENSES AND PUMPING STATION LANDSCAPING.** Mr. Macdowall explained that the Maple Village Pump Station is in need of fencing and landscaping and the Pill Hill Pump Station is in need of plantings to screen the wet well enclosure. He added that leatherleaf viburnum is needed in both locations. Preliminary engineering services on Dayton Crescent are necessary as well. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published. Mr. O'Dea seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

Mayor Canose opened the public hearing on **ORDINANCE #2019-1818, CONCERNING PUBLIC SAFETY COMMUNICATIONS TOWERS AND SUPPLEMENTING AND AMENDING THE BOROUGH ADMINISTRATIVE CODE AS SET FORTH IN CHAPTER II OF THE BOROUGH CODE.** Mr. O'Dea asked about the process for a installing a communications tower. Mr. Pidgeon said it would have to go before the Planning Board for non-binding review but no site plan approval, subdivision approval, or "c" variances are required. He added there is no requirement for notice to properties within 200 feet, but when the topic comes before council, it will be seen on the agenda by the public. Mr. Schmidt moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and a call of the roll followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

## RESOLUTIONS

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|----------------|---|
| <b>#19-180</b> | <b>AUTHORIZING PAYMENT OF BILLS</b>   |
| <b>#19-181</b> | <b>ACCEPTING MONTHLY REPORTS</b>  |
| <b>#19-182</b> | <b>AUTHORIZING THE EMPLOYMENT OF EDWARD CHRISTOPHER KRISTOFF, SEWER MAINTENANCE/LABORER</b> |
| <b>#19-183</b> | <b>AFFIRMING THE APPOINTMENT OF PETER ARCHIBALD AS PROBATIONARY POLICE OFFICER</b>          |

- #19-184      REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS PER NJSA 40A:4-87 2019 MUNICIPAL YOUTH SERVICES GRANT**
- #19-185      AUTHORIZATION OF A TAX REFUND**
- #19-186      AUTHORIZING REFUND OF OVERPAYMENT OF 2018 TAXES FOR TAX COURT OF NJ APPEAL 11 CHARLOTTE HILL DRIVE**
- #19-187      AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7000-0021 FOR MR. & MRS. BENJAMIN JOHNSON FOR 40 CLARK ROAD**
- #19-188      AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT 04-280-7000-0012 FOR ALL AMERICAN BUILDERS FOR 187 NORTH FINLEY AVENUE**
- #19-189      AUTHORIZING MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2019-2020**
- #19-190      APPOINTING A CLASS III SPECIAL POLICE OFFICER**
- #19-191      AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TOPOLOGY NJ LLC FOR PLANNING SERVICES IN CONNECTION WITH QUIMBY LANE AREA**

Mr. Donahue moved to adopt Resolutions #19-180 to #19-190. Mr. Hammond 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.

Regarding Resolution #19-191, Mr. Schmidt said from what Mr. Sedlak discussed earlier in the meeting, the amount should be \$22,000 to retain Topology and not \$17,000 as noted in the existing resolution. Mr. O'Dea said \$22,000 was the original plan. Council allowed Kathleen Palmer, Prospect Street, to speak. Ms. Palmer said the whole downtown revitalization is misdirected and will not solve empty storefronts. She added that we need to work with the owners of those stores. Michael Sullivan, Downtown Revitalization Committee, said we are equity partners in this and the council has to have control of the development project. He added that we cannot do anything until Topology is approved. Mr. O'Dea moved to adopt Resolution #19-191 and to change the amount to not to exceed \$22,000. Mr. Hammond seconded the motion and a roll call vote followed. Mr. Donahue, Ms. Greenfield, Mr. Hammond, Mr. O'Dea, and Ms. Zamarra voted yes. Mr. Schmidt voted no.

**Municipal Attorney's Report**

There were no comments or questions from council on Mr. Pidgeon's report of August 6, 2019.

**Council Committee Reports**

**Public Safety Committee,** Mr. Schmidt said the committee has not met since the last committee report and three officers were sworn in earlier in tonight's meeting.

**Finance Committee,** Mr. O'Dea said the committee met with Glenn Miller and Rich Maddaluna of the Fire Company to discuss future plans and options for allocation of funds and extending useful life of their equipment. He said the committee also reviewed year to date expenses as they relate to the 2019 approved budget including the following: known upcoming expenses and their impact on the 2019 budget; variable expenses such as snow exposure, downtown revitalization costs, and their potential impact on the current 2019 budget; staffing of vacant positions; the impact of future road projects that would potentially occur over the next ten years; the impact of newly acquired open space to the current and future budgets; labor negotiations that will impact future budgets. Mr. O'Dea distributed an updated ten year debt service plan which is a work in progress and will be discussed at future committee meetings and given to the whole council.

**Personnel Committee,** there was nothing new to report.

**Engineering, Technology & Public Works Committee,** Mr. O'Dea said the committee discussed the ongoing work being done of managing road projects. One of the main areas the committee discussed was the potential to do road reconstruction as the existing ten million dollar bond starts to phase out. Road repairs in the future will continue and the committee wants to be proactive about it by keeping the overall total lifetime costs down of repairing our roads. They initiated discussion of work on Stevens Street where contaminated soil has been removed and the circumstances surrounding that continue to be investigated. There will be further meetings with Ferriero Engineering to discuss that project and other projects going on within the borough.

**Other committee/commission reports**

**Housing,** Mr. Hammond said the committee discussed Ordinance #2019-1813 related to property maintenance enforcement. He said the Zoning Enforcement Officer is working with our attorney and police on how to handle violators. The committee feels it would be helpful for them to meet with the new prosecutor. Approval was given to look for assistance with housing and zoning enforcement and resumes are being received.

**Council Liaison Reports**

**Environmental Commission,** Mr. Donahue said he was unable to attend the last meeting.



**Recreation Committee**, Mr. Donahue said the topic of grass fields was discussed and there are grubs and dead spots and we need to look at what is causing that and revisit this topic. Ms. Zamarra said we are not doing organic maintenance. Mr. Donahue asked what we are doing with maintenance of the Polo Grounds. Ms. Zamarra said we are not doing anything and that is not an organic program. Mr. Donahue suggested going back to synthetic maintenance or something else as the fields are deteriorating. Mr. Donahue said it was brought up at the last meeting that treasure hunters were using metal detectors and digging saucer shape holes at the Polo Grounds. The Borough Clerk was directed to contact the individual who recently asked for permission to use a metal detector at the Polo Grounds and inform them that we are aware of this damage to borough property and that they will be held fiscally responsible for any future events of damage that occur from their use of a metal detector. In that instance, the borough would make the repairs and then charge the individual. Mr. Donahue asked to use the Polo Grounds for a Middle School mountain biking “try it out event” on October 24 from 4:00pm to 6:00pm. There should be about 15 kids doing drills on the grass by the softball field for about an hour, then they will apply the skills learned by riding on the short walking path behind the school for the last hour. A certificate of insurance and hold harmless agreement will be submitted.

**Shade Tree Committee**, Mr. Hammond said the committee met on September 18<sup>th</sup>. He said that after discussion with Mr. Macdowall and the supplier of the plants, the proposed fall plantings along Route 202 on borough property have been postponed until the spring because the dogwoods and redbuds are at higher risk of failing if planted now. Mr. Hammond said talks are ongoing with our consultant about the inventory. He said the inventory will include species size, location, and health, and is required for our management plan. Mr. Hammond said they hope to have a table at the Farmers’ Market with information about invasive species and the tree ordinance.

**Board of Health**, Ms. Greenfield said in addition to discussing the marijuana ordinance and a draft of the upcoming vape ordinance, the Health Department is offering seasonal flu shots for children over four and adults. No appointment is needed and it is \$25 for residents and \$35 for non-residents. They will be held in various places throughout our area with one on October 16<sup>th</sup> at the Bernardsville Library from 3:30pm to 5:30pm. Rabies shots for dogs and cats are free at the Bernards Township Public Works Garage on November 9<sup>th</sup> from 10:00am to 12:00pm and no appointment is needed.

**HPAC**, Ms. Greenfield said Friends of Historic Bernardsville received a grant from the NJ Historic Trust for the Dunster Squibb House for \$222,349. This grant will be used for structural framing in the main house, reinforcement of existing floor area, new floor area, and any remaining money will be used for electrical work on the porch area. Once these repairs are completed it will be safe to go in the house and work on additional plumbing and electrical needs. The barn and garage painting is ongoing with the color being dark green with beige trim.

**Green Team,** Ms. Zamarra said the Green Team is showing a movie at the Bernardsville Library tomorrow night called The Biggest Little Farm. Two local farmers will be discussing their farming practices before the movie.

**Open Space Advisory Committee,** Pat McFadden, Chair, said they would like to get together with residents who live around Peters' Tract to hear their concerns about getting access to it. She said this would be done before sending out a survey. Mayor Canose suggested they meet at 251 Claremont Road and Mr. Walker will provide access. A date for this meeting is still to be determined.

## **ITEMS OF BUSINESS**

### **Deer Management 2019-2020**

Ed English requested renewal of the deer management program for the 2019-2020 season. He said this will be the fourth year of the program and it is in line with state and Rutgers' guidelines. Mr. Hammond asked about safety training. Mr. English said the hunters are from Warren Blue Ridge Sportsman Club and must pass safety training by the state and follow the safety standards of the club. It was noted that a .69 piece of land at Borough Springs which was on the list in the past was removed. Mayor Canose asked if the 4.40 piece of land had been removed from the list of approved borough property for deer management when a resident came to council last year with concerns over use of that piece of lane. Mr. Suriano will review the notes from that meeting when this topic was discussed. Ms. Zamarra moved approval of the deer management program for 2019-2020. Mr. Hammond seconded and the motion was approved with six yes votes.

### **December Council Meeting Schedule**

Council consent was given to change the date of the December 23<sup>rd</sup> council meeting to December 19<sup>th</sup>. The start time of 7:00pm will remain the same. A notice of this change will be provided to the borough's official newspapers.

### **Outside Employment for Glenn Plesnarski**

Council consent was given to allow Glenn Plesnarski, Sewer Treatment Plant Operator, to accept outside employment. The request noted that the outside employment will not interfere with borough employment.

### **Animal Control Contract**

Chief Valentine asked for a copy of the proposed contract for review with the police officers who handle animal cruelty matters. No action was taken as council will await review by the police department.

**Draft Ordinance Prohibiting Vape Shops and Supplementing and Amending  
Section 12 Of The Borough Land Use Ordinance Entitled “Zoning”**

Ms. Greenfield said you have to be 21 to buy cigarettes and can sell them at 18, but in the draft ordinance, it states you have to be 21 to buy vaping materials but you also have to be 21 to sell them. She suggested the ordinance should be consistent with current federal laws and the age should be changed to 18 in our ordinance. Mr. Hammond said that would be for the next item of business which is a second draft ordinance regarding this topic. He added that the first draft ordinance defines what a vape shop is and indicates it should be banned from our zoning. Mr. Hammond moved that Ordinance #2019-1819, **AN ORDINANCE PROHIBITING VAPE SHOPS AND SUPPLEMENTING AND AMENDING SECTION 12 OF THE BOROUGH LAND USE ORDINANCE 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., October 15, 2019. Mr. O’Dea seconded and a roll call vote followed. Council Members Donahue, Greenfield, Hammond, O’Dea, Schmidt, and Zamarra voted yes.

**Draft Ordinance Restricting Retail Electronic Smoking Device  
Establishments and Supplementing And Amending Chapter III  
Of The Borough Code Entitled “Police Regulations”**

Mr. Hammond said this next draft ordinance addresses the retail component and requires licensing from the venue that sells it, prohibits sales within 1000 feet of a school or recreational area, and prohibits sales from people under the age of 21 and also gifting or giving to those under 21. Ms. Greenfield’s statement from the last item was discussed and Mr. Pidgeon concurred that we can change the age from 21 to 18 for being able to work in an establishment to sell. This will be consistent with the sale of alcohol at liquor stores. It was noted that the fees and penalties in the ordinance have been changed to be consistent with state law. Mr. Hammond moved that Ordinance #2019-1820, **AN ORDINANCE RESTRICTING RETAIL ELECTRONIC SMOKING DEVICE ESTABLISHMENTS AND SUPPLEMENTING AND AMENDING CHAPTER III 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., October 15, 2019. Ms. Greenfield seconded and the motion was approved with six yes votes.

**Mayor’s Update**

Mayor Canose said she and Mr. Walker met with Karen Frost Homestead, who will be helping with the mural project, and discussed the schedule with the goal to have it completed by Memorial Day. On October 16<sup>th</sup> there will be a community meeting held by Downtown Bernardsville in the cafeteria at Bernards High School. The Mayor and Mr. Hammond attended a recent Somerset County Governing Officials meeting where the speaker talked about homegrown terrorists. Mayor Canose and Jeff Horowitz attended a creating vibrant

neighborhoods workshop on September 13<sup>th</sup> about energy construction codes and how to have energy efficient buildings. On September 17<sup>th</sup> there will be an open house at the J. Walker Wellness Center. On September 18<sup>th</sup>, the Mayor, a member from the YMCA, Matt Kneafsey from the First Aid Squad, and Ken Keleher from the Sewer Department bagged groceries for their Bag Hunger Project. Mayor Canose said she was at the Community Arts facility at Fellowship Village and they have a very nice facility. The Somerset County Complete Count Committee had a kickoff meeting on September 19<sup>th</sup>. On September 21<sup>st</sup> Mayor Canose attended a ribbon cutting ceremony with Lisa With Heart which is a business that does CPR training. Diva For A Day Foundation gives a full spa day for women with cancer and they have a website to make nominations. Council was invited to a one year anniversary of the Kessler store which will take place on November 18<sup>th</sup>

### **Correspondence**

There was none.

### **Unfinished Business**

Mr. O'Dea said residents can still send emails to the Borough Clerk if they have more comments on the downtown revitalization project now that the online survey has been expired.

### **New Business**

There was none.

### **OPEN SESSION**

Kathleen Palmer, Prospect Street, encouraged Welcome To Bernardsville signs to be installed as other towns have signs. Mr. Walker said signs cannot be placed in the right-of-way and NJODT could take them if they are placed where they should not be. Mr. O'Dea said that we tried to go through the proper channels to put them up and we could check to see what other towns did. Ms. Zamarra suggested putting the signs by Moraine Crest, but Mr. Walker said that would be in the right-of-way.

Patty DeLeo, Mine Mount Road, asked what the Chamber of Commerce's role is in filling storefronts. Tom Ferguson said they are in the process of coming up with plans to remedy the situation.

Ms. DeLeo said in her role as a member of the Board of Health, at their last meeting, Health Officer Lucy Forgione said vaping is the responsibility of the Board of Health and not the council. Mr. Pidgeon said council can regulate it.

Melanie dePoortere, Mine Brook Road, encouraged council to review the documents Andi Williams handed out when the marijuana ordinance was discussed.

Simon Leyland, Wesley Avenue, said there are lots of kids on Wesley Avenue and spoke about safety concerns.

Mr. Macdowall said Ferriera Construction is looking at night work for the PSE&G gas line reconstruction project which will be from Spring House Road to Mount Airy Road.

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 Personnel Matters, Pending Litigation, Contract Negotiations, Collective Bargaining and Borough Attorney Report, 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.

Ms. Zamarra moved to adopt **RESOLUTION #19-192, GRANTING LEAVE WITHOUT PAY TO TOM BATTISTA**. Ms. Greenfield seconded and a roll call vote followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

Ms. Zamarra moved to adopt **RESOLUTION #19-193, AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC TO SERVE AS SPECIAL COUNSEL IN CONNECTION WITH QUIMBY REDEVELOPMENT PROJECT**. Mr. O'Dea seconded and a roll call vote followed. Council Members Donahue, Greenfield, Hammond, O'Dea, Schmidt, and Zamarra voted yes.

### **ADJOURNMENT**

The meeting was adjourned at 11:50 p.m.

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