

**BOROUGH OF BERNARDSVILLE**  
**Mayor & Borough Council Meeting Minutes**  
**April 12, 2021**

Mayor Canose called this meeting to order at 7:00 p.m. remotely via Zoom. Present were Council Members John Donahue, Jeff Hammond, Jena McCredie, Chad McQueen, Thomas O'Dea, Jr. and Christine Zamarra. Also present were John Pidgeon, Borough Attorney, Tom Czerniecki, Administrator, 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 24, 2020.

**PLEDGE OF ALLEGIANCE**

**OPEN SESSION**

Mayor Canose opened the meeting to the public.

Melissa Provost, President of Somerset Hills Little League, said they will be having a spring season this year. Opening day will be Friday night for softball and Saturday for baseball. She said they are spreading it out to respect the social distancing guidelines. She invited the Mayor and Council to join the festivities of opening day.

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

**ORDINANCES (Public Hearing)**

Mayor Canose continued the public hearing from March 22<sup>nd</sup> on Ordinance #2021-1876, **Ordinance #2021-1876, ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF BERNARDSVILLE AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS" AND ARTICLE 12 OF THE BOROUGH LAND USE REGULATIONS ENTITLED "ZONING"**. Mayor Canose said there are six different licenses for cannabis under the new law, that being cultivator, manufacturer, wholesaler, distributor, retailer, and delivery. She said if the council does not adopt an ordinance, then we are automatically committed to allow all of the licenses for five years before we could decide to opt out. She said if we opt out at this point, we could opt in at any time. She said opting out now gives the council the ability to review each application on an individual basis. She said we would need to opt out by August 22<sup>nd</sup> which is 180 days after Governor Murphy signed the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Paige Nielsen, Youth Engagement Coordinator with Community In Crisis, said there are a few youth members from their youth council that would like to be speak regarding this ordinance. Maura Woodland, Homestead Road in Basking

Ridge, commented that opening marijuana stores would make it significantly easier to fall down the dangerous path of drugs. Rohan Panjwani, Hansom Road in Basking Ridge, commented that allowing a marijuana shop would provide a negative impact on neighboring stores, the town, and its residents. Jabeen Sheikh, Parkwood Lane in Basking Ridge, commented that making marijuana easily accessible would leave adolescences under the false impression that marijuana use is not detrimental to their bodies, minds, and futures. Ms. Sheikh read a statement from youth member Joshua Sprinkle who was not able to attend the meeting. Mr. Sprinkle's statement commented that letting the substance into the community also allows it into schools which has a negative impact on its students. Jan Greco, Maple Village Court, said it is good that the youth members stood up to voice their opinions. Ms. Greco said they were speaking as kids and not as adults who have chronic syndromes, anxiety, and other medical reasons why medical marijuana is great. She said it should be appreciated in town. She said it is not about kids but about the adults and what is beneficial to the life of the town, and should not be viewed as a drug. Hearing no further comments from the public, Mayor Canose closed the public hearing. Mr. McQueen moved to pass this ordinance on final reading and adopt as published. Mr. Donahue seconded and the motion was approved by the following roll call vote. Mr. Donahue voted yes and said he agrees with the students that this would introduce more intoxicants and normalize them. Mr. Hammond voted yes. He said he vigorously supported approval of medical dispensaries as he feels it is good for Bernardsville economically and on a humanitarian basis. He said the current legislation from the state does not permit selectivity. He said he voted against the referendum and supported decriminalization and not legalization of marijuana. He said in November 2019, the NJ League of Municipalities was lobbying the state with a three to five percent tax. He said anything less was a concern that the tax revenue would not be able to support the infrastructure needed for a municipality. He said the two percent tax may be insufficient and end up costing the borough money. He said he is voting yes but would like to revisit the idea of a medical dispensary. Ms. McCredie voted yes. Mr. McQueen voted yes, and said when we discussed medical marijuana he was of the opinion that it was an entry point for the state to get legal marijuana available in every town. He said the actions of the governor have reinforced his opinion and he supports the prohibition. Mr. O'Dea voted yes. He said that would allow us to revisit this topic in the future unlike if we did not implement the ordinance now, we would have no ability to revisit and change anything for a five- year period. Ms. Zamarra voted yes. She said we could revisit this topic in the future and we have a time frame to adopt this ordinance, which is the correct thing to do right now.

Mayor Canose opened the public hearing on **Ordinance #2021-1877 AN ORDINANCE CONCERNING ALARM SYSTEMS AND SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE BOROUGH CODE ENTITLED "POLICE REGULATIONS"**.

Hearing no comments from the public, Mayor Canose closed the public hearing. Mr. Donahue moved to pass this ordinance on final reading and adopt as published. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea and Ms. Zamarra voted yes.

**ORDINANCES (Introduction) - None**

**RESOLUTIONS**

- #21-80      AUTHORIZING PAYMENT OF BILLS**
- #21-81      ACCEPTING A DONATION FOR THE ENVIRONMENTAL  
COMMISSION CLASS OF 2020 GARDEN**
- #21-82      AUTHORIZATION OF TAX REFUND**
- #21-83      AUTHORIZING REFUND OF ESCROW FEES - BOA  
APPLICATION #16-02, EQUINET PROPERTIES LLC**
- #21-84      SUPPLEMENTING AND AMENDING RECREATION FEES**
- #21-85      AWARDING A CONTRACT FOR RENTAL OF SNACK BAR AND  
RIGHT TO SELL FOOD AND SOFT DRINKS AT THE  
BERNARDSVILLE MUNICIPAL POOL**
- #21-86      ACCEPTING THE 2021 EMERGENCY OPERATION PLAN (EOP)  
FOR THE BOROUGH OF BERNARDSVILLE**
- #21-87      AUTHORIZING RENEWAL OF NJ LAND CONSERVANCY  
CONTRACT**
- #21-88      AUTHORIZING BIKE RACE EVENTS ON BOROUGH  
PROPERTY LOCATED AT 271 MINE BROOK ROAD**
- #21-89      AUTHORIZING AN APPLICATION FOR A SUSTAINABLE  
JERSEY - PSE&G FOUNDATION GRANT**
- #21-90      APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #21-91      AUTHORIZING THE EMPLOYMENT OF LEAH HOROWITZ AS  
RECREATION PROGRAM COORDINATOR/ASSISTANT TO  
THE RECREATION DIRECTOR**
- #21-92      AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT  
WITH TOPOLOGY LLC TO PROVIDE STRATEGIC GUIDANCE  
FOR NJDOT TRANSIT VILLAGE DESIGNATION**

- #21-93      AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR  
THE SOMERSET HILLS MUNICIPAL ALLIANCE/SHMAYSC  
GRANT FOR FISCAL YEAR 2021-2022**
- #21-94      REGARDING POST-TRAVEL QUARANTINE DURING THE  
ONGOING COVID-19 PANDEMIC**
- #21-95      APPOINTING AN INSPECTOR FOR THE CONSTRUCTION  
OFFICE WHEN A CONFLICT OCCURS WITH THE REGULAR  
INSPECTOR**
- #21-96      APPROVING MEMBERSHIP IN THE FIRE COMPANY**

Mr. Hammond suggested a revision to Resolution #21-94 before adopting to include language to define the term "fully vaccinated". There were no objections and this language will be included.

Regarding Resolution #21-91, Mayor Canose and Council Members welcomed Leah Horowitz, who will be appointed as Recreation Program Coordinator/Assistant to the Recreation Director.

Mr. McQueen moved to adopt Resolutions #21-80 to #21-96. Mr. Hammond seconded and the motion was approved by the following roll call vote. Mr. Donahue, Mr. Hammond, Ms. McCredie, Mr. McQueen, Mr. O'Dea, and Ms. Zamarra voted yes.

Ms. Zamarra and Mr. O'Dea thanked Peter Cirignano for his willingness to volunteer to be a member of the Bernardsville Fire Company, as appointed in Resolution #21-96.

## **ITEMS OF BUSINESS**

### **Free Tree Event on April 24<sup>th</sup>**

Council consent was given for this event to take place on April 24<sup>th</sup> at the Municipal Pool Parking Lot from 9:00am to 1:00pm. In addition to the Free Tree Event there will be a drive-thru with three tables consisting of the Shade Tree Committee, Raritan Headwaters, and the Environmental Commission. Raritan Headwaters will distribute Well Testing Kits and the Environmental Commission will distribute reusable bags and have litter cleanup encouragement.

### **Correspondence - None**

### **Mayor's Update**

Mayor Canose said she and Mr. Hammond attended the Somerset County Planning Partners Forum which did a presentation on United for A.L.I.C.E., which stands for Asset Limited Income

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Constrained and Employed. She said this is for people above the poverty level and below minimum wage. There was also a presentation from Ridewise about electric vehicles. There will be a workshop in May with an electric vehicle vendor who will be providing demo drives. They suggested tracking our fleet inventory including fleet emissions and looking into replacing vehicles with e-vehicles. She said they advised that parking ordinances would need to be changed if a public charging station would be installed. They are looking for each municipality to complete a readiness assessment for e-vehicles. Mayor Canose said she attended a Stigma Free Somerset County meeting. She attended Congressman Malinowski's briefing on combating online extremism. She attended the last Winter Farmers' Market and drew coupons for the Summer Market. She thanked Ed English and all the volunteers for their work with the Winter Farmers' Market. Mayor Canose attended a Wellness Campaign webinar on reducing social isolation. There were new members who signed up for the Mayor's Wellness Committee and the group is trying to do a community health assessment survey. Mayor Canose had a phone call with NJ Transit about the dam and the train station and they are coming tomorrow to look at the survey. NJ Transit agreed to give us a longer lease at the train station. Mayor Canose attended a listening session on climate change which is a kick-off for the NJ League of Municipalities Climate Change Work Group. She said we had a Housing Committee meeting, a Downtown Bernardsville Board meeting, and two sessions this past weekend to paint the mural with one more public session upcoming on April 24<sup>th</sup>. She said we are on target with the mural unveiling on Memorial Day.

### **Administrator's Report**

Mr. Czerniecki said we went out to bid for our capital bond issue, which was anticipated at \$5,100,000 for the projects previously discussed. He said because of the AAA bond rating we received, bids from various banks came in much better than we anticipated. He said the note will be for \$4,900,000 instead of \$5,100,000. The interest rate is 1.34%. Mr. Czerniecki thanked Chief Valentine and Chief Miller and those volunteers involved in getting our OEM Plan approved. He said we are out to bid for Crestview Drive road improvements. He said we are making good progress on the PBA contract and hopes to have something more to report at the next council meeting.

### **Unfinished Business** - None

### **New Business**

**Change the Personnel Committee to be called Organizational Development Committee and expand focus to include review of mission, culture, training and benchmark,** Mr. Czerniecki said this came about from when Mr. McQueen asked for charters from various advisory committees. He said this would broaden the Personnel Committee's mission. Mayor Canose

said this also came out of our strategic planning session. Council was supportive of the idea and Mr. Pidgeon and Mr. Czerniecki will work on an ordinance for introduction at the next council meeting to make this change.

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**Outdoor Dining and Parking in Downtown (Extend Outdoor Dining Opportunities Post Covid-19 Emergency)**, Mr. Czerniecki said we are proposing a three- point plan for restaurants that have outdoor seating and outdoor dining in their parking spaces. 1) They demonstrate whatever parking spaces they have lost as a result of having outdoor dining are made up with an agreement, with for example a church or office parking lot, within a quarter mile. 2) They agree that if they lose the excess parking, they would have to convert their outdoor dining back into parking. 3) They would come to the Planning Board for a site plan so we can document things such as density, hours of operation, lighting plans, and an increase in patrons. Mr. McQueen suggested waiving all the application fees with the exception of the legal fees that are incurred. Mr. Pidgeon said we could do that and include all the escrow deposits. It was noted that even though we extended outdoor dining through December 31<sup>st</sup>, the idea to implement this process now is to give ample time for restaurants to apply for permanent outdoor dining so it's in place after December 31<sup>st</sup> and whenever the state of emergency is lifted. Council had no objections for Mr. McQueen, as Class III Planning Board member, to relay this information to the Planning Board and state that we would like to expedite this moving forward.

**Change to Ordinance #2020-1849, AUTHORIZING PAYMENT FOR KIWANIS FIELD IMPROVEMENTS.** Greg Freisen of Somerset Hills Little League discussed a request for reimbursement of an additional \$10,200 for Kiwanis Field improvements. Mr. Pidgeon said we would need to amend Ordinance #2020-1849 to add additional money. It was noted that in the future, groups should not spend money before asking for council authorization of a project and the work being done. Mr. Markowick said they discussed with Somerset Hills Little League of getting clearance on projects ahead of time and not doing the reimbursement method, and this would be for all organizations. It was noted that the Open Space Committee, HPAC, and Recreation Committee were in favor of the improvements. Ms. Zamarra suggested establishing a process for such requests in the future, also noted by HPAC in their comments. An ordinance to introduce will be done later in the meeting.

**Temporary waiver of sewer bill fee for vacant properties for duration of COVID emergency.** After discussion, council decided that more information is needed before making a decision, such as identifying the properties and whether they are residential, businesses, or mixed use, and prior requests that were denied earlier in the year. Mr. Czerniecki will gather information and send it to council. It was decided to table this topic to a future meeting.

Ms. McCredie moved that **Ordinance #2021-1878, AN ORDINANCE AMENDING ORDINANCE #2020-1849 ENTITLED "AN ORDINANCE APPROPRIATING \$11,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR REIMBURSEMENT TO THE SOMERSET HILLS LITTLE LEAGUE FOR RENOVATIONS TO THE KIWANIS LITTLE LEAGUE FIELD", BY INCREASING THE AMOUNT APPROPRIATED (NUNC PRO TUNC) TO \$21,200**, 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, April 26, 2021. Mr. Hammond seconded and the motion was approved with five yes votes. Mr. McQueen abstained.

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Mayor Canose mentioned there would be a special meeting on Wednesday, April 14<sup>th</sup> with the developers that submitted proposals for the Quimby Lane and Audi Dealership Redevelopment projects. It was noted there would be an open session for the public as this is required for all council meetings.

**CLOSED SESSION -None**

### **ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

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