

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
April 8, 2024

CALL TO ORDER

Mayor Welsh called the meeting to order at 7:05 p.m. at the Far Hills Municipal Building and read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Councilman Joseph Carty, Councilwoman Mary Chimenti, Councilman Peter J. Coccoziello, Jr., Councilman Rick Rinzler, Councilman Charles P. Schwester, Mayor Kevin P. Welsh

Absent, as Excused: Council President David P. Karner

Absent:

Also Present: Borough Clerk Dorothy S. Hicks, Borough Attorney Albert Cruz, Borough Planner David Banisch, Lieutenant Chris Kocur

REPORTS

Councilman Carty – Police

No report.

Councilwoman Chimenti – Health & Sanitation

Councilwoman Chimenti reported that following the 4.8 magnitude earthquake which occurred in Tewksbury at 10:23 a.m. on April 5, 2024, Mr. Rodney McCathran, Bedminster Sewer Utility Manager, indicated that all facilities including the buildings, wet wells, forced main & gravity lines had been visually inspected and no damage or disruption to flows had been observed. It was noted that emergency action plans for repairs and bypasses were in place as a precautionary measure.

Councilman Coccoziello – Buildings and Grounds

Councilman Coccoziello reported that improvements to the fairgrounds continue and a paved walkway in front of both the grandstand and cooking pavilion areas was recently installed. The Atlantic Visiting Nurse (AVN) Rummage Sale was scheduled for May 3-5, 2024 and the collection of donations was held from April 6-23, 2024.

Lastly, Councilman Coccoziello provided a brief update regarding the Reexamination of the Master Plan as well as the presentation on the Area in Need of Redevelopment held at the Planning Board meeting on March 4, 2024.

Councilman Rinzler – Finance & Insurance

Councilman Rinzler reported he would be attending the monthly Joint Insurance Fund meeting on April 10, 2024.

Councilman Schwester – Roads

Councilman Schwester reported that pothole repairs continue throughout the Borough and the road conditions along Route 202 are being monitored although, he noted that this roadway was under the jurisdiction of the New Jersey Department of Transportation.

He expressed concern regarding the brevity of the inspection reports submitted by the Borough Engineer, Boswell Engineering for the weekly oversight of the Kimbolton/Pulte development project. He also inquired if Boswell Engineering has previously worked with Pulte. A brief discussion ensued regarding the retaining wall on the development and if a more descriptive weekly inspection report could have alerted the Borough of the scope of the retaining wall.

Mr. Cruz provided further explanation regarding the difference between the weekly inspection reports and the inspections required by the Construction Code Official; however, he indicated that he had also independently reached out to the Borough Engineer, Paul Ferriero requesting the weekly reports be more comprehensive. Mr. Cruz added that the court certification and exhibits prepared by Mr. Michael Sullivan of Caton Clark Hintz provides a thorough evaluation of the status of the development in comparison to the approved plans.

Lieutenant Kocur

Lieutenant Kocur informed the Borough Council of a Drug Take Back Day on April 27, 2024 between 10:00 a.m. to 2:00 p.m. at the Borough Police Department.

Mayor Welsh

Mayor Welsh expressed his appreciation to the Bedminster Recreation Committee and the Far Hills Bedminster Fire Department for organizing the Easter Egg Hunt, which was held on Saturday, March 30, 2024 at the J. Malcolm Belcher Fairgrounds. Over 500 children participated and collected over 3,000 eggs.

He reported that following the earthquake that occurred on April 5, 2024 the Ravine Lake Dam was inspected and the report indicated that there was no damage sustained.

Mayor Welsh also thanked several members of the litigation team that has been assembled to defend the Borough in the litigation against Pulte Homes of NJ, LLP. The team included Special Planner, Mr. Michael Sullivan; Special Counsel, Mr. Jeffery Surenian and Ms. Nancy Holm and Special Litigation Counsel Mr. Thomas Scrivo and Mr. Larry Cutalo, as well as Borough Attorney Mr. Albert Cruz and Borough Clerk Ms. Dorothy Hicks. The court documents have also been posted to the Borough website under Latest News.

He apprised the Borough Council that due to the Borough being reclassified as a Tier A municipality, the stormwater compliance regulations have expanded which now required the sweeping of municipal roadways several times a year. As a cost savings measure, a shared services agreement with Bedminster Township, Borough of Peapack and Gladstone and the Borough of Bernardsville to jointly purchase a street sweeper was being reviewed. He noted that grant opportunities were also being investigated.

REGULAR AGENDA

APPROVAL OF MINUTES

3/25/2024 – Regular Meeting Minutes

Motion by Councilman Rinzler, seconded by Councilwoman Chimenti was unanimously carried that these minutes be approved for content and release.

3/25/2024 – Executive Session Minutes

Motion by Councilman Rinzler, seconded by Councilwoman Chimenti was unanimously carried that these minutes be approved for content only.

UNFINISHED BUSINESS

ORDINANCE – PUBLIC HEARING AND ADOPTION

ORDINANCE 2024-02 – AN ORDINANCE ESTABLISHING REGULATIONS TO PRESERVE THE PUBLIC PEACE AND ORDER AND THE PROTECTION OF RESIDENTS OF THE BOROUGH OF FAR HILLS

Mayor Welsh provided a brief overview of the Ordinance which had originated through the efforts of the Somerset Hills Public Safety Committee. He noted that similar ordinances have already been adopted in Bedminster and Bernards Townships and were planned for introduction in the Boroughs of Bernardsville and Peapack & Gladstone.

Councilman Rinzler suggested having signage installed throughout the Borough to inform the public of the new regulations.

Mayor Welsh opened the meeting for public comment on Ordinance 2024-02.

There were no comments from the public.

Mayor Welsh closed the meeting for public comment on Ordinance 2024-02.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Ordinance 2024-02 be adopted.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Rinzler, Schwester

Nay:

Abstain:

Motion Carried.

ORDINANCE 2024-03 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2024

Mayor Welsh opened the meeting for public comment on Ordinance 2024-03.

There were no comments from the public.

Mayor Welsh closed the meeting for public comment on Ordinance 2024-03.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Ordinance 2024-03 be adopted.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Rinzler, Schwester

Nay:

Abstain:

Motion Carried.

DISCUSSION

State Plan Planning Process and the Roles of the Council, Planning Board and County of Somerset

Borough Planner, David Banisch provided an overview of the State Plan Planning Process indicating that the State is currently in the process of updating the State Development and Redevelopment Plan. The recently enacted legislation amending the Fair Housing Act has requirements which rely upon state planning designations for the assignment of affordable housing obligations. Additionally, the legislation, requires that the Highlands Council areas also conform with the State Plan. Mr. Banisch indicated that the Borough of Far Hills is entirely located in Planning Area 5, an environmentally sensitive area.

As a response to the State Planning Commission is required by May 15, 2024, Mr. Banisch suggested that the Borough contact Mr. Benjamin Spinelli, Executive Director of the Highlands Council to ascertain the level of support and advocacy that could be afforded to the Borough.

A brief discussion ensued regarding the various components utilized when calculating the prospective affordable housing obligation.

Stream Corridors – Accessory Structures and Conservation Easements

Discussion was tabled at the 3/25/2024 meeting.

Mr. Banisch provided a brief overview of the Borough's existing Stream Corridor ordinance which prohibits the construction of accessory structures without submitting an application to the Planning Board for a variance, which was perceived to be outdated and onerous to the property owner. He reviewed several amendments to the current ordinance, proposed by the Planning Board for the Borough Council's consideration, which would provide additional permitted uses within the stream corridor and be more flexible for the property owner.

Mr. Banisch also reviewed a provision in the proposed amendment which would require a Stream Corridor Conservation Easement including a ten (10) foot buffer between the easement and the structure.

Councilman Schwester inquired if the new ordinance would rescind any prior easements to which Mr. Banisch responded it would not, however, the property owner would have the opportunity to seek relief from the Planning Board.

A general discussion ensued regarding further amendments to sections of the proposed ordinance pertaining to reconstruction of damaged structures; invasive species; limitations on driveways and walkways and the ability to create a cooler aquatic environment.

Councilwoman Chimenti suggested that this ordinance be cross referenced with the Borough's current tree removal ordinance regarding tree removal permits.

Mr. Cruz advised as this ordinance would amend the Borough's Land Management Ordinance a referral to the Planning Board would be required prior to adoption by the Borough Council. Additionally, with regard to the tree ordinance, he indicated that the stormwater regulations require conformance with the state model ordinance and if required, a new tree ordinance would need to be adopted by June 30, 2024. It was recommended that Mr. Banisch also review the Borough's current tree ordinance when revising the stream corridor ordinance as well as for conformance with the state model ordinance.

There was a general consensus for Mr. Banisch to make the amendments to the ordinance discussed this evening for an introduction at the next Borough Council meeting scheduled for April 22, 2024. As required by statute, after introduction the ordinance is referred to the Planning Board for a consistency review and pending that determination, a public hearing could be held at the May 13, 2024 Borough Council meeting.

NEW BUSINESS

ORDINANCE - INTRODUCTION

ORDINANCE 2024-04 – AN ORDINANCE AMENDING THE LAND MANAGEMENT ORDINANCE OF THE BOROUGH OF FAR HILLS, SOMERSET COUNTY, SECTION 803 CRITICAL AREAS, SUBSECTION B. STREAM CORRIDORS

The introduction of Ordinance 2024-04 was tabled until the April 22, 2024 meeting.

ORDINANCE 2024-05 – AN ORDINANCE TO FIX AND DETERMINE THE SALARIES, WAGES OR COMPENSATION TO BE PAID TO CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF FAR HILLS, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Ordinance 2024-05 be introduced.

Roll Call:

Aye: Carty, Chimenti, Cocozziello, Rinzler, Schwester

Nay:

Abstain:

Motion Carried.

RESOLUTIONS

Resolution 24-089 – Introduction of Municipal Budget for 2024

Mayor Welsh provided an overview of the 2024 Municipal Budget stating that the public hearing and adoption would take place at the May 13, 2024 Borough Council meeting where both the Borough Auditor, Kathryn Mantell, Nisivoccia and the Borough CFO, Debra Stern would be present.

Mayor Welsh stated the estimated 2024 municipal tax rate would be 0.538, an increase of approximately 3.37% from the 2023 municipal tax rate of 0.520. The amount to be raised from taxes for municipal purposes is \$2,589,364.00 up from \$2,316,384.00, an increase of \$272,980.00. He indicated that with an average Class 2 property assessment in Far Hills being \$980,614.00, the annual 2024 municipal tax increase would be approximately \$176.51.

He continued stating that the 2024 Capital Budget has a significant increase due to requirements for equipment for our emergency services which include radios and vehicles for both the Far Hills Bedminster Fire Department and First Aid Squad. An increase of \$405,000.00 of which \$305,000.00 is attributed to these emergency service capital improvements. The remaining \$100,000.00 is attributed to road improvements.

He expressed his appreciation to Borough CFO, Debra Stern for her hard work and dedication in the preparation of the 2024 Municipal Budget.

Lastly, he and the Borough Council are proud to report that the Borough of Far Hills continues to be debt free.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Resolution 24-089 be approved.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Rinzler, Schwester, Welsh

Nay:

Abstain:

Motion Carried.

CONSENT AGENDA

The items listed within the consent agenda portion of the meeting have been referred to the Borough Council for reading and study; a copy placed on the table in the meeting room and is considered routine and will be enacted with one motion the Borough Council with no separate discussion. If separate discussion is required, the item may be removed from the agenda by Borough Council action and placed on the regular agenda under new business.

RESOLUTIONS

1. Resolution 24-090 – Self-Examination of Budget
2. Resolution 24-091 – Certification of Compliance with EEOC Enforcement Guidance
3. Resolution 24-092 – Authorizing the Cancellation of Taxes - Disabled Veteran
4. Resolution 24-093 – Authorizing Renewal of Commodity Resale Agreement
Somerset County Park Commission
5. Resolution 24-094 – Payment of Bill List

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Resolutions 24-090 through 24-094 be approved.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Rinzler, Schwester

Nay:

Abstain:

Motion Carried.

PUBLIC COMMENT – *The Mayor and Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes.*

Mayor Welsh opened the meeting for public comment.

George Mellendick, Lake Road, Far Hills inquired as to the affordable housing plans discussed earlier this evening. He further inquired as to the public hearing held at the Planning Board meeting on April 1, 2024 regarding the investigation of an area for redevelopment and the reasoning behind decision to delay the vote and to hold an additional public hearing at a subsequent Planning Board meeting.

Mr. Banisch clarified the plans he referred to pertained to conformation with the Highlands Council although these plans could have impact the calculations of the affordable housing obligations.

Mayor Welsh responded that at the request of the residents the Planning Board made the determination to schedule a special meeting on April 23, 2024 at 7:00 p.m. to continue the public hearing to investigate a Non-condemnation Redevelopment Area.

A brief discussion ensued regarding holding public meetings via Zoom. Mayor Welsh indicated that a proposal was requested to update the equipment to potentially have video recordings of the public meetings available. Prior estimates received were approximately \$20,000.00. He noted that several municipalities have had issues when the public meetings were held live on Zoom and indicated that residents could request an audio recording of the public meetings from Ms. Hicks.

Dr. Mellendick made a further inquiry about a statement made by Mr. Cruz this evening regarding information provided to the Planning Board concerning the retaining walls on the Errico Acres property.

Mr. Cruz clarified that the information he was referring to pertained to the Court certification prepared by the Special Planner, Mr. Michael Sullivan in response to the motion filed by Pulte which compared the current development at the Kimbolton/Pulte with the approved plans and compliance review conditions.

Councilman Schwester commented that the presentation made by the Borough Planner, Mr. Banisch at the April 1, 2024 Planning Board meeting regarding the investigation for an area in need of redevelopment was a time sensitive matter and expressed his concern with the Planning Board's decision to continue the public hearing at a subsequent meeting.

Councilman Coccoziello acknowledged these concerns but emphasized the importance of a collaborative proactive approach when addressing the various components in the affordable housing planning process. He added that compliance with the Municipal Land Use Law (MLUL) affords the transparency for the public.

Mr. Banisch indicated that the Borough Council has until January 31, 2025 to adopt a resolution accepting or adjusting the affordable housing obligation; and the Borough Council and the Planning Board must adopt a Fair Share Housing Element Plan by June 30, 2025.

Lastly, Dr. Mellendick commented that the barrier on Route 202 adjacent to the Kimbolton/Pulte Development continues to diminish and emphasized the importance of timely inspections.

There were no further comments from the public.

Mayor Welsh closed the meeting for public comment.

EXECUTIVE SESSION

Mayor Welsh read Resolution 24-095 into the record.

Resolution 24-095

Attorney Client Privilege – Litigation – In the Matter of the Application of the Borough of Far Hills-Docket No. SOM-L-903-15 (Pulte Homes of NJ, Limited Partnership, Motion to Intervene and to set aside the Notice of Violation).

Pending Litigation-Borough of Far Hills v. Arroyo CAP III-2, LLC.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Far Hills, as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matters to be discussed are as follows:
 - Attorney Client Privilege – Litigation – In the Matter of the Application of the Borough of Far Hills-Docket No. SOM-L-903-15 (Pulte Homes of NJ, Limited Partnership, Motion to Intervene and to set aside the Notice of Violation).
 - Pending Litigation-Borough of Far Hills v. Arroyo CAP III-2, LLC.
3. It is anticipated that the minutes on the subject matter of the closed session will be made public upon conclusion, dismissal, or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Council will come back into open session and may take further action.
5. This Resolution shall take effect immediately.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler and unanimously carried to approve Resolution 24-095.

RETURN TO OPEN SESSION

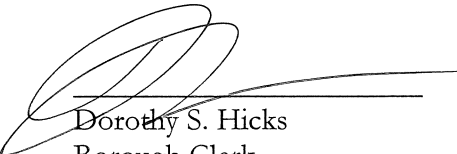
Mr. Cruz advised the Borough Council that the Planning Board is an independent body and noted that there are two representatives from the Borough Council currently serving on the Planning Board as a Class I and Class III member.

Councilman Schwester inquired as to the process for the Borough Council to replace a Planning Board member. Mr. Cruz referenced the municipal land use law, N.J.S.A. 40:55D-23(b) stating that any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause. He further indicated that he would provide the Borough Council with the one court case he was aware of that pertained to this issue for their reference.

ADJOURNMENT

Motion by Councilwoman Chimenti, seconded by Councilman Schwester was unanimously carried to adjourn the meeting at 9:35 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED- 4/22/2024