

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
April 27, 2020
VIA CONFERENCE CALL ONLY

CALL TO ORDER

Mayor Vallone called the conference call meeting to order at 7:01 p.m. and read the open public meetings statement in accordance with the law.

PLEDGE OF ALLEGIANCE

Mayor Vallone led the Pledge of Allegiance.

ROLL CALL

Present: Councilman Joseph Carty, Councilwoman Mary Chimenti, Councilman Richard Hand, Council President David Karner, Councilman Ted McLean, Councilwoman Sheila Tweedie, Mayor Paul J. Vallone, MD

Absent, as Excused:

Absent:

Also Present: Borough Clerk Dorothy S. Hicks, Chief Michael DeCarolus, Borough Attorney Joseph Sordillo

REPORTS

Councilman Hand – Fire, Water, Light, Buildings & Grounds

No report.

Councilwoman Tweedie – Health/Sanitation

Councilwoman Tweedie reported that the Borough Environmental Consultant reported that the sanitary sewer system is functioning well.

Councilman McLean – Roads

Councilman McLean provided an update on the Dumont Road Drainage Improvements and the Ludlow Avenue Road Improvements projects indicating that due to delays associated with Covid-19, an extension in the time to award has been agreed upon with the lowest responsive and responsible bidders until June 10, 2020. He also informed the Council that prior to awarding a project a capital ordinance must be introduced and adopted and briefly outlined a timeframe.

Councilman McLean also apprised the Council of potential road projects in consideration to be submitted for the FY 2021 NJDOT Local Aid Grant, which is due on July 1, 2020.

Mayor Vallone responded that a meeting would be scheduled this week to review the proposed road projects as well as the capital budget and presented to the Borough Council at an upcoming meeting.

Councilman Carty – Finance/Insurance

No report.

Councilwoman Chimenti – Laws, Ordinances, & Elections

Councilwoman Chimenti reported that the Supreme Court has ordered that the municipal courts may begin to conduct virtual sessions beginning May 12, 2020. She noted that Court Administrator, Marjorie Freeman and Judge Mark Adler would review the feasibility of holding a virtual court session. Councilwoman Chimenti indicated that due to the light scheduling of the court appearances it may be possible to adjourn the May 12, 2020 court session until May 26, 2020 in order to provide ample time to make preparations for a virtual court session.

Council President Karner - Police

Council President Karner stated that Monsignor Puleo, St. Elizabeth's Church expressed his sincere appreciation to the Borough for allowing and assisting with the drive-through service on April 19, 2020.

Council President Karner provided a brief update on the Covid-19 cases in the Borough per the daily reports provided by Chief DeCarolus.

Chief DeCarolus

Chief DeCarolus reported that officers were monitoring the Fairgrounds to ensure proper social distancing. He also indicated that the Police Department was continuing on a modified operations schedule.

Mayor Vallone

Mayor Vallone made the following statement:

Members of the Borough Council, neighbors and friends:

Again, I hope that this finds you and your families well, as we continue to move through this viral pandemic and positively begin to see signs of the number of cases beginning to reduce and the discussion of the smart reopening of our businesses and restoration of our way of life.

As has been the case over the last few months, I and our Borough Council and Chief of Police have been and will continue to post the latest updates and relevant information on our website and through Nixle. As of tonight, the Federal requirements to shelter-in-place remain in effect, however, I am aware our President will be speaking this evening and there may be some changes. However, discussions on how to reopen segments of our society are underway and it appears that this process may begin as soon as June.

At the State level, this morning Governor Phil Murphy continued to stress the "go slow" policy and at this moment, all schools will remain closed until May 15, 2020. After speaking with several superintendents throughout the State, there is no new information as to when schools may reopen or if they will at all this semester.

As you may know, New York City Mayor Bill de Blasio has said that public schools will not reopen at all this semester; however, NY Governor Andrew Cuomo states, correctly that the Mayor does not have the authority to close public schools and is reviewing that issue. How Governor Murphy will respond to this is unclear at this time.

The reopening of certain parks in Jersey City and other areas of the State are presently under consideration. Stores that are essential businesses remain open and as of this week, the following businesses have been added to the list:

- Mobile phone retail and repair shops
- Bicycle shops, but only to provide service and repair
- Livestock feed stores
- Nurseries and garden centers
- Farming equipment stores
- Auto dealerships
- Realtors will be able to do 1-on-1 showings but no open houses
- Firearms retailers will be allowed to reopen

In response to many small businesses that need to reopen or face severe financial setback or bankruptcy, I have written correspondence to Trenton and the County to do so in a manner that respects social distancing and may allow mom and pop businesses to resume serving our communities.

In Far Hills, Municipal Court did not take place this week due to a directive from Supreme Court Chief Justice Stuart Rabner. Future court proceedings will be determined by our Municipal Judge Mark Adler, in conjunction with guidance from the Somerset County Vicinage and Court Administration.

Our municipal building remains closed to the public at least until May 15, 2020 and possibly longer pending the directives from the Governor. Our Borough Clerk, Dorothy Hicks and her staff continue to alternate work schedules and are doing a great job addressing the needs of residents given the current working environment.

As of this writing, Far Hills has experienced two cases of the virus and possibly a third however, that is unsubstantiated at this time. Council President Karner and I have been in constant contact with Chief Michael DeCarolis to discuss this and other issues; and I thank him and his officers for doing a stellar job.

In short, Far Hills is weathering the virus quite well and I thank you for adhering to our rules. I will continue to keep the Fairgrounds open for walking allowing people to get some exercise and will continue to keep this space open, as long as all adhere to the social distancing rules presently in place.

In discussion with the sponsors of the Memorial Day Parade, the Far Hills Bedminster Fire Department and Bedminster Mayor Larry Jacobs, with whom we share the parade, at this time, the status of the parade is uncertain unless things change dramatically. However, some form of tribute to our fallen heroes will take place, even if only a simple displaying of a memorial wreath.

The Essex Horse Trials event scheduled to take place July 2020 is presently on hold. This week, I met with the event organizers and, as substantial lead-time is needed to coordinate this event, the final decision to proceed is undetermined and will be determined when we are able to open for large public gatherings.

The very good news is that States around the Country and the mindset of policy makers are beginning to favor reopening on a limited basis and in smart measured ways. This afternoon, I was informed that the State of Texas will let their stay-in-place laws expire this coming Friday and businesses will reopen at a 25% maximum capacity.

The message here is to stay safe, stay aware, and be mindful of the regulations presently in place. Together we will certainly defeat this virus and re-emerge as the great Nation and State that we are.

REGULAR AGENDA
APPROVAL OF MINUTES

4/13/20 Regular Meeting

Motion by Council President Karner, seconded by Councilman Hand, was unanimously carried that these minutes be approved for content and release.

UNFINISHED BUSINESS

ORDINANCES – PUBLIC HEARING & ADOPTION

ORDINANCE 2020-03 – AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND MANAGEMENT ORDINANCE OF THE BOROUGH OF FAR HILLS TO ESTABLISH A NEIGHBORHOOD OFFICE MIXED-USE AFFORDABLE HOUSING OVERLAY (NO-AHO) ZONE DISTRICT FOR THE PROPERTIES IDENTIFIED AS BLOCK 13, LOTS 2 & 3 IN THE BOROUGH OF FAR HILLS AND TO ESTABLISH USE, BULK AND DEVELOPMENT STANDARDS FOR MUNICIPALLY-SPONSORED AFFORDABLE RENTAL APARTMENT DEVELOPMENT ADDRESSING A PORTION OF FAR HILLS BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATION

(The Public Hearing for Ordinance 2020-03 is carried to the May 11, 2020 Borough Council meeting)

Mr. Sordillo advised that the affordable housing agreement with Mr. Hotz was in the final preparations and recommended that the public hearing and adoption of Ordinance 2020-03 be carried until the next Borough Council meeting on May 11, 2020.

ORDINANCE 2020-04 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2020

Ms. Hicks provided a brief overview of Ordinance and the establishment of a Cap Bank.

Motion by Council President Karner, seconded by Councilman Hand and unanimously carried to open the public hearing.

There were no comments from the public.

Ms. Hicks advised that the notice of the public hearing was published in the newspaper of record, and that no communication, either written or verbal was received regarding the Ordinance.

Motion by Council President Karner, seconded by Councilman Hand and unanimously carried to close the public hearing.

Motion by Council President Karner, seconded by Councilwoman Chimenti that Ordinance 2020-04 be adopted.

Roll Call:

Aye: Carty, Chimenti, Hand, Karner, McLean, Tweedie

Nay:

Abstain:
Recused:
Motion Carried.

NEW BUSINESS

ORDINANCES – INTRODUCTION

ORDINANCE 2020-05 - AN ORDINANCE ESTABLISHING PARKING REGULATIONS FOR THE PARKING LOT AT THE BOROUGH MUNICIPAL BUILDING

Mr. Sordillo provided a brief overview of the Ordinance.

Motion by Council President Karner, seconded by Councilman Hand that Ordinance 2020-05 be introduced.

Roll Call:
Aye: Carty, Chimenti, Hand, Karner, McLean, Tweedie
Nay:
Abstain:
Recused:
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 and are considered routine and will be enacted with one motion of 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 20-067 – Certification of Compliance with EEOC Enforcement Guidance
2. Resolution 20-068 – Authorizing Submission for Cyber Risk Management Certification
3. Resolution 20-069 – Payment of Bill List

Ms. Hicks provided a brief overview of Resolutions 20-067 and 20-068.

Motion by Councilman Carty, seconded by Council President Karner that Resolutions 20-067 through 20-069 be approved.

Roll Call:
Aye: Carty, Chimenti, Hand, Karner, McLean, Tweedie
Nay:
Abstain:
Recused:
Motion Carried.

PUBLIC HEARING

Comcast Corporation's Cable Franchise Renewal Application
Mr. Charles L. Smith, Senior Director Government and Regulatory Affairs

Mr. Sordillo provided a brief overview of the franchise renewal application process and indicated that a public hearing was required was also required. He introduced Mr. Charles Smith, Comcast Corporation who made the following statement:

Good evening Mayor Paul J. Vallone, and members of the Governing Body. My name is Charles Smith and I am the Senior Director of Government and Regulatory Affairs for Comcast's Freedom Region systems in northern New Jersey.

I do have a prepared statement that I would like to enter into the record.

We are in the final stages of the cable television franchise renewal process, which is governed by both federal and state statutes and regulations.

Comcast began the renewal process on or about July 21, 2017 by sending a letter to the Borough indicating our intention to seek renewal of our non-exclusive franchise (Under Section 626 (a) of the Cable Communications Policy Acts of 1984 and 1996).

This was followed by an optional ascertainment period during which the Borough had an opportunity to review our performance, assess community needs and issue a report. The Borough did not file a report.

Following the State's timeline, Comcast filed an application for Renewal of Municipal Consent on or about September 23, 2019. That application has been available for public inspection in the Clerk's office.

Tonight's hearing is on that Application. No action of the Council is required this evening. However, tonight's hearing is an opportunity to hear from both the governing body and the public. If your attorney has not told you yet, he will tell you that the governing body must base its franchise renewal decision on the answers to four questions.

- 1) Has the cable operator substantially complied with the material terms of the existing franchise and applicable laws?
- 2) Has the quality of the operator's service, including signal quality, response to consumer complaints and billing practices, been reasonable in light of community needs?
- 3) Does the operator have the financial, legal, and technical ability to provide the facilities and equipment it is proposing to provide?
- 4) Is the cable operator's franchise renewal proposal reasonable to meet the future cable-related needs and interest of the community, taking into account the costs of meeting such needs and interests?

Two areas the governing body may not consider in deciding whether or not to renew the franchise are:

Rates. Rates are governed by State and Federal statutes and are outside of the municipality's authority.

Programming, the channel lineup is protected under the First Amendment, just as is the content of a newspaper.

However, nothing precludes the public or the governing body from commenting on rates and programming; but such commentary cannot be factored into the municipality's decision.

I would be happy now to respond to your questions.

There were no questions from the Borough Council.

Mr. Sordillo commented that the Borough has the ability to request an expansion but cannot force a provider to expand the territory or services but opined that that might not be applicable to the Borough as Comcast currently provides services throughout the Borough.

The public hearing for the Comcast Corporation's Cable Franchise Renewal Application was opened to the public.

There were no comments from the public regarding the Comcast Corporation's Cable Franchise Renewal Application.

This public hearing for the Comcast Corporation's Cable Franchise Renewal Application was closed to the public.

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.*

Motion by Council President Karner, seconded by Councilwoman Tweedie and unanimously carried to open the meeting to public comment.

Rick Rinzler, 11 Hurlingham Club Road, Far Hills expressed his appreciation to the Mayor and Council and thanked everyone at the Borough for their efforts.

There were no further comments from the public.

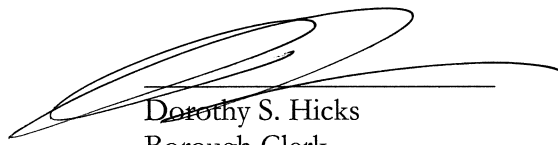
Motion by Council President Karner, seconded by Councilman McLean and unanimously carried to close the meeting to public comment.

ADJOURNMENT

Motion by Council President Karner, seconded by Councilman McLean and unanimously carried to adjourn the meeting at 7:40 p.m.

Respectfully submitted,

APPROVED - 5/11/2020


Dorothy S. Hicks
Borough Clerk