

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
August 24, 2020
VIA CONFERENCE CALL ONLY

CALL TO ORDER

Mayor Vallone called the conference call meeting to order at 7:04 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, Councilman Richard Hand, Council President David Karner, Councilman Ted McLean, Councilwoman Sheila Tweedie, Mayor Paul J. Vallone, MD

Absent, as Excused: Councilwoman Mary Chimenti

Absent

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

REPORTS

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

Councilman Hand reported that he was waiting to hear back from the representative of Nelson Tree Service to schedule a meeting to review tree trimming and removal work in the Borough.

A brief discussion ensued regarding the maintenance of the ball field. Ms. Hicks indicated that a proposal was received for an annual maintenance service agreement.

Councilwoman Tweedie – Health/Sanitation

Councilwoman Tweedie reported that the 2nd quarter report from the Borough's Sewer Consultant, Natural Systems Utilities indicated that 59% of the purchased capacity was utilized. She indicated that ongoing maintenance of the system coupled with the additional purchased capacity contributed to this lower percentage of use.

Mayor Vallone commended Councilwoman Tweedie for her continual efforts in maintaining the Borough's sewer infrastructure.

Councilman McLean – Roads

Councilman McLean reported that two signs were installed on Lake Road to alert drivers of the one-way portion of the roadway and questioned if the NJDOT had installed them.

He indicated that several bids were received for the Mine Brook Road project and questioned how the contractors were vetted prior to awarding the project.

Mr. Sordillo provided a brief overview of the Local Public Contracts Law and the specification and bidding process municipalities are required to follow by statute.

Councilman McLean also inquired about the NJDOT grant amounts as they exceeded the low bid for the project. Ms. Hicks provided additional details on the grant and indicated that the cost of non-reimbursable items in the bid specifications of approximately \$32,000.00 would be shared equally between Bernards Township and the Borough of Far Hills.

Councilman Carty – Finance/Insurance

No report.

Council President Karner – Police

Council President Karner reviewed the July 2020 Police Report.

He welcomed Mr. Andrew Perez who is joining the Far Hills Police Department as a Special Class II Officer. Officer Norman Jenkins will now serve as a Special Class I Officer.

Council President Karner reported that a fundraising campaign was being planned to support the Borough's 100th Anniversary event to be held on May 15, 2021.

Lastly, he reported that a suggestion was made by Mr. Jack Koury for the creation of a pictorial database of the dogs and cats in the Borough to aid in the return of lost pets. Chief DeCarolis was asked to look into this potential program.

Chief DeCarolis

Chief DeCarolis introduced Mr. Andrew Perez and provided a brief overview of Mr. Perez's prior police experience.

Mr. Perez expressed his appreciation to the Mayor and Council and was looking forward to joining the Far Hills Police Department.

Mayor Vallone

Mayor Vallone personally welcomed Mr. Perez to the Far Hills family and thanked him for attending tonight's meeting.

Mayor Vallone reported that the installation of new security doors at the entrance to both the Clerk and Finance/Construction offices has been completed and provides an extra level of security to our staff.

He commented upon Governor Murphy's recent authorization to borrow 10 billion dollars and the potential tax burden upon municipalities and residents in New Jersey. He apprised the Borough Council that he formally opposed this funding to state officials and indicated that Far Hills' share of this impending tax burden was uncertain at this time.

Mayor Vallone provided an update on the truck traffic route for the Bernardsville Quarry and indicated Mr. Sordillo had submitted a letter to county officials detailing the Borough's opposition to the currently proposed route. Mayor Vallone indicated that the NJDEP would issue a permit based upon the truck route supported by Somerset County and added that he reached out to Bedminster Mayor Larry Jacobs for their support as well. He noted that the currently proposed truck route traverses

through both Bedminster and Far Hills and poses an additional safety concern as there are two schools located along the route.

REGULAR AGENDA

APPROVAL OF MINUTES

8/10/20 – Regular Meeting Minutes

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

UNFINISHED BUSINESS

ORDINANCES – PUBLIC HEARING AND ADOPTION

ORDINANCE 2020-14 – AN ORDINANCE ESTABLISHING A CONSTRUCTION RECORDS CLEARANCE IN CONNECTION WITH THE TRANSFER OF REAL PROPERTY WITHIN THE BOROUGH OF FAR HILLS

Ms. Hicks provided a brief overview of Ordinance 2020-14, which established a requirement for property owners to obtain a Construction Records Clearance Certificate prior to closing on the sale of the property, ensuring that all construction work as well as any zoning or planning board approvals were properly permitted, completed and inspected.

Motion by Councilman Hand, seconded by Council President Karner 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 Councilman McLean that Ordinance 2020-14 be adopted.

Roll Call:

Aye: Carty, Hand, Karner, McLean, Tweedie

Nay:

Abstain:

Recused:

Motion Carried.

NEW BUSINESS

ORDINANCES – INTRODUCTION

ORDINANCE 2020-15 – AN ORDINANCE APPROPRIATING \$575,000.00 FOR MINE BROOK ROAD IMPROVEMENTS SECTION I AND II

Ms. Hicks provided a brief overview of the funding and contract award process.

Motion by Councilman Hand, seconded by Councilman Carty that Ordinance 2020-15 be introduced.

Roll Call:

Aye: Carty, Hand, Karner, McLean, Tweedie

Nay:

Abstain:

Recused:

Motion Carried.

Mr. Sordillo provided an overview of each of the following resolutions and indicated that the approval of each was required as part of the Borough's affordable housing compliance.

He also apprised the Borough Council that a compliance hearing before Judge Miller was tentatively planned for October/November 2020 and would be publicly noticed in accordance with the law.

Borough Planner, David Banisch provided additional details on the Spending Plan, the appropriation of funding to support the Affordable Housing Trust Fund and the Affirmative Marketing Plan as they pertained to each of the affordable housing developments proposed in the Borough. He indicated that compliance was necessary in order for the Borough to receive the Final Judgment of Compliance and Repose in order to extend immunity from builder's remedy lawsuits through July 1, 2025.

Mayor Vallone commented that the NJ Supreme Court was mandating these requirements upon municipalities throughout New Jersey.

Council President Karner inquired as to the breadth of the notifications required in the Affirmative Marketing Plan.

Councilman McLean commented that there was a potential for three foreclosures in the Polo Club affordable units due to a delinquency in the payment of maintenance fees. He inquired as to the risk of the Borough losing the affordable unit should a foreclosure occur and the unit becoming a market rate unit.

Mr. Sordillo responded by providing a brief overview of the foreclosure process and the deed restrictions recorded for the affordable units as well as the Borough's proactive response preserving the affordability controls for these units.

RESOLUTIONS

Resolution 20-111 – Approving the Affordable Housing Spending Plan

Motion by Council President Karner, seconded by Councilman Hand that Resolution 20-111 be approved.

Roll Call:

Aye: Carty, Hand, Karner, McLean, Tweedie

Nay:

Abstain:

Recused:

Motion Carried.

Resolution 20-112 – Appropriating Funds or Bond in the Event of a Shortfall in Funding for the Borough's Affordable Housing Programs

Motion by Council President Karner, seconded by Councilman Hand that Resolution 20-112 be approved.

Roll Call:

Aye: Carty, Hand, Karner, McLean, Tweedie

Nay:

Abstain:

Recused:

Motion Carried.

Resolution 20-113 – Adopting an Affordable Housing Affirmative Marketing Plan and Accessory Apartment Manual

Motion by Council President Karner, seconded by Councilman Hand that Resolution 20-113 be approved.

Roll Call:

Aye: Carty, 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 20-114 – Appointment – Technical Assistant Construction Official
2. Resolution 20-115 – Appointment – Class I Officer
3. Resolution 20-116 – Appointment – Class II Officer
4. Resolution 20-117 – Authorizing Waiver Sign Permit
Black Flower Agency/Far Hills Race Meeting Association
5. Resolution 20-118 – Payment of Bill List

Mayor Vallone commented that the drive in movie night was a private, invitation only event being sponsored by American Express and was planned to be held at Moorland Farm in September.

Motion by Council President Karner, seconded by Councilman Hand that Resolutions 20-114 through 20-118 be approved.

Roll Call:

Aye: Carty, Hand, Karner, McLean, Tweedie

Nay:

Abstain:

Recused:

Motion Carried.

DISCUSSION

Matheny Group Home – Design Element Review

A general discussion ensued regarding the selection process for the siding and roof colors for the Matheny Group Home buildings. Ms. Hicks responded that public input was requested and samples were available for review, however, no responses were received. Mayor Vallone commented that each of the roof and siding colors was acceptable with the exception of the red roof color. There was a general consensus that Borough Planner, David Banisch review the siding and roof samples and make a final determination and inform the developer of the selections on behalf of the Borough.

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 Councilman McLean to open the meeting for public comment.

Charles Schweister, 410 Lake Road, Far Hills inquired what constituted the \$600,000.00 subsidy being provided for the Hotz Development for the affordable housing projects.

Mr. Sordillo responded that the Hotz Development was a 100% affordable project and that there were no market rate units to offset the costs. A brief discussion ensued regarding the affordable housing projects and the credits earned towards the Borough's affordable housing obligation.

A brief discussion ensued regarding the potential for a presidential executive order to reduce affordable housing requirements nationwide and the impact upon the current agreements with the Borough. Mr. Sordillo indicated that the right to affordable housing was a component of the NJ State Constitution and opined that that would be challenging to overrule via presidential executive order. He also noted that the Borough's affordable housing agreements contained a provision that if the affordable housing obligations were lessened then the agreements could be renegotiated.

Mr. Schweister also indicated that he had installed the three signs along Lake Road previously discussed by Councilman McLean and had done so without a permit.

George Mellendick, 260 Lake Road, Far Hills asked for a definition of an accessory apartment; the difference between the spending and funding plan; and aspects of the affirmative marketing plan.

Mr. Sordillo responded and noted that accessory apartments must also comply with the Borough's existing zoning ordinances and land use regulations. Mayor Vallone added that the deed restrictions for affordable housing units were at least thirty years.

Jeffrey King, 24 Elizabeth Parkway, Eatontown, NJ commented upon the attributes of medical marijuana and asked the Borough Council to reconsider the current ban in Far Hills.

Council President Karner responded that the Borough was a small municipality and that access to medical marijuana and cannabis products were readily available in the neighboring municipalities. Mayor Vallone added that there were several medical facilities in the immediate area that provided support and met the needs of our residents.

Mr. Bongholeo attempted to make a comment but was inaudible. He was asked to call into the meeting again so that his comments could be heard and was provided an opportunity to do so.

Edward Grimes, 84 Hanover Road, East Hanover, NJ commented that denying access to medical marijuana was attributed to racism and sexism and asked that Far Hills rescind the ban.

There were no further comments from the public.

Motion by Council President Karner, seconded by Councilman Carty to close the meeting for public comment.

ADJOURNMENT

Motion by Council President Karner, seconded by Councilman Hand and unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 9-14-2020