

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
February 8, 2021
VIA REMOTE MEETING ACCESS ONLY

CALL TO ORDER

Mayor Vallone called the remote meeting to order at 7:03 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, Council President David Karner, Councilwoman Sheila Tweedie, Mayor Paul J. Vallone, MD

Absent, as Excused: Councilman Richard Hand, Councilman Ted McLean

Absent:

Also Present: Borough Clerk Dorothy S. Hicks, Borough Attorney Joseph Sordillo, Chief of Police Michael DeCarolis

REPORTS

Councilwoman Tweedie – Health/Sanitation

No report.

Councilman Carty – Finance/Insurance

No report.

Councilwoman Chimenti – Laws, Ordinances & Elections

No report.

Council President Karner – Police

Council President Karner presented the January 2021 Police Report.

He shared concerns from residents regarding the clearing of the walkways and sidewalks, but explained that due to the large amounts of snow from the last storm and the plows needing to clear the roadways, it was not always possible to maintain a full sidewalk width of clearance. He indicated that the contractor was apprised of the situation and would clear as much as possible as the conditions permit.

Lastly, he reported that due to the Governor's Executive Order and the continuing restrictions on large gatherings, it was necessary to scale back Borough's 100th Anniversary event scheduled for May 15, 2021. He indicated that many of the festivities originally planned would be rescheduled once it was permissible to safely hold a large gathering event.

Chief DeCarolis – Police

Chief DeCarolis reported officers would be conducting a distracted driver enforcement detail later this month.

Council President commented the Click-It or Ticket sign by the J. Malcolm Belcher Fairgrounds was torn and should be replaced.

Mayor Vallone

Mayor Vallone informed the Borough Council that he met with Mr. Dan Powell, CEO of the VNA and it was determined that, due to the current pandemic restrictions, the Spring Rummage Sale would be cancelled. Mayor Vallone concurred with Council President Karner it was necessary to scale back the Borough's 100th Anniversary event. He indicated that there would be a small socially distanced gathering held on May 15, 2021 in which he would deliver a Proclamation and the time capsule would be buried. The event was also planned to live streamed for all residents to safely enjoy.

REGULAR AGENDA

APPROVAL OF MINUTES

1/25/21 - Regular Meeting

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

UNFINISHED BUSINESS

ORDINANCES – PUBLIC HEARING AND ADOPTION

ORDINANCE 2021-01 - AN ORDINANCE UPDATING AND AMENDING SECTION 916 ENTITLED "STORMWATER MANAGEMENT" OF THE BOROUGH'S LAND MANAGEMENT ORDINANCE (REPEALING AND REPLACING ORDINANCE NO. 2006-06) PURSUANT TO THE NJDEP'S AMENDED STORMWATER MANAGEMENT REGULATIONS.

Mr. Sordillo provided a brief overview and indicated that the revisions were being mandated by the NJDEP. In collaboration with the Borough Engineer, Paul Ferriero, the Ordinance was prepared and incorporated the general provisions of the NJDEP model ordinance. He advised the Borough Council of the approval process per the Municipal Land Use Law as well as the additional requirement of obtaining approval of the Ordinance by the Somerset County Planning Board upon adoption by the Borough Council. Mr. Sordillo also indicated the Borough Planning Board found that Ordinance 2021-01 was not inconsistent with the Master Plan per PB Resolution 2021-10

Motion by Council President Karner, seconded by Councilwoman Tweedie, was 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 Councilwoman Tweedie, was unanimously carried to close the public hearing.

Motion by Councilwoman Tweedie, seconded by Council President Karner that Ordinance 2021-01 be adopted.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie

Nay:
Abstain:
Motion Carried.

ORDINANCE 2021-02 - AN ORDINANCE UPDATING AND AMENDING ORDINANCE NO. 2020-07 TO ADDRESS THE REQUIREMENTS OF THE COURT AND THE FINDINGS OF THE COURT'S SPECIAL MASTER IN CONNECTION WITH THE BOROUGH'S AFFORDABLE HOUSING COMPLIANCE APPROVAL.

Mr. Sordillo provided a brief overview and indicated that as directed by the Special Court Master and a condition of the Courts Judgment of Compliance and Repose revisions were required of the Borough's general Affordable Housing Ordinance. Mr. Sordillo also indicated the Borough Planning Board found that Ordinance 2021-02 was not inconsistent with the Master Plan per PB Resolution 2021-11.

Motion by Council President Karner, seconded by Councilwoman Tweedie, was unanimously carried to open the public hearing.

Charles Schwester, 410 Lake Road, Far Hills inquired if adopting this ordinance obligated the Borough to proceed with the affordable housing developments in the event of any default by the developers.

Mr. Sordillo responded by outlining the parameters of the Borough's compliance with its affordable housing obligations.

There were no further 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 Councilwoman Tweedie, was unanimously carried to close the public hearing.

Motion by Council President Karner, seconded by Councilwoman Chimenti that Ordinance 2021-02 be adopted.

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

ORDINANCE 2021-03 - ORDINANCE OF THE BOROUGH OF FAR HILLS APPROPRIATING \$300,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO THE BOROUGH'S AFFORDABLE HOUSING TRUST FUND FOR THE DEVELOPMENT OF AFFORDABLE HOUSING UNITS.

Mr. Sordillo explained that funding was already established for affordable housing purposes and this Ordinance authorized the transfer from the Capital Improvement Fund to the Affordable Housing

Trust Fund. He added that the Borough was afforded credits through the utilization of the Affordable Housing Trust Fund in the Spending Plan.

Motion by Council President Karner, seconded by Councilwoman Tweedie, was 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 Councilwoman Tweedie, was unanimously carried to close the public hearing.

Motion by Council President Karner, seconded by Councilwoman Tweedie that Ordinance 2021-03 be adopted.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie

Nay:

Abstain:

Motion Carried.

NEW BUSINESS

RESOLUTIONS

Resolution 21-050 – Authorizing First Amendment to Affordable Housing Agreement William Hotz Development Group, Inc.

Mr. Sordillo provided a brief overview indicating that an amendment to the agreement was necessary due to the transfer of ownership from Hotz Development Group, Inc. to Raritan Valley Development Corporation, as well as to authorize the adjustment in the payment schedule to align with the Planning Board approval on January 4, 2021. He advised that although the attorney for the Raritan Valley Development Corporation was still reviewing the amendment, the Borough Council could authorize the amendment substantially in the form presented.

Motion by Council President Karner, seconded by Councilwoman Tweedie that Resolution 21-050 be approved.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie

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 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.

1. Resolution 21-051 – Authorizing Issuance of Special Use Permit - Moorland Farm
2. Resolution 21-052 – Authorizing Temporary Capital Budget
3. Resolution 21-053 – Reappointment – Municipal Court Judge
4. Resolution 21-054 – Award of Contract – Witmer Public Safety Group, Inc.
5. Resolution 21-055 – Authorizing Refund of Escrow – Planning Board – B18 L4
6. Resolution 21-056 – Payment of Bill List

Councilwoman Chimenti recommended the reappointment of Judge Mark Adler, indicating that he conducted a well-run and respected courtroom.

Council President Karner commented a few residents had voiced concerns regarding the noise generated from the prior Skeet Flurry event held at Moorland Farm, and he would be reaching out to additional residents with regard to the level of disturbance experienced. Mayor Vallone concurred that the concerns of our residents regarding any future events would be strongly considered.

Motion by Council President Karner, seconded by Councilwoman Tweedie that Resolutions 21-051 through 21-056 be approved.

Councilman Carty was unable to participate in the vote due to remote access complications.

Roll Call:

Aye: Chimenti, Karner, Tweedie, Vallone

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.*

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

Charles Schwester, 410 Lake Road, Far Hills inquired if there was an ownership reverter clause in the agreement for the Matheny Group Home project and the number of affordable housing credits afforded to the Borough for this project. He also expressed concern regarding the solvency of the Matheny School and Hospital due to a decrease in enrollment.

George Mellendick, 260 Lake Road, Far Hills inquired as to whom would care for the residents of the group home should there be any change in ownership. He also acknowledged the exceptional job the police and public works departments had done in making the roadways safe for travel after the recent storms.

Mr. Sordillo responded that the agreement with Matheny contained a reverter clause and that any subsequent change in ownership would require approval from the Borough. He also indicated the

Borough received 16 credits towards its affordable housing obligation for the third round; however, noted the fourth round begins in 2025.

Charles Schwester, 410 Lake Road, Far Hills also inquired as to the status of the Errico Acres project as mentioned at the recent Planning Board meeting.

Councilwoman Tweedie responded that the Borough Planner, David Banisch had indicated that the developer submitted an application to the NJDEP; however, no application for this development has been submitted to the Planning Board at this time.

There were no further comments from the public.

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

EXECUTIVE SESSION

Resolution 21-057 - Attorney-Client Privilege - Anticipated Litigation - Bernardsville Quarry Recycling Facility

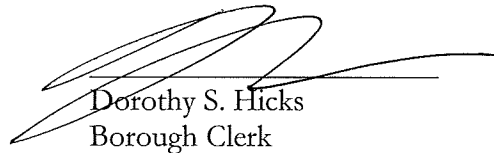
Motion by Council President Karner, seconded by Councilwoman Tweedie, was unanimously carried that Resolution 21-057 be approved.

RETURN TO OPEN SESSION AND ADJOURNMENT

Motion by Councilwoman Tweedie, seconded by Council President Karner, was unanimously carried to adjourn the meeting at 8:28 p.m.

Respectfully submitted,

APPROVED – 2/22/21



Dorothy S. Hicks
Borough Clerk