

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
April 12, 2021
VIA REMOTE MEETING ACCESS ONLY

CALL TO ORDER

Mayor Vallone called the remote 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, Council President David Karner, Councilwoman Sheila Tweedie, Councilman Kevin Welsh, Mayor Paul J. Vallone, MD

Absent, as Excused: Councilman Ted McLean

Absent:

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

REPORTS

Councilman Kevin Welsh – Fire, Water, Light, Buildings & Grounds

Councilman Welsh provided a status update regarding the decaying trees along Peapack Road and indicated that Somerset County would be responsible for the remediation of a majority of the trees. A brief discussion ensued regarding planting new trees at the J. Malcolm Belcher Fairgrounds.

Councilwoman Sheila Tweedie – Health/Sanitation

No report.

Councilman Joseph Carty – Finance/Insurance

No report.

Councilwoman Mary Chimenti – Laws, Ordinances, & Elections

No report

Council President David Karner – Police

Council President Karner stated that after discussions with Chief DeCarolis a new Special Class II Officer, Mr. Thomas Finnerty, Jr. was to be appointed this evening. He also commended the efforts of Sergeant Christopher Kocur who was to be promoted to Lieutenant this evening.

Council President Karner presented the March 2021 Police Report.

Lastly, he presented an update on the 100th Anniversary Event indicating that the banner was planned to be installed this weekend with the assistance of the Far Hills Bedminster Fire Department. He also reminded residents to contribute items for inclusion in the time capsule.

Chief Michael DeCarolis

Chief DeCarolis echoed Council President Karner's commendation of Sergeant Kocur and was proud to support his promotion to Lieutenant. He also provided a brief background of Officer Finnerty's experience and indicated he will be a great addition to the Far Hills Police Department.

Mayor Vallone

Mayor Vallone provided an update on Covid restrictions, highlighting that the Governor has increased the number allowed at outdoor gatherings to 200 attendees as long as social distancing protocols are followed.

He indicated that representatives from the Essex Horse Trials would be attending the next Council meeting to present proposed plans for a 2021 event.

Mayor Vallone stated the Borough's 100th Anniversary event would be held on May 15, 2021 at 10:00 a.m. at the municipal building and would include a reading of the Proclamation and burying of the time capsule.

REGULAR AGENDA

APPROVAL OF MINUTES

03/22/21 – Regular Meeting Minutes

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

NEW BUSINESS

RESOLUTIONS

Resolution 21-072 – Appointment – Police Lieutenant

Council President Karner and Councilman Carty acknowledged the efforts and commitment of Sergeant Christopher Kocur to the Far Hills Police Department and expressed their support of his promotion to Lieutenant.

Motion by Council President Karner, seconded by Councilman Carty that Resolution 21-072 be approved.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

Ms. Hicks administered the Oath of Office to Lieutenant Christopher Kocur.

Resolution 21-073 – Appointment – Special Officer – Class II

Motion by Council President Karner, seconded by Councilman Carty that Resolution 21-073 be approved.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

Ms. Hicks administered the Oath of Office to Special Officer Class II Thomas E. Finnerty, Jr.

Mayor Vallone and members of the Borough Council expressed their congratulations to Lieutenant Kocur and Officer Finnerty.

Members of the Far Hills Police Department were excused from the remainder of the meeting.

**UNFINISHED BUSINESS
ORDINANCES**

PUBLIC HEARING AND ADOPTION

ORDINANCE 2021-05 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2021

Motion by Council President Karner, seconded by Councilman Carty 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 Chimenti to close the public hearing.

Motion by Council President Karner, seconded by Councilwoman Tweedie that Ordinance 2021-05 be adopted.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

ORDINANCE 2021-06 – 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 Council President Karner, seconded by Councilwoman Chimenti 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 Chimenti to close the public hearing.

Motion by Councilman Welsh, seconded by Council President Karner that Ordinance 2021-06 be adopted.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

ORDINANCE 2021-07 – AN ORDINANCE RE-ESTABLISHING A GENERAL LAND USE PROHIBITION ON ALL RECREATIONAL AND MEDICAL MARIJUANA BUSINESSES AND ESTABLISHMENTS WITHIN THE BOROUGH OF FAR HILLS

Mr. Sordillo stated Ordinance 2021-07 was referred to the Planning Board which found that the Ordinance was not inconsistent with the Borough's Master Plan. He noted that there were four minor typographical errors that have been corrected as they were not material changes to the Ordinance.

Mr. Sordillo provided a brief overview of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and in order to preserve the prohibition of marijuana related businesses in the Borough it was necessary to adopt an ordinance consistent with the provisions of the Act. Mr. Sordillo clarified that while the Ordinance prohibits marijuana businesses from operating in the Borough, the delivery of medical or recreational marijuana was not prohibited. He also noted that nothing would prohibit the Borough from lifting the restrictions in the future; however, if restrictions were not instituted during the time period provided in the Act, the Borough would be prohibited from making any additional changes for a five-year period.

Mayor Vallone added that Ordinance 2021-07 does not prohibit the use of medical or recreational marijuana in the Borough but only prohibits marijuana businesses from operating in the Borough.

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

Hugh Giordano, Blackwood, NJ representing the United Food and Commercial Workers Union Local 152 expressed his views in favor of marijuana businesses and opposition to Ordinance 2021-07.

Jaime Van Sciver, Paulsboro, NJ expressed her views in favor of marijuana businesses and opposition to Ordinance 2021-07.

Lefty Edward Grimes, East Hanover, NJ expressed his views in favor of marijuana businesses and opposition to Ordinance 2021-07.

Jeffrey King, Eatontown, NJ expressed his views in favor of marijuana businesses and opposition to Ordinance 2021-07.

Adam Umansky, Ramapo, NY expressed his views in favor of marijuana and questioned the potential liability of banning of marijuana due to religious freedoms.

Marina Rebmann, Sayreville, NJ expressed her views in favor of medical marijuana and shared her difficulties in accessing medical marijuana.

Charles Schwester, 410 Lake Road, Far Hills expressed his concerns regarding the legalization of recreational marijuana and issues he had experienced as a result of the legalization at his home in Colorado.

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.

Mayor Vallone thanked members of the public for their comments. He stated that the Borough Council carefully considers each and every issue that is presented before them and a determination is made that is in the best interest of the residents of the Borough of Far Hills.

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

Motion by Councilwoman Tweedie, seconded by Council President Karner that Ordinance 2021-07 be adopted.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

CONSENT AGENDA RESOLUTIONS

1. Resolution 21-074 – Self Examination of Budget
2. Resolution 21-075 – Introduction of Municipal Budget for 2021
3. Resolution 21-076 – Authorizing Raffle License – Far Hills Race Meeting Association, Inc.
4. Resolution 21-077 – Authorizing Operation and Maintenance Services Agreement
Sanitary Sewer Transmission System
5. Resolution 21-078 – Authorizing Submission of Strategic Plan and Acceptance of Award
SHMAYSC Fiscal Year 2021-2022
6. Resolution 21-079 – Payment of Bill List

Mayor Vallone provided a brief overview of the 2021 Municipal Budget and expressed his appreciation to CFO, Ms. Debra Stern and the members of the Borough Council for their efforts. He emphasized the Borough Council strives to provide excellent services to residents while maintaining one of the lowest municipal tax rates in the state. He indicated that due to the unprecedented times and the loss of revenue from the cancellation of the large events this year, it was necessary to minimally increase the municipal tax rate by 1.1% from the prior year. He added that the budget appropriations for 2021 were less than in 2020.

Motion by Council President Karner, seconded by Councilwoman Tweedie that Resolutions 21-074 through 21-079 be approved.

Roll Call:

Aye: Carty, Chimenti, Karner, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

DISCUSSION

Train Quiet Zone

Councilwoman Tweedie provided an update on the train quiet zones. She noted that Far Hills only has one railroad crossing in contrast to Bernardsville which has six crossings. She also dispelled the notion that the horn frequency and noise was attributed to a particular train engineer or location. The engineers are required to follow specific horn protocols at each railroad crossing. She explained the increase in noise was primarily due to the transition to new engines which inherently have a louder horn.

Councilwoman Tweedie briefly outlined the additional safety features required at a railroad crossing for the establishment of a train quiet zone and noted these safety upgrades could be extremely expensive to install. She noted the Suburban Municipal Joint Insurance Fund (JIF) was currently reviewing the liability component associated with an implementation of a train quiet zone in the municipalities it represents.

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 3 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 commented upon an article in the April issue of Bernardsville News which detailed an overall decrease in the school tax rates and questioned why the Borough would be increasing municipal taxes. He also inquired as to the waste treatment plant proposed at the Errico Acres property and concerns about adverse effects on the Mine Brook tributary.

Mayor Vallone responded that there has been a decrease in the assessed value of several properties within the Borough which has necessitated an increase in the municipal tax rate this year.

Mr. Sordillo responded that the NJDEP was the authority responsible for the waste treatment plant. He reiterated questions regarding the plans for the treatment plant should be directed to the Planning Board.

George Mellendick, 260 Lake Road, Far Hills commented upon the pooling of water at the entrance of the Errico Acres property. He also inquired about the status of a NJDEP Flood Hazard Area Verification and a Freshwater Wetlands Letter of Interpretation.

Mayor Vallone reiterated that a thorough review of the application would be undertaken by the Planning Board. He opined that the review process could take numerous meetings to complete prior to any decisions being made regarding this development.

Mr. Sordillo responded that the NJDEP interpretations would be part of the developer's application and any decisions would be under the authority of the NJDEP and not the Borough of Far Hills.

Janine Silberberg, 90 Hidden Valley Road, Far Hills commented about the oil leak remediation at 80 Hidden Valley Road and the potential for further deterioration of the roadway due to the heavy machinery and trucks utilized.

Mr. Sordillo responded the Borough Engineer, Ferriero Engineering and the Bedminster DPW Supervisor would be reviewing the roadway.

Jeffrey King, Eatontown, NJ expressed his views in favor of marijuana businesses.

Lefty Edward Grimes, East Hanover, NJ expressed his views in favor of marijuana businesses.

Jaime Van Sciver, Paulsboro, NJ expressed her views in favor of medical marijuana and marijuana businesses.

Marina Rebmann, Sayreville, NJ expressed her views in favor of medical marijuana.

Janine Silberberg, 90 Hidden Valley Road, Far Hills inquired as to the responsibility for tree removal.

Mr. Sordillo responded tree removal was the responsibility of the property owner.

Jeffrey King, Eatontown, NJ was afforded additional time to express his views in favor of marijuana businesses.

Charles Schwester, 410 Lake Road, Far Hills commented that the Borough Council was comprised of elected officials who represent the residents of Far Hills. He expressed exception to the comments made from other members of the public who were not residents of the Borough.

Mr. Sordillo informed Mr. Schwester to restrict his comments only to the Borough Council and not towards members of the public.

There were no further comments from the public.

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

ADJOURNMENT

Motion by Council President Karner, seconded by Councilwoman Tweedie, was unanimously carried to adjourn the meeting at 8:50 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 04-26-21