

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
February 13, 2023

CALL TO ORDER

Mayor Welsh called the meeting to order at 7:00 p.m. at the Far Hills Municipal Building and read the open public meetings statement in accordance with the law.

PLEDGE OF ALLEGIANCE

Mayor Welsh led the Pledge of Allegiance.

ROLL CALL

Present: Councilman Joseph Carty, Council President Mary Chimenti, Councilman Peter J. Cocozello, Jr., Councilman David P. Karner, Councilman Rick Rinzler, Councilwoman Sheila Tweedie, Mayor Kevin P. Welsh

Absent, as Excused:

Absent:

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

DISCUSSION

Borough Council Committee Appointments - 2023

Mayor Welsh reviewed the 2023 Borough Council Committee Appointments and it was the consensus of the Borough Council that the appointments be accepted effective immediately.

REPORTS

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

No report.

Councilman Carty – Finance/Insurance

No report.

Councilwoman Tweedie – Health/Sanitation

No report.

Council President Chimenti – Laws, Ordinances & Elections

No report.

Councilman Rinzler – Police

Councilman Rinzler presented the January 2023 Police Report.

He indicated a review of the municipal building security was conducted with Chief DeCarolis and the metal detector was fully operational.

Chief DeCarolis

Chief DeCarolis informed the Borough Council a Distracted Driver enforcement detail was currently in progress.

Mayor Welsh

Mayor Welsh reported he attended the NJ League of Municipalities Mayor's Conference on February 2, 2023 in Trenton, NJ. One of the key topics of discussion was the increase in the health insurance costs for the municipalities and counties of approximately 22%, while the state had implemented a 2% cap on their health insurance costs. Affordable housing was also discussed at the conference as the Fourth Round was planned to begin in 2025. It was uncertain at this time whether the courts or a special master would administer this round. He also met with representatives from the NJ Department of Transportation and reviewed the Borough's commitment for roadway improvements to increase pedestrian safety.

Mayor Welsh informed the public, the Borough Council would be reviewing the draft financial impact study conducted by the Otteau Group, LLC in executive session this evening and noted there would be no action taken at this time. It was anticipated the final report would be presented at the February 27, 2023 Borough Council meeting and a copy would be posted on the Borough website prior to the presentation. He stated the Borough will continue to progress the Errico Acres Affordable Housing project to comply with deadlines from COAH, the courts and the developer while always maintaining the best interest of the residents of Far Hills.

REGULAR AGENDA

APPROVAL OF MINUTES

1/23/2023 – Regular Meeting Minutes

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

1/23/2023 – Executive Session Minutes

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

NEW BUSINESS

ORDINANCES – INTRODUCTION

ORDINANCE 2023-02 – AN ORDINANCE AUTHORIZING THE BOROUGH OF FAR HILLS' ACCEPTANCE OF A PERIMETER BUFFER EASEMENT, STREAM CORRIDOR EASEMENT, SCENIC CORRIDOR EASEMENT, STORMWATER DRAINAGE MAINTENANCE EASEMENT, 100 FOOT COMMON AREA/OPEN LAND EASEMENT, NATURE PATH EASEMENT AND SIGHT TRIANGLE EASEMENT IN CONNECTION WITH THE PLANNING BOARD'S GRANT OF PRELIMINARY AND FINAL MAJOR SUBDIVISION AND SITE PLAN APPROVAL.

Mr. Sordillo stated the acceptance of the easements were required as a condition of approval of the Planning Board resolution for the affordable housing development and also in accordance with the terms and conditions of the Affordable Housing Agreement between the Borough and Melillo Equities, LLC. He provided a brief overview of each of the easements included in the ordinance. Mr. Sordillo also outlined the ordinance process indicating the ordinance was only being introduced at tonight's meeting; the public hearing and consideration for adoption would be on the agenda for the February 27, 2023 Borough Council meeting.

Councilman Rinzler inquired as to the owner being indicated as Errico Acres, LLC on the easements. He also questioned if the easement for the Nature Path was different than the Walking Path planned for the development.

Mr. Sordillo replied the easements were being recorded with the current property owner prior to the transfer of property to Melillo Equities and Pulte and would continue to run with the land. With regard to the Nature Path, Mr. Sordillo provided clarification and indicated its location was near the Perimeter Easement near Bernards Township while the Walking Path was being built by the developer within the property.

Councilman Coccoziello inquired if Mr. Thomas Errico had consented to these easements.

Mr. Sordillo responded the developer had indicated Mr. Errico was in agreement with these easements, which will then need to be signed and recorded at the County in order to be in compliance with the Planning Board's conditions of approval.

Councilman Carty inquired if there was a deadline for the recording of the easements and if a timeline could be prepared for any future documents requiring approval by the Borough Council.

Mr. Sordillo responded there was no deadline for the Borough but indicated the developer had to submit a signed subdivision plat drawing by March 7, 2023 as required by the NJDEP permit.

Councilman Karner inquired if the new NJDEP flood hazard regulations would impact these easements. Mr. Sordillo clarified the easements would not be impacted by the new NJDEP regulations.

Council President Chimenti inquired if there were additional easements anticipated for this property.

Mr. Sordillo advised that after consultation with the Borough Planner and Engineer the easements in the ordinance are required by both the Borough and the Planning Board's conditions of approval. He added the easements would also be indicated on the subdivision plat recorded with the County Clerk. If any additional easements were required at a later date, they would need to be authorized similarly by ordinance.

Dr. George Mellendick objected to the timing of the introduction of the ordinance and stated that the public has not had ample opportunity to review the documents. He took exception to the fact the Borough Council would be voting on the adoption of the ordinance at the next meeting occurring in only two weeks.

Several members of the public also voiced their concerns regarding the timing of the introduction of the ordinance with Chief DeCarolis intervening to maintain a level of decorum and suggested public comments be held until the designated portion of the meeting.

Mayor Welsh clarified the ordinance was on the agenda this evening for introduction only and the public would have an opportunity to review the documents and comment during the public hearing scheduled for the February 27, 2023 meeting.

Council President Chimenti also asked members of the public to hold their comments until the public comment portion of the meeting where everyone would have an opportunity to speak.

Mayor Welsh reiterated the ordinance process and asked that members of the public conduct themselves respectfully.

A brief discussion ensued regarding the timeline for the review and submission of the easements resulting in a general consensus to reconsider the introduction of Ordinance 2023-02 until after the public comment portion of the meeting.

CONSENT AGENDA RESOLUTIONS

1. Resolution 23-050 – Amending the Appointment of Tax and Sewer Collector
via Shared Services Agreement
2. Resolution 23-051 – Payment of Bill List

Motion by Councilwoman Tweedie, seconded by Council President Chimenti that Resolutions 23-050 through 23-051 be approved.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler, Tweedie

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 Councilman Karner, seconded by Council President Chimenti to open the meeting to public comment.

Sohail Khan, 3 Fox Hunt Court, Far Hills commented upon the general oversight of the Borough Council regarding the affordable housing development. He also questioned why he had not received any further notifications since receiving the 200-foot notification.

Mayor Welsh replied that we are in this together and the Borough Council was being fiscally responsible and serving in the best interests of the residents of Far Hills.

Mr. Sordillo reiterated the notification requirements for Land Use applications submitted to the Planning Board.

Councilwoman Tweedie added the purpose of the notice was to inform the adjacent property owners a land use application would be presented at the Planning Board meeting.

Jonathan Mahoney, 5 Fox Hunt Court, Far Hills expressed his concern regarding the variance application process and suggested the introduction of the ordinance pertaining to the easements be delayed for another two weeks.

Denise Errico Duffy, 62 Pheasant Hill Drive, Far Hills inquired about the timing of the introduction of the easements and the March 7, 2023 due date mentioned earlier in the meeting. She further commented upon the 10-acreage zoning restriction on the adjacent property as opposed to the density permitted on this development.

Mr. Sordillo responded he was asked to have the easements prepared for tonight's meeting.

Mayor Welsh responded there were numerous deadlines associated with affordable housing development which has been in progress for four years. He noted the Borough's decision to conduct a financial impact study has also impacted the timeline.

Charles Schwester, 410 Lake Road, Far Hills inquired about the removal of the Developer's Agreement and Memorandum of Understanding with Melillo (MOU) from the agenda and if there were any meetings held to review the Otteau Group's financial impact study. He questioned the expertise of the members of the Borough Council to review a high-density development and referenced the deficient percolation capabilities of the project site. He further inquired as to the completeness of the financial impact study and the request for proposal. He also asked if there were any conflicts of interest with Melillo and Pulte and any members of the Borough Council; specifically noting Mayor Welsh's agreement to park cars on property owned by Mr. Melillo.

Mayor Welsh clarified that the resolution pertaining to the agreement and MOU were subsequently removed from the agenda as the Borough Council was not prepared to proceed at tonight's meeting. With regard to the financial impact study, Mayor Welsh responded there would be a public presentation once the study was finalized.

Mr. Sordillo responded there was a meeting held on February 6, 2023 with members of the Affordable Housing subcommittee and professionals.

Councilman Karner responded the Borough has hired the Otteau Group for their professional expertise in evaluating this development.

Mayor Welsh and Mr. Sordillo both responded they felt there was currently no conflict of interest with the Melillo and Pulte development.

Upon being provided the one-minute notice for public comment by Ms. Hicks, Mr. Schwester responded "Keep your mouth shut. I don't want to hear from you."

Several members of the Borough Council objected to Mr. Schwester's behavior and response to Ms. Hicks. Mayor Welsh informed him that his time for public comment was done.

Mr. Schwester, however, continued to speak about his objections to the affordable housing project and addressed members of the Borough Council specifically Councilwoman Tweedie, Council President Chimenti and Mayor Welsh stating "The storm is coming and you're going down, all three of you."

Council President Chimenti responded she found his tone aggressive and uncalled for and asked if his comments were a threat. Chief DeCarolis also inquired of Council President Chimenti if she considered Mr. Schwester's comments a threat.

Mr. Schwester restated "You're going down politically."

Jon Sobel, 44 Spring Hollow Road, Far Hills questioned Mayor Welsh regarding his comment about having no conflict of interest with the Melillo development. He also commented about the lack of

transparency regarding the Errico Acres development and felt it would not have been permitted if it was presented as a redevelopment project.

Mayor Welsh responded he had appropriately recused himself when an application regarding a property was located within 200 foot of his home or a business property he owned.

Christopher Otteau, 110 Post Kunhardt, Bernardsville, NJ stated he was the owner of the Otteau Group, LLC and reviewed his qualifications as a redevelopment expert. He indicated his firm was retained by the Borough to conduct the financial impact study for the Errico Acres/Residences at Overleigh Development which would be presented to the Borough Council in Executive Session this evening.

Mr. Schwester interjected stating he wanted to see the full report and the request for proposal and implied the Borough Council was planning to vote upon the report this evening.

Mayor Welsh thanked Mr. Otteau for providing additional clarification regarding the financial impact study and restated a public presentation of the study was planned for the February 27, 2023 meeting. He assured the members of the public that the Borough Council fully supported a thorough review of the affordable housing documents and would continue to serve in the best interest of the residents of Far Hills.

Councilman Karner acknowledged there were prior mistakes made regarding the administration of the agreements for the affordable housing development and during his tenure as interim Mayor he made every attempt to be transparent about the process. He stated that with the assistance from our professionals, the Borough Council would satisfy its mandated affordable housing obligation.

Steve Newman, 19 Lake Road, Far Hills commented he purchased his home on March 1, 2021 which was located on the corner of Route 202 and Lake Road. He indicated he was not informed by either his realtor or closing attorney about this development, nor had he received any notifications from the developers. Mr. Newman also questioned the lack of transparency specifically referencing a prior meeting held on the Monday of the July 4th holiday weekend.

Jaimie Morais, 4 Hickory Tree Lane, Bernardsville inquired as to the location of the eastern easement. She also commented upon the increased traffic that could occur along Route 202 as a result of the development and shared her personal experience with a fatal accident which occurred along this roadway several years ago. She stated she did some research and since 2013 there have been 10 accidents involving either a fatality or a Medevac response that occurred along the approximate 4 miles of Route 202 from Bernardsville to Far Hills.

Mr. Sordillo provided additional information regarding the location of the easement.

Mayor Welsh thanked Ms. Morais for sharing her personal experience.

Mr. Patel, 7 Castle Court, Far Hills commented 134 units was excessive and questioned the variance approvals provided to the developer and suggested building only the affordable homes. He reviewed the requirements for 10-acre zoning he had to comply with during his Planning Board application for the development of four homes. He also expressed concern regarding the Council proceeding with the easements at the February 27, 2023 meeting as it did not provide adequate time to fully review the documentation.

Mr. Schwester asked if he could have another opportunity to speak.

Mayor Welsh permitted Mr. Schwester to do so, however, indicated that if he spoke in a tone that was aggressive or negatively towards anyone he would be asked to sit down.

Charles Schwester, 410 Lake Road, Far Hills inquired as to the meeting held to review the affordable housing agreement and the financial impact study; questioned Mayor Welsh again regarding a conflict of interest; questioned the value of the property after being rezoned with the installation of a package plant as opposed to connecting to public sewer and the financial payments to be made by the Borough to the developer.

Mayor Welsh responded the subcommittee members have been consistent throughout the process and the retaining of the Otteau Group for the financial impact study for further review of the affordable housing agreements.

Sohail Khan, 3 Fox Hunt Court, Far Hills commented that since Councilman Karner acknowledged mistakes were made he respectfully requested that those who were involved with the affordable housing development should step down from the Borough Council.

George Mellendick, 270 Lake Road, Far Hills acknowledged the efforts of prior Mayor Karner to provide more transparency regarding the development. He indicated the presentations regarding the traffic study and lighting for the development made at prior Planning Board meetings provided no opportunity for public input. He expressed concern regarding the last-minute presentation of easement documentation this evening and the potential introduction of an ordinance without adequate time for review by members of the Borough Council.

Christian Kubick, 250 Lake Road, Far Hills commended members of the public for doing their due diligence regarding the affordable housing development. Mr. Kubick recalled interactions he had with prior Mayor Vallone and Mrs. Vallone and on a separate occasion with Mr. Melillo and questioned the character of these individuals and stated he preferred not to work with people like that.

Suzanne Voorhees, 5 Castle Court, Far Hills stated she purchased her home in June 2021 and was not apprised by the listing agent from Turpin Realtors of the development on the adjacent property. She also expressed concern regarding the potential increase in traffic and inquired as to the number of current homes in the Borough. Lastly, she indicated there were no public sidewalks to access the downtown from the development.

Mayor Welsh responded there were currently 350 homes in the Borough.

Councilman Rinzler assured the public that the Mayor and Council would take the additional time necessary to appropriately review any document subject to approval by the Borough Council.

There were no further comments from the public.

Motion by Councilman Karner, seconded by Councilwoman Tweedie to close the meeting to public comment.

Councilman Karner stated Dr. Mellendick's comments this evening alluded that the Borough Council would automatically approve an item on the agenda. Councilman Karner stated that this was incorrect and wanted it reflected in the minutes.

A brief discussion ensued resulting in a motion by Councilman Karner, seconded by Councilman Rinzler and unanimously carried to table the introduction of Ordinance 2023-02 to the February 27, 2023 Borough Council meeting.

EXECUTIVE SESSION

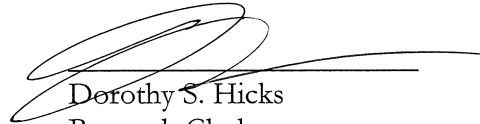
Resolution 23-052 - Attorney-Client Privilege – Litigation – Affordable Housing

Motion by Councilman Karner, seconded by Councilman Rinzler, was unanimously carried to approve Resolution 23-052.

RETURN TO OPEN SESSION AND ADJOURNMENT

Motion by Councilman Karner, seconded by Councilman Rinzler was unanimously carried to adjourn the meeting at 10:30 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 2/27/2023