

**BOROUGH OF FAR HILLS**  
Borough Council Regular Meeting  
**MINUTES**  
April 24, 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. Coccoziello, 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 DeCarolis and members of the Far Hills Police Department

**REPORTS**

**Councilman Coccoziello – Roads**

Councilman Coccoziello reported on April 19, 2023 he, Mayor Welsh, Ms. Hicks and Bedminster DPW Director, Mr. Kevin Murray reviewed the condition of several roads throughout the Borough and an estimate for repairs was currently being prepared by Bedminster DPW. Councilman Coccoziello stated the Borough was appreciative of all the input from residents regarding the areas in need of attention on our roadways.

He continued his report by providing an update on the Pennbrook Road project indicating that a contract extension was necessary due to the delay caused by the required relocation of the PSE&G gas main.

Lastly, Councilman Coccoziello stated engineering specifications were currently being developed for the drainage and repaving project on DeMun Place and Dumont Road made possible through a NJDOT Local Aid grant.

Mayor Welsh added that an extensive review of Lake Road was conducted and acknowledged repairs to the roadway were a priority.

Councilman Carty concurred with the deteriorating condition of Lake Road and agreed repairs to this roadway should be a priority of the Borough.

**Councilwoman Tweedie – Health/Sanitation**

Councilwoman Tweedie presented an overview of the March 2023 Inflow and Infiltration (I&I) report noting the monthly rolling average of purchased capacity was 74.97%. She continued noting the

importance of ongoing smoke testing, videotaping and maintenance of the nearly 100-year-old sewer system.

#### **Councilman Carty – Finance/Insurance**

No report.

#### **Council President Chimenti – Laws, Ordinances & Elections**

No report.

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

Councilman Karner reported there was a meeting of the Recreation Committee on April 11, 2023 where improvements to the fairgrounds were discussed and included the installation of new pennants, repairs to the split rail fence and new signage.

He provided an update on the Atlantic Visiting Nurse Rummage Sale as donations were continuing in preparation for the opening of the sale to the public on May 5, 2023. Councilman Karner acknowledged the efforts of the numerous volunteers who have graciously donated their time and energy and especially noted Mr. Jack Koury for his assistance in streamlining the traffic and parking at the fairgrounds.

#### **Councilman Rinzler – Police**

Councilman Rinzler reported he met with Chief DeCarolis to review budgetary items for the department. He was pleased to welcome Mr. David Jeon, who will be sworn in as an Officer of the Far Hills Police Department this evening, and acknowledged the members of the Far Hills Police Department and the Somerset County Sheriff's Department who were also in attendance.

#### **Chief DeCarolis**

Chief DeCarolis congratulated Mr. Jeon and welcomed him to the Far Hills Police Department.

#### **Mayor Welsh**

Mayor Welsh stated the VNA Rummage Sale was just around the corner and would be running from May 5 – 7, 2023.

He reported the public hearing for the 2023 Budget would be at the May 8, 2023 Borough Council meeting and both the Borough Auditor and CFO would be present to answer any questions.

He apprised residents that JCP&L would be utilizing a helicopter to inspect the utility transmission lines for the next five days, commencing on April 26, 2023.

Mayor Welsh asked for suggestions from residents for improvements to the fairgrounds and noted the Borough would be planting trees to replace those that had to be removed due to damage or decay. He also reported the Borough's request to Somerset County for pedestrian safety signage along Peapack Road was still being reviewed.

Lastly, Mayor Welsh stated the Council received a letter from a resident regarding a concern with the petition submitted by Mr. Schwester to serve on the Borough Council and asked Mr. Sordillo to provide factual information and clarity to this concern which has since been rectified.

Mr. Sordillo reviewed the Municipal Election Process and explained that by state statute the Municipal Clerk is the Chief Administrative Officer of Elections for the municipality. He clarified that neither the municipality nor the governing body has authority over the municipal election process as it would be inappropriate for an elected official to become involved with the elections. As the Administrative Officer, the Municipal Clerk is required to validate and certify the petitions to the County Clerk.

With regard to the petition submitted by Mr. Schwester, the Municipal Clerk determined pursuant to statute, there was a deficiency in the number of required signatures and the petition could not be validated or certified to the County Clerk. The minimum number of valid signatures for the 2023 Primary Election for the Republican Party was five (5) signatures and while the petition contained six (6) signatures, two (2) signatures were deemed invalid as they did not meet the statutory requirements. As the Municipal Clerk does not have the statutory authority to exceed the provisions of the statutes, the appropriate process was followed requiring an appeal to the NJ Superior Court.

Mr. Sordillo confirmed that it was within the responsibilities of the Borough Attorney to represent the Municipal Clerk with regard to this litigation. He detailed that an order to show cause was filed by Mr. Schwester's attorney seeking relief to have Mr. Schwester included on the 2023 Primary Election ballot. The hearing was originally scheduled for today, April 24, 2023; however, it was rescheduled to April 19, 2023 in order to provide time for the County Clerk to print the ballots should the Court grant the relief being sought.

Working with Mr. Schwester's attorney, a consent order was ultimately entered to the court and as ordered by the Court, the Municipal Clerk submitted a letter to the County Clerk to add Mr. Schwester to the 2023 Primary Election ballot. The Court also issued a subsequent order providing the County Clerk with additional time to print the ballots outside of the timing prescribed by statute.

Councilman Carty inquired if the court proceedings were necessary and opined that the revision required on the petition was minor as it pertained to changing a PO Box to a residential address. He questioned this as the address in question was for Councilman Coccoziello, who had also filed a petition for the Primary Election and was able to correct the address on his petition. Councilman Carty also expressed concern regarding the legal expenses incurred by both the Borough and Mr. Schwester.

Mr. Sordillo confirmed the court proceedings were required as the Municipal Clerk did not have the statutory authority to make the revision to the petition.

Ms. Hicks clarified that a candidate was permitted to make changes to their certification section of the petition, however, the statute did not permit changes to be made to the signatory section of the petition.

Mayor Welsh suggested that in the future, candidates obtain substantially more signatures than the minimum required.

Councilman Coccoziello inquired if there was additional training or legal advice that could be provided to the Municipal Clerk to ensure that the appropriate statutes were referenced in correspondence and the letter of the law was accurately followed.

Ms. Hicks responded that the determination to not certify the petition was based upon her understanding of the statutes and the proper procedures were followed to defer to the NJ Superior Court through the appeal process.

Mr. Sordillo clarified that the election process and the determination to seek legal counsel pertaining to elections is solely a function of the Municipal Clerk. He advised that there must be a distinct separation of the governing body and the municipality from the election process.

There was a brief discussion regarding the petition form and the requirement for a residential address.

Mr. Schwester asked if he could make a comment at this time.

Mayor Welsh asked that he hold his comment until the public comment portion of the meeting to which Mr. Schwester responded he would like to be heard now as the discussion was still ongoing.

Mayor Welsh responded he would provide Mr. Schwester an opportunity to be heard immediately following the appointment and oath of office for Officer David Jeon and prior to the public comment portion of the meeting.

## **REGULAR AGENDA**

### **NEW BUSINESS**

### **RESOLUTIONS**

#### **Resolution 23-084 – Appointment – Police Officer**

Motion by Councilman Rinzler, seconded by Councilman Karner that Resolution 23-084 be approved.

Roll Call:

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

Nay:

Abstain:

Motion Carried.

### **OATH OF OFFICE**

Ms. Hicks administered the Oath of Office to Officer David Jeon.

Officer Jeon and his family, as well as members of the Far Hills Police Department and Somerset County Sheriff's Department left the meeting at this time.

Mayor Welsh offered Mr. Schwester an opportunity to respond to the prior discussion regarding the municipal election process and the certification of the petition.

Mr. Schwester responded that he felt his constitutional rights were violated as he was not provided an opportunity to speak during the discussion at the time his name was mentioned and declined to make any comment at this time.

### **APPROVAL OF MINUTES**

#### **3/27/2023 – Regular Meeting Minutes**

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

#### **3/27/2023 – Executive Session Minutes**

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

#### **4/10/2023 – Regular Meeting Minutes**

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

#### **4/10/2023 – Executive Session Minutes**

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

### **ORDINANCE - INTRODUCTION**

**ORDINANCE NO. 2023-05** - AN ORDINANCE REPEALING ORDINANCE 2007-09 “FLOOD DAMAGE PREVENTION ORDINANCE”; AND AUTHORIZING THE ADOPTION OF A NEW FLOOD DAMAGE PREVENTION ORDINANCE; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Motion by Councilman Karner, seconded by Councilman Rinzler that Ordinance 2023-05 be introduced.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler, 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; a copy placed on the table in the meeting room and is considered routine and will be enacted with one motion 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 23-085 – Authorizing Contract Extension for Completion of Construction  
Crossroads Paving - Pennbrook Road Improvements Project
2. Resolution 23-086 – Authorizing Special Use Permit - Skeet Flurry Event - Moorland Farm
3. Resolution 23-087 – Authorizing Waiver for Temporary Sign Permit - AVN Spring Sale
4. Resolution 23-088 – Authorizing Serving of Alcohol at Fairgrounds  
AVN Volunteer Luncheon
5. Resolution 23-089 – Amending Resolution 23-046 Authorizing SHMAYSC’s FY2024  
Grant Application – DEDR
6. Resolution 23-090 – Amending Resolution 23-047 Authorizing SHMAYSC’s 2023-2025  
Grant Application – DMHAS
7. Resolution 23-091 – Payment of Bill List

Motion by Council President Chimenti, seconded by Councilman Karner that Resolutions 23-085 through 23-091 be approved.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler, Tweedie  
Nay:  
Abstain:  
Motion Carried.

## **DISCUSSION**

### **Recreation Committee – Movie Night**

Mayor Welsh informed residents of the Recreation Committee's upcoming event for a family friendly Movie Night planned for either June 10 or June 17, 2023 at the fairgrounds. He encouraged local businesses and volunteers to offer their assistance for the event. A brief discussion ensued regarding a concessions stand as a potential fundraiser for the Far Hills Bedminster Fire Department as well as various methods of advertising the event to the local community.

**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 Councilman Rinzler to open the meeting to public comment.

Karen Reilly, 7 Fox Hunt Court, Far Hills commented upon the number of trees being removed from the Errico Acres site and suggested that only native species be replanted at this site and at the fairgrounds.

George Mellendick, 260 Lake Road, Far Hills, inquired as to the oversight of the construction at the Errico Acres site as he was concerned with the maintenance and preservation of the natural buffer along Route 202.

Mayor Welsh responded both the Borough Engineer and Borough Planner were providing the oversight and it was his understanding that a wide variety of approximately 900 trees would be planted at the site in accordance with the application provided to the Planning Board.

Councilman Coccoziello added that a site demolition and a landscape plan would have to be adhered to and the landscape plan would have the details pertaining to the caliper and species of the trees.

A brief discussion ensued resulting in Mr. Sordillo being directed to determine the status of the kick-off meeting between the developer and the Borough Engineer and Borough Planner as required by the Developer's Agreement. It was also discussed for the Borough to consider a third-party inspection company for this development with the expenses to be paid through the developer's inspection escrow account.

Dr. Mellendick also expressed concern regarding the current status of the construction work at the property located at 20 Lake Road and the lack of oversight and monitoring by the Borough.

Mayor Welsh disagreed with Dr. Mellendick's comment regarding a lack of monitoring and stated the Borough's Construction Official issued a stop-work order when it was determined work was being done outside the provisions of the Planning Board approval.

Councilman Cocoziello explained that with regard to the Errico Acres project, the Developer's Agreement affords the ability for Borough professionals to have access to the site for inspection and review. He also noted that progress reports should be submitted to the Borough and the building permits must be consistently reviewed. He briefly reviewed safety concerns that he was aware of at the site.

Mr. Sordillo was directed to reach out to Ferriero Engineering regarding these safety concerns as well as the status of the progress reports.

Councilman Karner suggested pictures also be taken at the site.

Don Hewitt, 23 Dumont Road, Far Hills inquired if the Borough could begin live streaming the Borough Council meetings to encourage more public participation. He also stated that he heard a rumor that there was a lawsuit between Borough Council members and opined that there might be confusion regarding the litigation filed against the Borough Far Hills in Crisis, Inc.

Mayor Welsh responded he was not aware of any litigation amongst the members of the Borough Council.

There were no further comments from the public.

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

#### **EXECUTIVE SESSION**

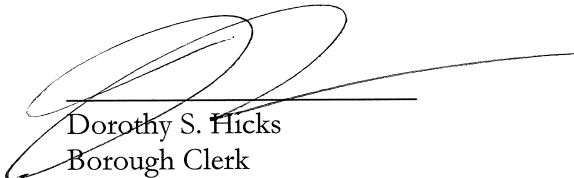
##### **Resolution 23-092 - Attorney-Client Privilege – Litigation – Far Hills in Crisis, Inc.**

Motion by Councilman Karner, seconded by Council President Chimenti, was unanimously carried to approve Resolution 23-092.

#### **RETURN TO OPEN SESSION AND ADJOURNMENT**

Motion by Councilman Karner, seconded by Councilwoman Tweedie, was unanimously carried to adjourn the meeting at 8:57 p.m.

Respectfully submitted,



Dorothy S. Hicks  
Borough Clerk

APPROVED – 5-8-2023