

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
May 8, 2023

CALL TO ORDER

Mayor Welsh called the meeting to order at 7:05 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, Mayor Kevin P. Welsh

Absent, as Excused: Councilwoman Sheila Tweedie

Absent:

Also Present: Borough Clerk Dorothy S. Hicks, Borough Attorney Joseph Sordillo, Borough CFO Debra Stern and Borough Auditor Kathryn Mantell, Nisivoccia, LLP

REPORTS

Councilman Coccoziello – Roads

Councilman Coccoziello provided an update on the Pennbrook Road project stating PSE&G began the saw cutting today to facilitate the relocation of the gas main lines. He stated the Borough Engineer was preparing the bid specifications for the DeMun Place and Dumont Road project which was also funded through a NJDOT grant.

Councilman Carty – Finance/Insurance

No report.

Council President Chimenti – Laws & Ordinances

Council President Chimenti reported the Municipal Court receipts for March 2023 were \$7,447.00 with the municipal portion being \$3,163.50. She noted there was an increase in the number of cases from last month.

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

Councilman Karner reported the Atlantic Visiting Nurse (AVN) Rummage Sale was a success and all was copesetic in the Borough. A brief discussion ensued regarding the condition of the track after the rummage sale with Councilman Karner responding he would be meeting with representatives from the AVN to discuss any required remediations.

He noted that the holiday tree in the fairgrounds was not in good shape and may need to be looked at by our landscaper or an arborist. Councilman Carty concurred and suggested that the tree may need to be replaced. Councilman Karner responded he would reach out to former Mayor Vallone and Mrs. Vallone as they donated the tree.

Lastly, Councilman Karner reported the Far Hills Bedminster Fire Department would be installing the new pennants at the fairgrounds once the AVN tents have been removed.

Councilman Rinzler – Police

Councilman Rinzler reported there were a few ambulance calls during the AVN Rummage Sale but overall, the event proceeded without major incident.

Mayor Welsh

On behalf of the Borough Council, Mayor Welsh expressed appreciation for everyone's hard work in making the AVN Rummage Sale a success. He noted that the sale has been held at the fairgrounds for nearly 100 years.

He stated that the Borough was aware of the condition of Lake Road and efforts are currently being undertaken to make the necessary remediations.

Mayor Welsh invited everyone to join in the Memorial Day Parade celebrations scheduled for May 29, 2023 at 10:00 a.m.

Lastly, he reported the Recreation Committee has finalized the plans for the Movie Night scheduled for June 10, 2023 at 8:30 p.m. at the fairgrounds, with a rain date of June 13, 2023. The family friendly event will feature the movie "Turbo" as well as refreshments. He stated a local business owner has expressed interest in sponsoring the event.

REGULAR AGENDA

APPROVAL OF MINUTES

4/24/2023 – Regular Meeting Minutes

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

4/24/2023 – Executive Session Minutes

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

NEW BUSINESS

RESOLUTIONS

Resolution 23-093 – Budget by Title

Motion by Councilman Carty, seconded by Councilman Karner that Resolution 23-093 be approved.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler

Nay:

Abstain:

Motion Carried.

Resolution 23-094 – Public Hearing and Adoption of 2023 Budget

Mayor Welsh highlighted a few items in the 2023 Budget. He stated the municipal budget was \$3,466,316.00 which was an increase of 1.2% in municipal expenditures while the municipal tax rate would remain unchanged at 0.520. There was an increase of 2.96% in assessed property values with a total assessment of \$445,261,500.00. He also reviewed several capital projects planned for this year including improvements to roads and equipment for the police and fire departments.

Mayor Welsh stated there were many challenges faced this year to maintain the municipal tax rate, with a major impact being the 23% increase in the health insurance premiums which amounted to a \$28,608.00 increase for the Borough. Additionally, the new state mandated stormwater regulations have resulted in an increase in Engineering fees of \$26,000.00.

He expressed his appreciation to our CFO, Debra Stern and Borough Auditor, Kathryn Mantell, for their hard work in preparing this year's budget. He also thanked the members of the Borough Council for their time and dedication.

Mayor Welsh asked if any members of the Council had any questions regarding the budget prior to opening the public hearing.

There were none and Mayor Welsh opened the public hearing.

Charles Schwester, 410 Lake Road, Far Hills inquired as to the amount being paid to the school.

Ms. Mantell responded that the school tax was \$1,933,850.00.

A brief discussion ensued regarding the number of school children and the calculation of the school tax which was based upon a percentage of the municipal assessments and enrollment.

Ms. Mantell provided an overview of the budget process and the statutory requirements of the auditing firm. She acknowledged the efforts of the Mayor and Council for being able to maintain no increase in the tax rate considering the increase in inflation and the significant increase in the health insurance premiums this year. Ms. Mantell stated the Borough is structurally and financially very strong.

Councilman Karner inquired as to the cost for hard bound copy of the Audit.

Ms. Mantell responded that the cost is an expense of the firm and have always provided hard bound copies upon request.

Karen Reilly, 7 Fox Hunt Court, Far Hills inquired if the 2.96% increase in property assessments was attributed to new construction.

Ms. Stern responded that the increase in assessments was from existing properties.

Mr. Schwester inquired as to the potential for an increase in school taxes as a component of the increase in the assessed valuation.

Ms. Mantell responded that the increase in assessed value to \$445,000,000.00 could possibly increase the school expenditure portion paid by the Borough.

Councilman Coccoziello inquired what were the two new exempt properties that were added to the assessment.

The properties in question were believed to be the Matheny Group Home and Ms. Stern responded she would confirm with the Tax Assessor.

There were no further comments from the public.

Mayor Welsh closed the public hearing.

Motion by Councilman Carty, seconded by Councilman Karner that Resolution 23-094 be approved.

Roll Call:

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

Nay:

Abstain:

Motion Carried.

Mss. Mantell and Stern left the meeting at this time.

Mr. Schwester inquired if he could also obtain a copy of the hard bound book.

Ms. Hicks clarified that the hard bound book previously discussed was the 2022 Audit, but a copy of the 2023 Budget could be provided once the adoption documents were completed.

UNFINISHED BUSINESS

PUBLIC HEARING AND ADOPTION

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.

Mr. Sordillo provided a brief overview of the new regulations being mandated by FEMA and NJDEP to be adopted by every municipality in New Jersey. He noted that the state would not accept any revisions he suggested to customize the ordinance specific to the Borough.

A brief discussion ensued amongst the Borough Council members regarding the flood plain regulations, illegal dumping, and additional requirements for any future property development.

Motion by Councilman Karner, seconded by Councilman Rinzler to open the public hearing for Ordinance 2023-05.

George Mellendick, 260 Lake Road, Far Hills inquired as to the impact these new regulations would have upon the Errico Acres development.

Mr. Sordillo responded that according to the Borough Engineer, Ferriero Engineering the development had already received the approval from the NJDEP and was therefore grandfathered under the prior regulations.

There were no further comments from the public.

Motion by Council President Chimenti, seconded by Councilman Rinzler to close the public hearing for Ordinance 2023-05.

Motion by Councilman Karner, seconded by Council President Chimenti that Ordinance 2023-05 be adopted.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler

Nay:

Abstain:

Motion Carried.

NEW BUSINESS, continued

ORDINANCE NO. 2023-06 - AN ORDINANCE APPROPRIATING \$55,500.00 FOR POLICE SUV

Councilman Rinzler stated that an SUV vehicle was selected due to prohibitive cost of a pick-up truck.

A brief discussion ensued regarding the potential for a small trailer in addition to the SUV vehicle.

Motion by Councilman Karner, seconded by Council President Chimenti that Ordinance 2023-06 be introduced.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler

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 23-095 – Authorizing Waiver for Temporary Sign Permit - Far Hills Garden Club
2. Resolution 23-096 – Authorizing Change Order for the Not-To-Exceed Amount
McManimon, Scotland & Baumann, LLC
3. Resolution 23-097 – Authorizing the Borough Attorney to File A Tax Appeal
2023 Property Tax Assessment – B5 L4
4. Resolution 23-098 – Payment of Bill List

Councilman Karner inquired as the request for a waiver for the sign permit application submitted for the Miles for Matheny event and if it could be added to tonight's agenda so the signs could be installed this week.

Ms. Hicks responded the request was received today and unfortunately the agenda was closed on the Friday. She also recommended the sign permit ordinance be reviewed for a potential amendment to provide the Zoning Officer the ability to administratively grant waivers.

Mr. Sordillo suggested that the waiver for the sign permit application for Matheny could be added to the agenda by a motion and verbal vote and then memorialized by resolution at the May 22, 2023 Borough Council meeting. He advised as the Council was currently discussing the Consent Agenda, a verbal motion could be made regarding the waiver at the conclusion of the Consent Agenda.

Councilman Carty inquired as to the total amount paid to McManamon, Scotland & Baumann, LLC. Ms. Hicks responded that the original not to exceed amount was \$15,000.00 and the invoices submitted to date were estimated at \$27,000.00. A general discussion ensued regarding Resolution 23-096 and whether the invoices were being paid from the Borough's general fund or the Planning Board escrow account for the Errico Acres application. There was also a similar discussion regarding the payment of the invoice from the Otteau Group on the Bill List to be authorized by Resolution 23-098.

Mayor Welsh stated the Borough Council decided to contract with the Otteau Group to provide an independent financial assessment and was previously agreed that we would seek reimbursement, but it may ultimately be at the Borough's expense. A brief discussion ensued regarding the payment from Borough funds versus payment made by the escrow account or reimbursement from the escrow account.

Mr. Sordillo explained that the Errico Acres application was not a redevelopment project and there were limitations regarding expenditures applied against escrow accounts under the Municipal Land Use Law (MLUL). He advised that the invoices must be attributed to the land use application and not the settlement agreement. Mr. Sordillo reviewed the process to amend the resolutions and also advised that the applicant could appeal these payments from escrow to the County Construction Board of Appeals.

A general discussion ensued regarding revisions to the finance accounts indicated on the resolutions to have the invoices from McManimon, Scotland & Baumann, LLC, and the Otteau Group submitted for payment through the escrow account. It was further discussed, as a partial payment has been previously made from the Borough funds to the Otteau Group, the invoice on the Bill List to be authorized under Resolution 23-098 would be paid as indicated.

There was a general consensus to remove Resolution 23-096 from the Consent Agenda and table it until the next meeting. The resolution would be amended to include the appropriate escrow account information and presented at the May 22, 2023 Borough Council meeting.

Councilman Karner suggested that this matter be opened to public comment. Mayor Welsh opened the meeting for public comment regarding the Consent Agenda.

Charles Schwester, 410 Lake Road, Far Hills commented the developer should pay these invoices as the Borough would not have had to hire the Otteau Group or McManimon, Scotland & Baumann, LLC otherwise.

George Mellendick, 260 Lake Road, Far Hills commented that it was his understanding that the Otteau Group expense was to be applied to the escrow account.

A brief discussion ensued regarding the invoices submitted by Special Counsel Jeff Lehrer. It was determined that Mr. Lehrer's invoices were paid from the escrow account and as such, Mr. Baumann's should be paid similarly.

Mr. Sordillo advised that the resolutions awarding the contracts to McManimon, Scotland & Baumann, LLC and possibly the Otteau Group would need to be amended to include additional financial accounts to authorize payment from the appropriate escrow accounts.

Upon further discussion, there was a general consensus to remove the payment to the Otteau Group from the Bill List and to amend Resolution 23-098.

Motion by Councilman Karner, seconded by Councilman Rinzler that Resolutions 23-095 and 23-097 be approved; Resolution 23-096 be tabled, and Resolution 23-098 be approved as amended.

Roll Call:

Aye: Carty, Chimenti, Coccoziello, Karner, Rinzler

Nay:

Abstain:

Motion Carried.

With regard to the signage for the Miles for Matheny event, Mr. Sordillo advised the Borough Council could authorize the waiver by motion and verbal vote and the resolution could be memorialized at the May 22, 2023 Borough Council meeting.

Councilman Karner stated he would be reaching out to the CEO of Matheny to discuss the submission dates for the required event permits.

Motion by Councilman Karner, seconded by Council President Chimenti to grant a waiver for the sign permit application submitted for the Miles for Matheny event permitting signage that exceeds both the quantity and time of installation regulations.

Roll Call:

Aye: Carty, Chimenti, Karner, Rinzler

Nay:

Abstain: Coccoziello

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.*

Mayor Welsh opened the meeting to public comment.

Johanna McCarten, 38 Peapack Road, Far Hills commented at last year's Miles for Matheny event set up began around 6:30 a.m. and there was loud music playing. She asked that the music not start until at least 8:00 a.m. this year.

George Mellendick, 260 Lake Road, Far Hills inquired if there were any handicap restrictions for the use of the track at the fairgrounds.

Mayor Welsh responded the track was available for use by everyone.

There were no further comments from the public.

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

Councilman Carty asked if representatives from the AVN could provide an overview of the sale at an upcoming Borough Council meeting, similar to the presentations made by Mr. Guy Torsilieri for the events at Moorland Farm.

Councilman Karner responded a post-sale meeting with the AVN was scheduled for May 22, 2023.

Mr. Sordillo added that the AVN was operating under a lease agreement and a presentation before the Borough Council was not required. Events held at Moorland Farm must comply with the Borough's Large Event Ordinance which does require a public presentation.

A brief discussion ensued and Mayor Welsh stated he would ask representatives of the AVN to make a presentation to the Borough Council.

EXECUTIVE SESSION

Resolution 23-099

- Attorney Client Privilege – Litigation – Far Hills in Crisis, Inc.
- Attorney Client Privilege – Litigation – Peace and Quiet Farm, LLC

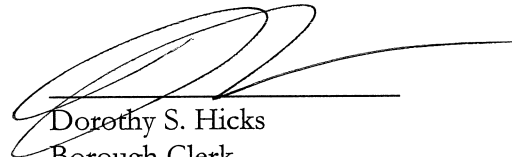
Motion by Councilman Rinzler, seconded by Council President Chimenti, was unanimously carried to approve Resolution 23-099.

RETURN TO OPEN SESSION AND ADJOURNMENT

There was a brief discussion regarding the negotiation process of the PBA contract which was expiring December 31, 2023.

Motion by Councilman Karner, seconded by Councilman Rinzler was unanimously carried to adjourn the meeting at 8:55 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 5-22-2023