

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
October 10, 2023

CALL TO ORDER

Mayor Welsh called the meeting to order at 7:01 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, Councilwoman Mary Chimenti, Councilman Peter J. Coccoziello, Jr., Council President David P. Karner, Councilman Rick Rinzler, Councilwoman Sheila Tweedie, Mayor Kevin P. Welsh

Absent, as Excused:

Absent:

Also Present: Borough Clerk Dorothy S. Hicks, Chief Michael DeCarolis, Borough Attorney Albert E. Cruz

REPORTS

Councilman Coccoziello – Roads

Councilman Coccoziello reported he and Mayor Welsh have scheduled a site visit on October 11, 2023 to review the remediation plan and ongoing maintenance of Lake Road.

Councilwoman Chimenti inquired about the continuation of the paving on Pennbrook Road.

Councilman Coccoziello responded the Pennbrook Road Improvement project was engineered in two phases. Phase 1, the lower section, was recently completed and specifications were being finalized in preparation for going out to bid for Phase 2, the upper section of the roadway.

Mayor Welsh thanked Councilman Coccoziello for his efforts in progressing the road improvement projects for the Borough and acknowledged the challenges the Borough has faced when procuring a vendor for a relatively small-scale road project.

Councilwoman Tweedie – Health/Sanitation

Councilwoman Tweedie reported that she and Councilwoman Chimenti attended the Sanitary Transmission Advisory Board (STAB) meeting on September 28, 2023 wherein the plans for the rebuilding of the current pump station located in Bedminster Township were reviewed. The project was estimated to be completed in two years; however, there were some pending issues regarding to the removal of current storage tank. While grant funding was received for the project, there was a matching component required from each of the three municipalities: Bedminster, Far Hills, and Peapack & Gladstone. Ms. Tweedie stated that adequate funding is in place to satisfy Far Hills grant match requirement. Councilwoman Tweedie also commended the efforts of Mr. Rodney McCatharn, Bedminster Wastewater Collections Operator, who has been overseeing the pump station for several years as well as Robin Ray, Bedminster Administrator/Clerk who has been coordinating this project.

Councilman Carty – Finance & Insurance

Councilman Carty reported he reviewed the budget with CFO, Debra Stern and it may be necessary to transfer funds later in the year.

Council President Karner – Fire, Water, Light, Buildings & Grounds

Council President Karner reported that the AVN Rummage Sale was successful despite the weather and a walkthrough of the fields and track was being scheduled in order to assess any areas in need of repair.

He continued by stating the sealcoating of the municipal building parking lot was recently completed and the layout of the parking spaces was adjusted to relocate the police vehicles. New car bumpers are planned to be installed for these additional spaces.

Council President Karner provided a status update regarding a new roof and HVAC split units for the municipal building as well as line striping and installation of new backboards and nets for the basketball court. He also commented upon the rigorous purchasing requirements imposed by the state which is often cumbersome and challenging for smaller businesses to comply with.

Councilman Rinzler – Police

Councilman Rinzler reported the PBA contract negotiations are progressing and additional meetings have been scheduled.

Councilman Rinzler presented the September 2023 Police Report.

Councilwoman Chimenti – Laws & Ordinances

Councilwoman Chimenti stated there was no report for the municipal court but provided an update on the October 3, 2023 Planning Board meeting. Borough Planner, David Banisch presented a review of the Borough's Master Plan which necessitates additional ordinances pertaining to stream and scenic corridors, natural resource construction constraints and installation of solar panels. These ordinances are required to be submitted to the Borough Council for review and consideration for adoption.

Chief DeCarolis

Chief DeCarolis stated one of the police vehicles was wrapped in pink, as October is Breast Cancer Awareness month and a QR code is also displayed providing a direct link to schedule a mammogram screening. He continued that officers were currently participating in "No-Shave November - Movember" which supports awareness for men's health issues.

He reported there were minimal police related incidents at the recently completed AVN Rummage Sale and the police department was preparing for the upcoming Far Hills Race Meeting event to be held at Moorland Farm on October 21, 2023.

Councilman Rinzler stated he received a letter from the management company for the Polo Club as there were prior issues with public urination and littering occurring near the development after the Race events.

A brief discussion ensued regarding the increased policing efforts associated with the Race event to ensure safety for the public and property.

Mayor Welsh

Mayor Welsh reported he, along with Councilmen Coccoziello, Carty and Councilwoman Chimenti, attended the Atlantic Visiting Nurse Association luncheon earlier today at the J. Malcolm Belcher fairgrounds to express appreciation to the numerous dedicated volunteers and staff that make the rummage sale possible. On behalf of the Borough, a plaque was also presented to representatives of Atlantic Health to commemorate the 100th anniversary of the rummage sale being held at the fairgrounds and to acknowledge the continuing partnership which recently assisted in the restoration of the barns. The biannual rummage sale serves not only as a fundraiser to support visiting nurse services but also to provide the ability for many to affordably purchase clothing and other needed items.

Mayor Welsh welcomed Mr. Albert E. Cruz, Esq., who will be serving as the Borough Attorney for the remainder of the year. He noted that Mr. Cruz is a member of the same law firm as Mr. Sordillo, who will continue to work with Mr. Cruz through this transition.

PRESENTATION

2023 NJDEP Stormwater Permitting Requirements

Borough Engineer, Paul Ferriero apprised the Borough Council of the recent merger of his firm Ferriero Engineering with Boswell Engineering where he will serve as the Vice President for municipal engineering but will remain the main contact for the Borough of Far Hills. Additionally, Stormwater Compliance Solutions (SCS), which he established to assist municipalities with stormwater permitting requirements. The Borough has been utilizing SCS for its stormwater permitting requirements for several years through a professional services contract.

Mr. Ferriero provided an overview, through a presentation, of the NJDEP Stormwater program that commenced in 2004, where Far Hills Borough, was classified as a Tier "B" municipality. The new stormwater permitting requirements were revised by the NJDEP took effect in January 2023. Part of the NJDEP modifications were to change the Borough from a Tier "B" to a Tier "A" municipality. The Borough, being classified as a Tier "A" municipality, has to now adhere to substantially more permitting requirements. Mr. Ferriero indicated that the Borough was awarded a \$75,000.00 grant from the NJDEP and advised of an additional reimbursable grant opportunity to be applied for through the Highlands Council. SCS is currently reviewing the Highlands Council grant application for submission on behalf of the Borough.

He continued by detailing several tasks including the adoption of numerous ordinances, a Stormwater Pollution Prevention Plan, and a stormwater page on the municipal website, which must be completed by January 1, 2024. He also reviewed the various timelines for the completion of training requirements for Borough administration and police department, the implementation of a Watershed Improvement Plan, infrastructure mapping and requirements for street sweeping three (3) times a year on all municipal roadways.

Councilman Rinzler inquired as to the reasoning for the changes to the NJDPEP stormwater permitting regulations and expressed that they place an undue financial burden upon smaller municipalities like Far Hills.

Mr. Ferriero responded it originated with the Federal Clean Water Act which created mandates from the EPA to the state of NJ. He explained that NJ focuses on the sources of the water which eliminates the need for sampling. Mr. Ferriero indicated that the regulations stipulate that the new regulations are not considered an unfunded mandate.

A general discussion ensued regarding the effect of these new requirements on the private developments in the Borough, infrastructure improvements to the stormwater inlets as well as the ongoing maintenance expenses.

Councilman Coccoziello inquired if there were any prior water quality issues or violations in the Borough. Mr. Coccoziello asked Mr. Ferriero to clarify what was meant by "enforcement" from the Borough and how homeowners are to be educated on these state mandated initiatives.

Mr. Ferriero responded that he is not aware of any fines or violations ever issued by the Borough; however, that water quality is always a concern for a municipality. He reviewed the requirements for public education and the Borough can continue to provide this educational information on the website, individual mailings, and the newsletters sent to residents.

Councilman Coccoziello then inquired about the stormwater mapping requirements and without a DPW, how would the Borough utilize this information and what the next steps should be. He further asked what the expense burden put on our taxpayers would be as a result of performing this work.

Mr. Ferriero responded that the NJDEP is requiring an electronic mapping file be provided to them as well as being posted on the Borough website. He explained that ordinances prohibiting illicit connections into storm drains and the feeding of wildlife on public property are part of the new permitting requirements.

Mayor Welsh acknowledged the breadth of these new requirements is a daunting task for a smaller municipality and the importance of public education.

Councilman Rinzler inquired as to the regulations for private developments such as the Polo Club and Kimbolton.

Mr. Ferriero responded the Borough's obligation is to ensure the Polo Club maintains their catch basins as well as install new storm drain inlets upon the repaving of any roads in the development. With regard to the Kimbolton development, the plans have already incorporated the new stormwater permitting requirements.

Council President Karner stated he was aware of one municipality that was planning to challenge these new requirements and inquired if it was viable for the Borough to do the same.

Mr. Ferriero opined that these challenges would be unsuccessful.

Councilman Coccoziello clarified that these regulations do not apply to private roads.

Mr. Ferriero confirmed that the Borough only has an obligation to track the reporting of the maintenance of the stormwater inlets on private roadways. Private developments, like Kimbolton, have an obligation to submit a stormwater operation and maintenance report and manual to the Borough.

Councilwoman Chimenti inquired as to any additional recurring expenses outside of the requirement for street sweeping.

Mr. Ferriero responded there are continuing expenses related to stormwater management, however, the specific requirements and timelines for completion vary. For example, the Watershed Improvement Plan is a five (5) year process/permit where the entire stormwater system must be inspected and mapped. Additionally, catch basins and castings that are no longer compliant with the new regulations will also need to be replaced within five (5) years. Mr. Ferriero indicated that SCS has reviewed the Borough's drainage inlet system on an annual basis but now under the new requirements the catch basins and pipes will also need to be reviewed every five (5) years.

Councilman Coccoziello inquired about the scope of this work and the evaluation process for replacements.

Mayor Welsh inquired how many inlets in the Borough currently need replacement and sought clarification that the upcoming DeMun Place and Dumont Road project has already incorporated the installation of new inlets in the scope of work.

Mr. Ferriero responded that he would need to review the inlet inspection report regarding the number of inlets but confirmed that the DeMun Place and Dumont Road project includes new inlets and the new requirements would also be incorporated into any subsequent road projects. He also discussed the issues associated with erosion on the sides of roads and the requirement to remediate within a thirty (30) day timeline under the new regulations.

Councilman Coccoziello requested a copy of the inlet inspection report be provided to the Council.

Mayor Welsh asked if there were no further questions from the Council, he would open the presentation for questions from the public.

George Mellendick, 260 Lake Road, Far Hills inquired about the street sweeping requirements and the applicability for Far Hills.

Mr. Ferriero responded that the NJDEP is requiring municipal streets be swept three times per year for all municipalities.

Charles Schwester, 410 Lake Road, Far Hills inquired if these new stormwater requirements would have an impact upon the responsibility of the Homeowner's Association (HOA) or the Borough should the wastewater treatment facility planned for the Kimbolton development fail and adversely affect the water quality. He referenced the failed subterranean waste disposal system at the Drakewick Estates development in Mendham Township likening it to the system at the Kimbolton development.

Mr. Ferriero clarified that the Borough would be responsible for identifying the source of any illicit discharge into the storm drain. He also stated that the issue at Drakewick was decades ago and has no correlation with the system at the Kimbolton development.

Mr. Cruz stated generally an HOA would be responsible to maintain the common elements, such as stormwater and sanitary systems as they are defined terms as a common element in the development. He also reviewed the legal requirements of an HOA to maintain adequate financial reserves. The reserve is reviewed periodically and is regulated by the NJ Division of Community Affairs (DCA). He continued indicating that pertaining to the affordable housing component, a Deed Restriction was currently being prepared by Mr. Sordillo setting forth the responsibilities of the respective homeowners association.

Councilman Coccoziello stated that the Deed Restriction would require the developer to notify each homeowner of the HOA's requirement for the treatment facility as well as to provide notice to every subsequent purchaser of the ongoing obligation. He continued noting that due to changes in the law, the Borough no longer has the right to impose a bond requirement for the onsite improvements; however, the NJ Division of Community Affairs (DCA) governs HOAs and reviews cost estimates for various projects. The HOA would be required to maintain and fund a reserve in the proportionate share of the replacement cost for the specific item over its useful life. Councilman Coccoziello stated that the Borough is also protected in that it has the ability to inspect and review the system at any time to make sure it is functioning within its design parameters as approved, based on the mandated reporting requirements from the HOA to the NJDEP and the Borough.

Mr. Ferriero opined that it is unlikely that the treatment facility at Kimbolton would fail within the first few years. In contrast to the situation at the Drakewick development, a substantial change in the regulations no longer require a municipality to sign as a co-permittee, thereby the obligations are limited.

Mike Watson, 38 Peapack Road, Far Hills inquired as to the responsible party for any runoff caused by the railroad.

Mr. Ferriero stated he was unaware of requirements for stormwater compliance for railroads.

There were no further comments from the public.

Mayor Welsh closed the public comment for this presentation.

REGULAR AGENDA

APPROVAL OF MINUTES

9/25/2023 – Regular Meeting Minutes

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

9/25/2023 – Executive Session Minutes

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

UNFINISHED BUSINESS

ORDINANCES – PUBLIC HEARING AND ADOPTION

ORDINANCE 2023-16 – AN ORDINANCE APPROPRIATING \$292,000.00 FOR ROAD IMPROVEMENTS TO DEMUN PLACE AND DUMONT ROAD

Mayor Welsh recused himself and stepped down from the dais.

Council President Karner provided an overview of the ordinance. He also inquired of Mr. Ferriero to review the area near the old Peapack & Gladstone Bank as water was coming up through the road, possibly from an underground spring or a potentially damaged NJAW pipe.

Council President Karner opened the public hearing for Ordinance 2023-16.

George Mellendick, 260 Lake Road, Far Hills inquired how the amount of the funding was determined.

Mr. Ferriero responded that the project was subject to the public bid process and the amount was determined by the lowest responsive and responsible bid.

Councilman Rinzler inquired as to the amount of the ordinance in relation to the grant funding received.

Ms. Hicks responded that the amount of the ordinance is to allocate the full funding in order to award the contract based upon the submitted acceptable bid amount. The amount of the NJDOT grant is indicated in the ordinance as the amount reimbursable to the Borough.

There were no further comments from the public.

Council President Karner closed the public hearing for Ordinance 2023-16.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Ordinance 2023-16 be adopted.

Roll Call:

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

Nay:

Abstain:

Motion Carried.

ORDINANCE 2023-17 – AN ORDINANCE APPROPRIATING \$11,000.00 FOR FIRE COMPANY EQUIPMENT

Mayor Welsh reviewed the ordinance and welcomed Matt Draheim, Assistant Fire Chief, Far Hills Bedminster Fire Department.

Mayor Welsh opened the public hearing for Ordinance 2023-17.

Asst. Chief Draheim provided an overview of the equipment being purchased through this funding, noting that the amount represents Far Hills 20% portion only.

On behalf of the Borough, Mayor Welsh expressed his appreciation to the volunteers of the Far Hills Bedminster Fire Department.

There were no comments from the public.

Motion by Council President Karner, seconded by Councilwoman Chimenti that Ordinance 2023-17 be adopted.

Roll Call:

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

Nay:

Abstain:
Motion Carried.

Asst. Chief Draheim left the meeting at this time.

NEW BUSINESS

ORDINANCES – INTRODUCTION

ORDINANCE 2023-18 – AN ORDINANCE APPROPRIATING \$60,000.00 FOR VILLAGE SIGN PROJECT – SPEED LIMIT & COUNTY ROUTE CROSS-WALKS

Mayor Welsh provided an overview of the project indicating that the Borough received a \$55,000.00 grant from the NJDOT.

Motion by Council President Karner, seconded by Councilwoman Chimenti that Ordinance 2023-18 be introduced.

Roll Call:

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

Nay:

Abstain:

Motion Carried.

ORDINANCE 2023-19 – AN ORDINANCE AUTHORIZING THE BOROUGH OF FAR HILLS' ACCEPTANCE OF A SIDEWALK EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM THE PROPERTY IDENTIFIED AS BLOCK 14, LOT 6 IN CONNECTION WITH THE DEMUN PLACE AND DUMONT ROAD IMPROVEMENT PROJECT

Mayor Welsh recused himself and stepped down from the dais.

Council President Karner and Mr. Ferriero provided a brief overview of the ordinance and the ADA requirements that necessitated these easements.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Ordinance 2023-19 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 23-164 – Authorizing Payment of Sewer and Property Taxes
Affordable Housing Restricted Unit
2. Resolution 23-165 – Authorizing Qualified Purchasing Agent to Award Contracts
up to the Bid Threshold
3. Resolution 23-166 – Authorizing Award of Contract - American Asphalt and Trucking, LLC.
DeMun Place and Dumont Road Improvements Project
4. Resolution 23-167 – Professional Services Contract and Authorizing Change Order
Borough Attorney
DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC
5. Resolution 23-168 – Payment of Bill List

Mayor Welsh continued to recuse himself.

Councilman Rinzler inquired as to the change order of \$15,000.00 indicated in Resolution 23-167.

Ms. Hicks responded the professional services contracts are awarded at the Borough Council Reorganization meeting and the not to exceed amounts are estimated at that time. Throughout the year, the expenditures are monitored and change orders may be necessary.

Councilman Coccoziello inquired when the DeMun Place and Dumont Road project would commence.

Mr. Ferriero responded that some preliminary drainage work could possibly be started this year, but estimated Spring 2024 for the majority of the project.

Motion by Councilwoman Chimenti, seconded by Councilman Rinzler that Resolutions 23-164 through 23-168 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.*

Councilman Coccoziello inquired as to the required style and format of street signage.

Mr. Ferriero responded that the street signage must follow the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

Mayor Welsh opened the meeting to public comment.

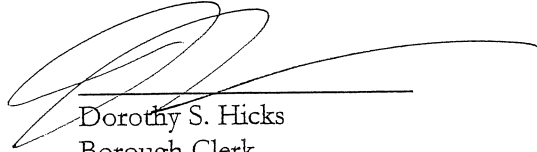
There were no comments from the public.

Mayor Welsh closed the meeting to public comment.

ADJOURNMENT

Motion by Council President Karner, seconded by Councilwoman Chimenti and unanimously carried to adjourn the meeting at 8:25 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 10-23-2023