

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
December 11, 2023

CALL TO ORDER

Mayor Welsh called the meeting to order at 7:04 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. Cocoziello, 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 Joseph Sordillo and members of the Far Hills Police Department and approximately 20 members of the public.

REPORTS

Councilman Cocoziello – Roads

Councilman Cocoziello reported the planned improvements to Pennbrook Road and Lake Road have been substantially completed. He continued that each roadway in the Borough was currently being evaluated in preparation of the long-term capital improvement plan.

Councilwoman Tweedie – Health/Sanitation

Councilwoman Tweedie reported that the routine maintenance of the sewer system has proven to be effective in ensuring the longevity of the system.

Councilman Carty – Finance/Insurance

Councilman Carty reminded the Borough Council to begin preparations for the 2024 Budget.

Councilwoman Chimenti – Laws & Ordinances

Councilwoman Chimenti reported there was a Municipal Court session on November 28, 2023 with a majority of the summons being settled via the plea by mail process. She continued reporting that the Municipal Court receipts for November 2023 were \$3,180.12 and the final Court session for the year was planned for December 12, 2023 with approximately 34 cases currently scheduled.

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

Council President Karner reported the fairgrounds and buildings were in good shape.

Councilman Rinzler – Police

Councilman Rinzler presented the November 2023 Police Report and stated the Police Committee has been meeting regularly and the PBA contract negotiations were progressing. Lastly, he welcomed Mr. Walter J. Sliwa, III, who will be sworn in this evening as an Officer with the Far Hills Police Department.

Chief DeCarolis

Chief DeCarolis reported Peapack Road would be closed through December 15, 2023 from 7:30 am to 5:00 pm as JCP&L would be utilizing a helicopter to review the utility lines.

He reiterated the importance for residents to lock their vehicles and homes and cautioned against leaving keys and valuables in the vehicles.

Council President Karner inquired where the police vehicles were obtaining their fuel. Chief DeCarolis responded that the officers utilize the Somerset County facilities.

Mayor Welsh

Mayor Welsh thanked everyone who assisted with the Holiday Event, which was held on Saturday, December 2, 2023 and approximately 200 people attended.

He stated that staff representing United States Congressman Tom Kean, Jr. would be holding mobile office hours at the municipal building on Wednesday, December 13, 2023 from 10:00 am – 12:00 pm as part of their goal to reach every municipality in their district. Any resident or member of the public interested in learning more about the services offered through the office of Congressman Kean are welcome to attend.

He informed the public that the last Borough Council meeting of the year was scheduled on Saturday, December 26, 2023 at 7:00 pm and would be held via Zoom due to the holiday.

Lastly, Mayor Welsh commented upon the concern raised at the December 4, 2023 Planning Board meeting regarding the scale of a retaining wall constructed at the Kimbolton Development. At this time, the Borough Council is gathering the facts and this matter will be discussed further during Executive Session this evening. Mayor Welsh thanked everyone for their patience during this investigation period.

PRESENTATION

Recognition of Service - Councilwoman Sheila Tweedie

On behalf of the Borough of Far Hills, Mayor Welsh presented Councilwoman Sheila Tweedie with a distinguished honor award and bouquet of flowers which was met with a round of applause from the Borough Council and members of the public. Councilwoman Tweedie first began serving the Borough of Far Hills in 1995 on the Environmental Commission and has continued to gratuitously dedicate her time serving on numerous committees as well as on the Board of Health, Planning Board, and the Borough Council.

Councilwoman Tweedie stated it was her pleasure to have served on the Borough Council and expressed her sincere appreciation for this recognition.

REGULAR AGENDA

NEW BUSINESS

RESOLUTIONS

Resolution 23-184 – Appointment – Police Officer

Motion by Councilman Rinzler, seconded by Council President Karner that Resolution 23-184 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 Walter J. Sliwa, III.

The Far Hills Police Department, Officer Sliwa and his family, as well as several members of the public left the meeting at this time.

REGULAR AGENDA

APPROVAL OF MINUTES

11/27/2023 – Regular Meeting Minutes

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

11/27/2023 – Executive Session Minutes

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

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 23-185 – Authorizing Transfer of Funds
2. Resolution 23-186 – Authorizing Change Order - Not-To-Exceed
Trimboli & Prusinowski, LLC
3. Resolution 23-187 – Accepting Resignation – Assistant to the Borough Clerk
4. Resolution 23-188 – Accepting Resignation – Finance Clerk
5. Resolution 23-189 – Authorizing the Filing of the Stormwater Pollution Prevention Plan
6. Resolution 23-190 – Payment of Bill List

Councilman Coccoziello asked that Resolution 23-189 be tabled until the December 26, 2023 Borough Council meeting to provide additional time for review.

Motion by Council President Karner, seconded by Councilwoman Chimenti that Resolutions 23-185 through 23-188 and Resolution 23-190 be approved and Resolution 23-189 be tabled until the December 26, 2023 meeting.

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.*

Mayor Welsh opened the meeting to public comment.

Sohail Khan, 3 Fox Hunt Court, Far Hills thanked the Borough Council for an opportunity to be heard and commented upon the public comments made at the December 4, 2023 Planning Board meeting regarding the change in elevation of approximately eight (8) feet and the fourteen (14) foot retaining wall that was built at the Kimbolton Development and located adjacent to his property. Mr. Khan provided a timeline of his communications with the Borough and professionals and asked the Borough Council to protect the interests of the residents of Far Hills and to immediately stop the project until the issues with the retaining wall are resolved.

Mayor Welsh thanked Mr. Khan for his comments and assured him that the Borough Council was taking this matter seriously and were currently reviewing the details of the situation.

John Mahoney, 5 Fox Hunt Court, Far Hills, also expressed that the project be stopped and indicated that the site plan did not show a detail for this retaining wall. He also commented that there was no public hearing regarding this retaining wall and felt that there was also a safety concern due to only having a split rail fence at the top. Mr. Mahoney inquired as to status of the Borough's immunity to builder's remedy lawsuits; questioned the fiduciary responsibilities of the Planning Board professionals; questioned any professional liability to those that provided prior testimony and lastly commented that Melillo Equities should not be afforded another opportunity for development in the Borough.

Steve Newman, 19 Lake Road, Far Hills commented that the developer, Pulte Homes has deviated from their contractual obligation to the Borough through major changes from the approved plan. He also expressed concern regarding the removal of a majority of trees along Route 202. He also commented upon the potential negative impact to his property due to more exposure to lights as a result in the increase in the height of the buildings due to the elevation change. He also referenced videos he had taken on May 22, 2023 and August 24, 2023 of excavators moving volumes of soil on the site. He also asked that the project be stopped until a thorough investigation is completed which should include an evaluation of the composition of the soil on the site. Mr. Newman offered to pay for the evaluation.

Johanna McCarten, 38 Peapack Road, Far Hills inquired as to the inspection process for this development and the hours for the Borough's Zoning Officer.

Mayor Welsh responded the Borough Engineer was conducting the inspections and provided the Borough with a weekly report. Ms. Hicks provided the hours for the Zoning Officer.

Christian Kubick, 250 Lake Road Far Hills, inquired as to the reason a substantial amount of fill was required at the site and also supported the issuance of a stop work order.

George Mellendick, 260 Lake Road, Far Hills inquired how to reference the inspection reports through an OPRA request. He also commented upon the inability for the public to ask questions during the Planning Board meetings regarding this development. He asked the Borough Council to immediately issue the stop work order and felt that the wall must be taken down due to it being such a substantial deviation from the plan approved by the Planning Board. He also expressed concern regarding the

seemingly fast approval process for a development of this magnitude with Pulte Homes and opined that they have acted in an unscrupulous manner.

Rodney McCatharn, Tewksbury Township resident and the Wastewater Collections Operator in Bedminster Township expressed his appreciation to Councilwoman Tweedie for her dedication and commitment serving on the Sanitary Transmission Advisory Board (STAB).

There were no further comments from the public.

Motion by Council President Karner, seconded by Councilwoman Chimenti to close public comment.

Council President Karner thanked the residents for their comments and concerns.

Mayor Welsh stated that the Borough Council will be working diligently towards a resolution for all our residents.

EXECUTIVE SESSION

Resolution 23-191

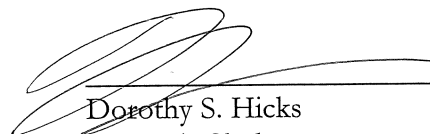
- Contract Negotiations – Police Benevolent Association
- Attorney Client Privilege – Kimbolton Development

Motion by Council President Karner, seconded by Councilwoman Chimenti and unanimously carried to approve Resolution 23-191.

RETURN TO OPEN SESSION AND ADJOURNMENT

Motion by Councilman Rinzler, seconded by Councilwoman Chimenti and unanimously carried to adjourn the meeting at 9:17 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 12-26-2023