

**BOROUGH OF FAR HILLS**  
Borough Council Special Meeting  
**MINUTES**  
January 11, 2024

**CALL TO ORDER**

Mayor Welsh called the special 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 (via phone), Councilman Peter J. Coccoziello, Jr., Council President David P. Karner, Councilman Rick Rinzler, Councilman Charles P. Schwester, Mayor Kevin P. Welsh

Absent, as Excused:

Absent:

Also Present: Borough Clerk Dorothy S. Hicks, Police Chief Michael DeCarolus, Borough Attorney Albert Cruz

**DISCUSSION**

**Official Newspapers**

Mayor Welsh provided a brief overview of discussion that occurred at the January 2, 2024 meeting and stated that he felt the Bernardsville News should be put back in place as one of the official newspapers.

Councilman Rinzler commented on the editorial in the January 11, 2024 issue of the Bernardsville News that likened the last Borough Council meeting to a WWE wrestling match and while he acknowledges the First Amendment and the paper's right to write what it wants, he expressed that the Borough Council should be judicious regarding spending the taxpayer's money for legal notices in the Bernardsville News.

Council President Karner commented that communication with our residents is key, as mentioned by Dr. George Mellendick at the January 2, 2024 meeting, and many utilize the Bernardsville News to stay in tune with happenings in the Borough.

Mayor Welsh opened this discussion to the public.

Johanna McCarten, 38 Peapack Road, Far Hills provided a brief overview of the history of the Bernardsville News and took exception to the Council's decision to remove it as one of the Borough's official newspapers and the reason should be explained to the citizens of the Borough. She noted that the while the Bernardsville News did not endorse her in the last election, but rather her opponent Peter Coccoziello, she nonetheless did not cancel her subscription. Lastly she reminded that the Borough Council that it has truly pressing issues to work through and to stop with this nonsense and get to work.

George Mellendick, 260 Lake Road, Far Hills commented upon the historical references made regarding the Bernardsville News and said the Borough Council needs to make decisions now and move forward. Dr. Mellendick commented that the Bernardsville News was not truly representing the Borough and found that the level of accuracy in the reporting was questionable. He suggested that high school students may be more accurate in reporting on the Council meetings and supported the decision to remove the Bernardsville News as an official newspaper.

There were no further comments from the public.

Mayor Welsh closed public comment on this discussion item.

Mayor Welsh and Council President Karner stated that although they do not agree with some of the commentary in the Bernardsville News it should remain as one of the official newspapers for the Borough.

Councilman Coccoziello inquired as to the statute governing the selection of the official newspapers. Mr. Cruz reviewed N.J.S.A. 40:53-2 regarding the mandatory notices required to be published by law and other notices that are only required to be submitted to the newspaper and indicated that legal notices are neutral in nature and are not subject to editorial comment. Mr. Cruz provided the annual costs incurred for the legal notices in the Bernardsville News for the three year period from 2021 to 2023, being \$797.28, \$299.84 and \$8.67, respectively.

Ms. Hicks commented that the Courier News is utilized primarily for legal notices due to it being a daily newspaper as opposed to the Bernardsville News being a weekly newspaper.

Councilwoman Chimenti stated that as a Council we have a higher obligation to keep our constituents informed regardless of any perceived slanted reporting and supported retaining the Bernardsville News.

Councilman Schwester inquired about the costs incurred to the Courier News for each of the three years similar to what was provided for the Bernardsville News. Mr. Cruz indicated that he did not break down the expenses on a yearly basis due to the breadth of the report but provided an estimate of seven times the expenses of the Bernardsville News based upon the number of pages in the report.

Councilman Schwester commented that if the Daily Record of Morristown and Courier News of Somerville were provided an additional opportunity for public notices, perhaps more representation would be provided to the Borough of Far Hills.

Motion by Council President Karner, seconded by Councilwoman Chimenti to amend Resolution 24-004 to include the Bernardsville News as one of the three official newspapers for the Borough of Far Hills.

Roll Call:

Aye: Karner, Chimenti

Nay: Carty, Coccoziello, Rinzler, Schwester

Abstain:

Motion Defeated.

**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 for public comment.

Sohail Khan, 3 Fox Hunt Court, Far Hills commented that residents should be notified of the meeting agendas and suggested that an email distribution be established.

Ms. Hicks responded that there is a provision in the Open Public Meetings Act which upon notification to the Borough Clerk and the payment of an annual fee of \$10.00, individual notification could be made.

Steve Newman, 19 Lake Road, Far Hills indicated that after he reviewed the situation at the Errico Acres (Pulte Homes/Kimbolton Development) with an attorney, he asked numerous questions pertaining to various legal actions and confirmation of receipt of documents associated with the construction of the retaining walls.

A general discussion ensued with Mr. Cruz providing an overview of the Affordable Housing Agreement, Developers Agreement and the Settlement Agreement associated with the Borough's 3<sup>rd</sup> Round Affordable Housing obligation. Mr. Cruz also reviewed the Borough's ordinances pertaining to the zoning of the property as an affordable housing inclusionary development. Lastly, he inquired about several huge trucks carrying dead trees/logs that he witnessed entering the site.

Mr. Cruz indicated that the Borough has an ordinance which limits the height for walls to six (6) feet as well as the general requirements for variances and waivers. He indicated that applicant had received an approval from the Somerset County Soil Conservation and the plans are currently being reviewed.

Mr. Cruz stated that the Borough Council would be further discussing this matter in Executive Session this evening due the potential for litigation on this matter and could not go into further details regarding the particulars at this time. He indicated that any action by the Borough Council would be taken in open session.

Councilman Carty inquired why there was no representative of Pulte Homes present at tonight's question.

It was noted that the Borough has contracted with a third party engineering firm, Carroll Engineering of NJ, LLC to review the existing plans and site conditions.

Councilman Coccoziello responded that the Council understands the concerns of the residents and are committed to conducting a thorough review process to adequately address the issues in an appropriate legal manner.

Sohail Khan, 3 Fox Hunt Court, Far Hills stated that he has the full faith in the Borough Council to do the right thing but time is of the essence and asked that a stop work order be issued to halt the construction on the site.

George Mellendick, 260 Lake Road, Far Hills expressed his concern with the entire process and the public's inability to ask questions during the Planning Board application process. He further inquired

who is monitoring the construction at the development and questioned how the Borough Council could not have been aware of the issues with the retaining walls earlier since weekly project reports had been submitted.

Mayor Welsh responded that the Borough Council received weekly reports and the Borough Engineer, Ferriero Engineering was monitoring the construction at the site.

Councilman Coccoziello clarified that the weekly reports were extremely general in nature and in order to obtain the most effective outcome this matter must be handled through the legal process which is planned to be discussed during Executive Session this evening.

Councilman Schwester concurred that the Borough Council must review potential legal strategies in Executive Session.

There were no further comments from the public.

Mayor Welsh closed the meeting for public comment.

## **EXECUTIVE SESSION**

Mayor Welsh read Resolution 24-044 into the record.

### **Resolution 24-044 – Executive Session**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Far Hills, as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matters to be discussed are as follows:
  - Attorney Client Privilege – Potential Litigation – Kimbolton Development
  - Contract Negotiations – Professional Services Contracts with Borough Attorney, Board of Health Attorney, Labor Counsel, Borough Engineer, Borough Planner, Alternate Municipal Prosecutor and Stormwater Management Services
3. It is anticipated that the minutes on the subject matter of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Council will come back into open session and may take further action.
5. This Resolution shall take effect immediately.

Motion by Council President Karner, seconded by Councilman Rinzler and unanimously carried to approve Resolution 24-044.

### **RETURN TO OPEN SESSION**

At 10:00 pm the Borough Council returned to Open Session and took the following action. Councilman Carty left the meeting at approximately 9:30 p.m. during Executive Session.

### **RESOLUTIONS**

#### **Resolution 24-045 – Professional Services Contract, Borough Attorney - DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC**

Motion by Council President Karner, seconded by Councilman Rinzler that Resolutions 24-045 be approved as amended to award the contract through December 31, 2024.

Roll Call:

Aye: Chimenti, Coccoziello, Karner, Rinzler, Schwester

Nay:

Abstain:

Motion Carried.

#### **Resolution 24-046 – Professional Services Contract, Borough Engineer - Boswell Engineering, Inc.**

Motion by Council President Karner, seconded by Councilwoman Chimenti that Resolution 24-046 be approved as amended to award the contract through December 31, 2024.

Roll Call:

Aye: Chimenti, Coccoziello, Karner, Schwester

Nay: Rinzler

Abstain:

Motion Carried.

#### **Resolution 24-047 – Professional Services Contract, Borough Labor Counsel - Trimboli & Prusinowski, LLC**

Motion by Council President Karner, seconded by Councilman Rinzler that Resolution 24-047 be approved as amended to award the contract through December 31, 2024.

Roll Call:

Aye: Chimenti, Coccoziello, Karner, Rinzler, Schwester

Nay:

Abstain:

Motion Carried.

#### **Resolution 24-048 – Professional Services Contract, Borough Planner - Banisch Associates, Inc.**

Motion by Council President Karner, seconded by Councilman Rinzler that Resolution 24-048 be approved as amended to award the contract through March 31, 2024.

Roll Call:

Aye: Chimenti, Coccoziello, Karner, Rinzler, Schwester

Nay:  
Abstain:  
Motion Carried.

**Resolution 24-049 – Appointment, Alternate Municipal Prosecutor - DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC**

Motion by Council President Karner, seconded by Councilman Rinzler that Resolution 24-049 be approved as amended to appoint the Alternate Municipal Prosecutor through December 31, 2024.

Roll Call:  
Aye: Chimenti, Coccoziello, Karner, Rinzler, Schwester  
Nay:  
Abstain:  
Motion Carried.

**Resolution 24-050 – Professional Services Contract, Stormwater Management - Stormwater Compliance Solutions, LLC**

Motion by Council President Karner, seconded by Councilman Rinzler that Resolution 24-050 be approved as amended to award the contract through March 31, 2024.

Roll Call:  
Aye: Chimenti, Coccoziello, Karner, Rinzler, Schwester  
Nay:  
Abstain:  
Motion Carried.

**Resolution 24-051 – Professional Services Contract, Board of Health Attorney - DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC**

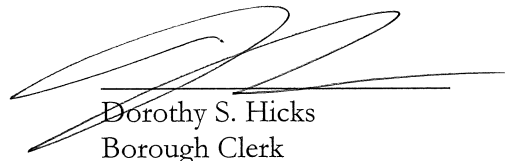
Motion by Council President Karner, seconded by Councilman Rinzler that Resolution 24-051 be approved as amended to award the contract through March 31, 2024.

Roll Call:  
Aye: Chimenti, Coccoziello, Karner, Rinzler, Schwester  
Nay:  
Abstain:  
Motion Carried.

**ADJOURNMENT**

Motion by Council President Karner, seconded by Councilman Rinzler and unanimously carried to adjourn the meeting at 10:06 p.m.

Respectfully submitted,

  
Dorothy S. Hicks  
Borough Clerk

APPROVED – 1-22-2024