

BOROUGH OF FAR HILLS
Borough Council Regular Meeting
MINUTES
August 8, 2022
Via Remote Meeting Access Only

CALL TO ORDER

Mayor Karner called the remote meeting to order at 7:03 p.m. and read the open public meetings statement in accordance with the law.

PLEDGE OF ALLEGIANCE

Mayor Karner led the Pledge of Allegiance.

ROLL CALL

Present: Councilman Joseph Carty, Councilman Ted McLean, Councilwoman Sheila Tweedie, Councilman Kevin Welsh, Mayor David Karner
Absent, as excused: Councilwoman Mary Chimenti
Also Present: Borough Clerk Dorothy S. Hicks, Borough Attorney Joseph Sordillo, Borough Engineer Paul Ferriero

REPORTS

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

Councilman Welsh reported the playground area would remain closed to the public pending the recoating or replacement of the decking on one of the pieces of equipment. He also noted that two of the memorial benches had been damaged and quotes for replacement parts have been requested.

He continued stating, the appointment of additional members to the Advisory Recreation Committee would be presented for approval at the next Borough Council meeting.

Councilwoman Tweedie – Health/Sanitation

Councilwoman Tweedie stated the sewer maintenance project was completed earlier this month. The report was being prepared by the Borough's Environmental Engineer, Natural Systems Utilities and would be presented at the next Borough Council meeting.

Councilman McLean – Roads

Councilman McLean indicated there was a resolution on tonight's agenda to authorize a Shared Services Agreement with Bernards Township for road repairs to the municipally shared portions of Douglas and Mine Brook Roads. He also noted there would be a discussion later in the meeting regarding the possible remediation of the drainage issue on the sidewalk along Route 202 and adjacent to the Polo Club.

Councilman Carty – Finance/Insurance

Councilman Carty stated he reviewed the Bill List and the Borough is financial stable.

Mayor Karner – Police

Mayor Karner expressed his condolences to the family of a Far Hills resident who was involved in a fatal train incident on July 27, 2022. A vigil was held this evening at the J. Malcolm Belcher Fairgrounds and many elected officials and members of the police department attended. Mayor Karner commended Detective Christopher Merkle and expressed appreciation to all emergency service personnel who responded to this tragic event.

He also noted on August 6, 2022, a vehicle struck a cow on Route 202 and while there were no injuries to the driver, unfortunately, the animal needed to be euthanized.

He reported Chief DeCarolis recently met with Somerset County Prosecutor, John McDonald and Deputy Chief Executive Prosecutor, Michael Rogers during a review of the Far Hills detention facility and noted all was in good order.

Mayor Karner stated effective September 6, 2022, the municipal building would be reopening to the public and the Borough Council, Planning Board and Board of Health meetings would return to being held in-person.

Lastly, he reported a meeting was held on August 4, 2022 with himself, Councilwoman Tweedie, Councilman Welsh, Mr. Sordillo, Ms. Hicks and representatives from Melillo Equities and the Pulte Group to discuss the Errico Acres/Residences at Overleigh project. There was a general consensus amongst all attendees that the Borough's Tax Assessor, Ed Kerwin would initially evaluate the proposed tax revenue of the project and if necessary, an independent firm could conduct a subsequent financial impact study. Mayor Karner indicated the onsite sewer treatment facility was also discussed and the proposed usage for the development was within the specified design capacity. Lastly, he noted easements would be granted to the Borough, which would allow access to the property by Borough officials and professionals.

Chief DeCarolis

No report.

REGULAR AGENDA

APPROVAL OF MINUTES

7/25/22 – Regular Meeting Minutes

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

7/25/22 – Executive Meeting Minutes

Motion by Councilman McLean, seconded by Councilwoman Tweedie, was unanimously carried that these minutes be approved for content only.

RESOLUTIONS

Resolution 22-108 – Appointment of Successor Due to Vacancy – Borough Council

Mayor Karner reviewed the qualifications of the three candidates; Jack Koury, Robert Lewis and Rick Rinzler who were selected by the Republican County Committee to fill the Borough Council vacancy.

Motion by Councilwoman Tweedie, seconded by Councilman McLean that Resolution 22-108 be approved.

Roll Call:

Aye: Carty, McLean, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

OATH OF OFFICE

Ms. Hicks administered the Oath of Office to Mr. Rick Rinzler as a member of the Borough Council for the unexpired term, expiring December 31, 2022.

Councilman Rinzler expressed his appreciation to the Borough Council for the nomination and would do his best to serve the residents of Far Hills.

RESOLUTIONS

Resolution 22-109 – Authorizing Execution of Treatment Works Approval Application

B5 L4 - 220 Route 202 – Errico Acres

Borough Engineer, Paul Ferriero provided a brief overview of the New Jersey Department of Environmental Protection (NJDEP) process for the Treatment Works Approval Application. Mr. Sordillo added the resolution only authorizes the Borough's consent to the submission of the application to the NJDEP and does not constitute an approval of the application.

Mr. Ferriero stated the site would utilize surge tanks and pump trucks until the daily flow reached a capacity of 10,000 GPD which was the minimum required for the sewer treatment facility to function efficiently.

Mayor Karner added the sewer treatment facility would be privately owned and operated.

Motion by Councilman McLean, seconded by Councilman Welsh that Resolution 22-109 be approved.

Roll Call:

Aye: Carty, McLean, Rinzler, Tweedie, Welsh

Nay:

Abstain:

Motion Carried.

Mr. Ferriero left the meeting at this time.

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 22-110 – Authorizing Shared Services Agreement – Bernards Township Maintenance of Douglas and Mine Brook Roads
2. Resolution 22-111 – Authorizing Acceptance of Donation – Picnic Tables
3. Resolution 22-112 – Authorizing Extension of Grace Period for 3rd Quarter Taxes
4. Resolution 22-113 – Authorizing Payment of the Bill List

Motion by Councilman Welsh, seconded by Councilman McLean that Resolutions 22-110 through 22-113 be approved.

Roll Call:

Aye: Carty, McLean, Rinzler, Tweedie, Welsh

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.*

Motion by Councilman McLean, seconded by Councilman Welsh to open the meeting to public comment.

Charles Schwester, 410 Lake Road, Far Hills offered his congratulations to Councilman Rinzler. He then requested a copy of the Developer's Agreement for the Errico Acres development so that he could be assured that the Homeowners Association (HOA) and not the Far Hills taxpayers would be responsible for any maintenance or failure of the onsite sewer treatment facility.

Mr. Sordillo acknowledged Mr. Schwester's comments and responded that the Developer's Agreement was currently being negotiated and once approved by the Borough Council would be recorded with the Somerset County Clerk. He responded that a separate HOA agreement was also being prepared.

Mayor Karner added the Developer's Agreement would be made available to the public prior to the authorization by the Borough Council.

Dr. George Mellendick, 260 Lake Road, Far Hills questioned if the price point for the market rate for-sale units at the Errico Acres/Residences at Overleigh development was still projected to be in the \$800,000.00 - \$1,000,000.00 range. He opined that the development was being built in a wetland protected zone and inquired about the new NJDEP regulations. He also inquired as to the estimated 30,000 gallons per day (GPD) of effluent that would be returned to the development site and the potential detrimental effect to the Mine Brook adjacent to the property. Lastly, he believed Mr. Rinzler, had commented at a prior Planning Board meeting, on the preservation of the scenic vista along Route 202 and Dr. Mellendick questioned whether this issue was discussed at the recent meeting with the developer.

Mr. Sordillo clarified the new regulations proposed by the NJDEP have been met with resistance and to date, have not been adopted. He continued by explaining the Borough Engineer reviewed the proposed regulations and determined they would not impact this development. Lastly, Mr. Sordillo opined that since the developer had applied to the NJDEP prior to the proposed change in regulations, the original application would likely be grandfathered should the new regulations become effective. With regard to the effluent, Mr. Sordillo responded the onsite treatment facility was previously reviewed by the Planning Board and was deemed acceptable.

Mayor Karner commented that the irrigation systems for numerous golf courses across the country utilize the effluent of sewer treatment facilities from the adjoining communities. With regard to the scenic vista corridor, Mayor Karner responded that that matter was previously addressed by the Planning Board and would continue to be reviewed throughout the project.

Ms. Hicks clarified that the meeting held on August 4, 2022 regarding the Errico Acres/Residences at Overleigh development was not a public meeting and therefore, no minutes were taken.

There were no further comments from the public.

Motion by Councilman McLean, seconded by Councilman Welsh to close the meeting to public comment.

DISCUSSION

Sidewalk Remediation – Route 202/Polo Club

Councilman McLean explained there has been an ongoing issue of flooding at the intersection of the sidewalk along Route 202 and the sidewalk path leading to the Polo Club. He indicated the Borough Engineer, Paul Ferriero had provided an estimate of \$8,000.00 for the engineering component only. Mr. Sordillo stated that as the sidewalk was within the NJDOT right of way their approval was required; however, it was unlikely that the NJDOT would undertake the project.

A general discussion ensued regarding the drainage remediation project recently undertaken by the Polo Club and its possible impact upon the sidewalk flooding issue resulting in a recommendation for further review by the Borough Engineer. Councilman McLean offered to provide a set of the Polo Club's construction plans to Mr. Ferriero.

EXECUTIVE SESSION

Resolution 22-114

- Attorney Client Privilege – Affordable Housing Litigation
- Attorney Client Privilege – NJ Transit and Butler's Pantry Lease

Motion by Councilman McLean, seconded by Councilwoman Tweedie was unanimously carried to approve Resolution 22-114.

RETURN TO OPEN SESSION AND ADJOURNMENT

Councilman Rinzler clarified he had no recollection of commenting upon the scenic corridor during a Planning Board meeting as stated by Dr. Mellendick during public comment this evening.

Motion by Councilwoman Tweedie, seconded by Councilman McLean was unanimously carried to adjourn the meeting at 8:30 p.m.

Respectfully submitted,



Dorothy S. Hicks
Borough Clerk

APPROVED – 8/22/2022