

**Borough of Florham Park  
Council Meeting Minutes  
January 19, 2012**

Mayor Eveland called the Regular Meeting of the Borough Council to order at 7:00 p.m. He asked the Clerk if the requirements of the Open Public Meetings Act had been met. Mrs. Williams stated that adequate notice of the meeting had been made. It was included in the Annual Notice of Meetings published in the Florham Park Eagle. In addition to advertisement, the annual legal notice was posted on the Municipal Bulletin Board. Mrs. Williams also stated that a copy is on file in the Clerk's Office in the Borough Hall in accordance with N.J.S.A 10:4-6.

Mayor Eveland asked the Borough Clerk to call the roll as follows:

<b>Governing Body</b>	<b>Present</b>	<b>Absent</b>
Mayor Eveland	X	
Council President Huyler	X	
Councilman Germershausen	X	
Vacant		
Councilman Taylor	X	
Councilman Wikstrom	X	
Councilwoman Cefolo-Pane	X	

Other Borough Officials present were Administrator Nancy Gage, Borough Clerk Sheila Williams and Borough Attorney Joseph Bell.

The Pledge of Allegiance was led by Mayor Eveland.

Mayor Eveland stated that there were several items of public communications listed on the agenda. He asked if there were any questions on the items, or if anyone would like to review any of the documents, they are on file in the Borough Clerk's Office. There were no questions on the following communications on record:

- Various emails from residents regarding the Elm Street Recreation Project
- Meeting Minutes from the December 19, 2011 Library Board of Trustees Meeting
- Meeting Minutes from the January 16, 2012 Library Board of Trustees Meeting
- Letter from Congressman Rodney Frelinghuysen regarding the 2012 Reorg Meeting
- Notice of Ordinance Adoption, Township of Hanover, Repealing Ch. 258, Trees
- Notice of Ordinance Introduction, Twp. of Morris, regarding Affordable Housing fees
- Notice of Adoption, Twp. of Morris, Amending Ch. 57 and 95, Commerical Farms
- Letter from Rabbi Kenneth Tarlow regarding the Menorah Lighting
- Letter from resident Susan Nixon, Hillside Avenue regarding Municipal Pool Fees

## **MINUTES FOR APPROVAL:**

Council President Taylor made a motion to approve the minutes of the Annual Reorganization Meeting of January 3, 2012, the work session of December 13, 2011 and the regular meeting of December 13, 2011. The motion was seconded by Councilman Huyler.

**Roll Call:** Taylor, yes; Germershausen, yes; Boy, yes; Wikstrom; yes, Huyler, yes; Cefolo-Pane, yes

## **ORDINANCE FOR FIRST READING:**

#12-1 Amending Ch. 103, To Allow Leashed Dogs in Recreation Areas

**Councilwoman Cefolo-Pane** introduced Ordinance #12-1 by title, explained the purpose of the ordinance and moved for approval on first reading. The motion was seconded by Councilman Huyler.

**Roll Call:** Taylor, yes; Germershausen, no; Wikstrom, yes; Huyler, yes; Cefolo-Pane, yes

**Councilwoman Cefolo-Pane** stated that the above Ordinance was introduced and read by title at this regular meeting held on January 19, 2012. She further stated that the Council would consider this ordinance for a second reading and final passage on February 16, 2012. She instructed the Clerk to publish the proper notice and to post the ordinance on the bulletin board in the Municipal building. Councilwoman Cefolo-Pane moved for approval of the Ordinance on first reading, seconded by Councilman Huyler.

**Roll Call:** Taylor, yes; Germershausen, no; Wikstrom, yes; Huyler, yes; Cefolo-Pane, yes

## **RESOLUTIONS – CONSENT AGENDA**

Council President Taylor made a motion to approve the following resolutions on the agenda under “Consent Agenda” via a single motion of the Council. He asked the Borough Clerk to read the resolutions into the record. The motion was seconded by Councilman Wikstrom.

- #12-16 Amending the schedule of service charges adopted by The Florham Park Sewer Utility
- #12-17 Authorizing Florham Park Sewer Utility, Northeast Quality Management Plan
- #12-18 Authorizing the Director of Community Services to Execute statements of consent for Sanitary Sewer Extension
- #12-19 Authorizing Borough Engineer fees for professional review and inspection services
- #12-20 Authorizing a 2011 Budget Transfer of Funds
- #12-21 Authorizing a per diem electrician for the Borough of Florham Park
- #12-22 To limit the medical plans offered under the State Health Benefits Program
- #12-23 Authorizing the adoption of Ch. 48 in order to provide health insurance
- #12-24 Authorizing participation in the State Health Benefits Program
- #12-25 Authorizing an Agreement between Florham Park Borough and East Orange Water Commissioners
- #12-26 Authorizing a grant agreement in connection with the Open Space Trust Fund
- #12-27 Authorizing the appointment of Gary Troxel as the Municipal Judge

- #12-28 Authorizing adoption of new policies for Personnel Policies and Procedures Manual and employee handbook

**Roll Call:** Taylor, yes; Germershausen, yes; Wikstrom, yes; Huyler, yes; Cefolo-Pane, yes

### **PAYMENT OF VOUCHERS**

**Councilman Wikstrom** read a summary of the current bills list and made a motion to approve it in the amount of \$421, 139.57 The motion was seconded by Councilman Germershausen.

**Roll Call:** Taylor, yes; Germershausen, yes; Wikstrom, yes; Huyler, yes; Cefolo-Pane, yes

### **PRIVILEGE OF THE FLOOR-OPEN TO THE PUBLIC**

Mayor Eveland opened the meeting to the Public for comments or questions. He stated that he would like to establish some ground rules for speaking. He stated that each person who wished to speak should step up to the microphone and state their name and address for the record. He further stated that members of the public will be allowed to make public statements; although the Council will not be only listening and not respond upon advice of Borough Counsel. Litigation has been filed against the Borough.

#### **Carl Silvestri, 38 Elm Street:**

Mr. Silvestri that he appreciated the opportunity to speak to the Council. When we bought this house we believed that the land on Elm Street would never be developed because it was wetlands. He was excited when town acquired the property. He was confused when he heard the area would be developed for the Borough. He is not against recreation. Suggested convening a committee to take a look at the level of needs for active and passive recreation. This committee could be comprised of members from Elm Street, the Environmental Commission, Recreation Committee and so forth.

#### **Michael Murphy, Afton Drive**

Stated he would like to thank the people who are working on this project. He stated we need these fields. Madison received land last year and they have fields that will be ready to be played on soon. These fields are nothing new – the Council was working on this way before Scott’s administration. We need these fields. I ask our town to continue their due diligence on this project. I know there are people on Elm Street that are not happy, but there any many people in this town who want these fields. These people also vote and support you. Thank you.

#### **Larry Alexander, 38 Elm Street**

Mr. Alexander read the following statement and indicated that he would like the record to reflect it in its entirety:

Regarding the Florham Park, Elm Street Recreation Area, the organizers behind the Concerned Citizens of Florham Park are a diverse group of residents who are asking follow up questions about the “final” site plan recently presented to a selectively invited list of homeowners immediately adjacent to the proposed park.

I fully support the group, and want all the questions listed on the [fpcitizens.com](http://fpcitizens.com) website (and more from the apparent growing support of others) answered with full disclosure, transparency, and supporting details from the town council and Mayor Eveland. Given that limited public information was selectively distributed over many years (perhaps within the letter of the law as town officials claim), and that site changes were made last year (and this year) inconsistent with master plans, concept and model, it is now clear that many issues are still unresolved for this project, affecting one of the last and largest open spaces in town, to move forward to clear-cut vast acreage without further review and public comment. The devil is in the details, not in the summaries, speeches, flyers, signs and viral emails.

I have lived in Florham Park for almost 28 years and I am pro-recreation, pro-environment, pro-engineering, pro-disclosure and pro-details, when it comes to my concerns and questions over the justification and balance between proposed high-level active and low-level passive recreation use of this site closely bordering both residents and wetlands. However, I am not pro-lemming when it comes to blind trust in our elected officials who, with perhaps good intentions, can push through a project with purported combinations of hidden agendas, special interests, and maybe just simply overlooking some details. My professional career and lifetime experience shows that I am smart as or smarter than the average bear. Please convince me that things were done right with good decisions, impartiality, consideration of all creatures (human and not), and attention to detail, and I will support our park. But don't leave me begging for this information! Please answer the questions, and do so with transparency and goodwill.

I have attached the list of questions from the [fpcitizens.com](http://fpcitizens.com) website and request the council to motion to move my letter and list of questions into the minutes, in addition to questions and comments from any other concerned residents during this public comment session, with aforesaid information and any formal responses by the council to be included in those minutes.

Should there be any unresolved issue(s) following this meeting, I respectfully ask the council to motion to immediately place such issue(s) on the next regular council agenda, or alternately schedule a special regular council meeting, with prior work session(s) that include all affected parties to fully resolve such issue(s), so that modifications can be made to the park concept, site plan and construction work before starting the imminent clear-cutting of trees and/or re-grading of the site. If more time is needed, I respectfully request that any clear-cutting and/or re-grading be put on hold for a reasonable period until such issue(s) are settled by town council in public session by open vote.

### **Scott Carpenter – 48 Circle Road**

Mr. Carpenter stated that he has a unique perspective because he serves on both the Recreation Committee and the Environmental Commission. The planning of this park has been in the planning stages and has been discussed in two administrations and also has been in public dialogue for at least 2 years. To come forward at this point and express concerns that could have been expressed during the process is where due diligence was done by both the Recreation Committee and the necessary professionals that the Borough employed is wrong. You would have to have lived with your hand in the sand if you live in Florham Park and did not realize that this project was about to come to fruition. The land was acquired by the previous Mayor with the intent to build this park. I implore the people who are trying to stop this at the 11<sup>th</sup> hour to reconsider their position and realize that our Mayor and Council did do their due diligence and are moving forward and are moving forward with the best interest of the community in mind with this project. If you forestall this project, it will forestall this project for seasons. I think all that needed to be done has been done. If you got on the train late, that is

not the problem of the Borough or its committees. Generally when the 11<sup>th</sup> hour is here, it is too late to do anything. It is time to move forward. Thank you.

**Rick Zeien, 87 Lincoln Avenue**

Mr. Zeien stated: I am also a member of the Recreation Committee for the last 7 years. I would like to put the allegations to rest that we haven't done our due diligence. The initial phase of the Master Plan was completed in 2007. I worked on accumulating the information based on field usage from other towns. Other towns we looked at were: East Hanover, Millburn, Hanover Twp., Chatham and Madison. We compared field usage time vs. the number of participants in various sports. Lacrosse, soccer, football, etc. have all been studied. I have all of the data and if anyone would like to ask me any questions or see any of our conclusions, please see me after the meeting. Thank you.

**Robert Foggio, 44 Elm Street**

Mr. Foggio stated: People have stated that these plans have been on the books for over ten years. What he takes exception to is that the plans have changed dramatically over the years from its original concept. On two occasions, when I came to Borough Hall to express concerns I was told, don't worry about it the plans will change. They were right the plans have changed significantly. I believe a traffic study on this street has not been done and I don't believe a report has been done by the Florham Park Environmental Commission. I agree with most people that there is a need for these items and I think we should try and do the best job possible.

**Blaine Rothauser, 54 Park Street**

Mr. Rothauser stated: This is not a statement of the Environment Commission. I am here as a citizen. The layer of this onion runs deep. Everyone I see at the podium, many of them I know personally and I believe them to be good people at their core, from the Mayor to councilperson, the e to the citizens. My question is not about people's intentions; it centers around due diligence, vetting and allowing due course of action with all those involved in the process from a civic standpoint. It is up to everyone here to get information at the forefront of every project so you are not here at the back end. Attend your Planning Board meetings, Council meetings, Environmental Commission meetings. Get the information at the forefront so we are not here at the back end. As Chairman of Environmental Commission I was never asked to become involved in the Recreation Master Plan. Make it clear that if you read the Ordinance that creates the Environmental Commission; that is our duty. We are supposed to be the sounding board for the Council on these issues. I only read this after it was finished and put on the table at the library. My comment to Dave Wikstrom was I don't think a plan on the table at the library is vetting and is important because it will change the character of our town for a few generations. I hardly think that is vetting of an important document. Dave Wikstrom said he respectfully disagreed. I think it is evident by tonight's attendance that it wasn't. I not only blame the public, I also blame myself. I am disappointed that it turned out this way. If everyone had gotten involved at the forefront, we wouldn't be sitting here at the last minute trying to figure it out.

**Steve Reichenstein, 250 Ridgedale Avenue, Apartment Y3**

Mr. Reichenstein stated: Gotta love democracy don't ya? Kudos and respect to the board for listening. I think you guys are doing your job. I have to question why the Board would choose not to speak if you are not getting sued, but think you are going to get sued? When does a governing board stop governing because there might be a suit on a major public issue? What do you have to say that is so terrible that you can't tell us? We vote for you. Speak to us. Are you so afraid of us? I am here as a resident, although I happen to be vice president of the NJ Taxpayers Association. We are looking at this case very carefully. It is one that includes a lot of interesting things from the point of view of taxpayers. Open & honest government that is cost effective and responsive. I am going to say as a resident, although I don't live on the street, that it is a narrow, dangerous street to begin with. It has been acknowledged as such and you are going to be opening up a lot of traffic that will go there. You can't open it up onto Columbia Turnpike because that may be worse. From a point of view of traffic and safety, there is a major problem. We only have one forest left in Florham Park, so before we cut the "park" out of Florham Park I would really like to take a visit back at that. Do we really want to take the last forest out of Florham Park? Um, and I don't know how to say this. We have examples in town of because we have grown so much recently that we have made decisions. Our governing boards, our committees; people make decisions. Sometimes they work out well and sometimes they don't. We have, for example, moved Trader Joes and Walgreen's from one side of a shopping Center to the other. You packed in a whole bunch of stores there that are great, especially Red Mango. Its great and its hopping there. Its one of the most dangerous spots in the County probably. It's a question of - it's a real traffic and safety problem at that shopping center. Most people would agree our downtown area has traffic and safety issues. It has smaller and narrower parking spots one of the variances and 70 fewer parking spots on a variance. I question whether or not we should go forward with this before we look at the other decisions that have been made. If we just talk to each other. I am not trying to attack but we may be making a mistake. Just talk to us. Maybe we are making one here. I think we are. Thank you.

**Ed Cacinni, 39 Murphy Circle:**

There is only on question I have. Behind my house they put a Ridgedale ball field. They took down 200-300 trees. When they took the trees down the water came in my cellar. When you take trees down the land goes with the trees and dirt. That is the only problem I have. They dump all the grass and leaves in the back of my yard.

**Michael Ling, Loveys Drive**

I have been a resident for about 15 years. I have been listening to what is going on. With all due respect to the previous speakers, there is traffic on Emmett now from the existing fields down there. The traffic will just be flowing to the new Center. This is only going to be residents. This facility is not going to be used by all of Morris County, only Florham Park residents. It is easy to look at the end of our noses and see what is good for our own personal interests. I have lived in this town for 15 years and have had kids go through these programs. Over the years as one who has watched all of the towns around us develop over the years, knows that when you look around, Florham Park falls short. I give a lot of credit to Scott Eveland and Rick Zein and others like them who are trying to get this going for Florham Park. I don't even have kids who play these sports anymore but the thought of having a center over there with walking trails, fields, a dog park. Think about it. What could this space be used for if not that? An industrial center, low income housing? Do you really want that? I understand we

have to do our due diligence and all of that, but if you look around Madison bought land a year and a half ago and they are done. Done! Open for business. So, we can sit here for eleven for months and push this project off, we can talk about a bat or other silly stuff. Its going to be done. One of the great things about this town, which is why we are voted #6 in the State, is because it is a simple low drama town. That is what I love about this town. We don't need this type of drama. We have to look at this picture and figure out what is best for this town. A hundred years down the road, not in my lifetime or the next ten years even. See the big picture. What is best for this town? This has to happen. People on Elm Street, we understand your needs but we have officials that we have elected into office and I trust that they are going to do what is best for all of us. Are they going to make some mistakes one in a while? Absolutely. Everyone does. But here's where we are. Again, look at the towns around us. Chatham has seven turf fields. I am not saying we have to be like Chatham. Look at the Mendham's and other towns in Morris County. How many times have your kids had to miss practice because the field was wet? How many times have softball games been cancelled? Building this will alleviate that. You need to have practice to compete. Our programs have been flat lining for years. Why? It has to do with the fact that we can't get practice time on these fields. As your sports programs improve, your town improves. This will be good for everybody. It will be good for real estate values as well. Just my two cents. Thank you.

**Paul Gompers, 37 Woodbine Road**

I have lived in town for about 10 years. Before we lived in Short Hills for 23 years and we think we came to Florham Park 23 years too late. We love this town. We think its fabulous. Woodbine Rd. is not near Elm Street, but I still have an opinion. I don't believe there is a dispute about needing more fields in Florham Park. There is plenty of land in Florham Park that I see in Florham Park that does not infringe on a neighborhood. Woodbine Road has a lake and there is some land on the other side of the lake. It didn't get very far, perhaps because there is not enough land. I would have fought like a cat to keep anything going in there because it would change the ambience of the neighborhood. I use Elm Street for only one reason. I use it as a shortcut to get to Columbia Turnpike. It is a lovely street. It is a quiet street and I realize that coming home if I were to make that right turn onto Elm Street, I would get a ticket. It is not allowed. If I were a property owner who bought a home on Elm Street, I would like my neighborhood to remain quiet. I am not arguing that the Borough doesn't need more places for the kids to play. I am asking why it has to be there.

**Vince Bober, 5 Murphy Circle**

I am a newcomer to town. I have only been here 1-2 years. My only concern with the project was with water management and drainage. When we get rain it's a swamp. I would like you to look into water management of that area. If the Council could take a serious look at that I would appreciate it.

Seeing no more members of the public who wished to be heard, Mayor Eveland closed the meeting to the public. Mayor Eveland

**ADJOURNMENT**

It was regularly moved by Councilman Taylor, seconded by Councilman Wikstrom that the meeting be adjourned at 7:47 p.m.

Respectfully submitted,

Sheila A. Williams, R.M.C.  
Borough Clerk  
February 2, 2012