

**Borough of Florham Park
Council Meeting Minutes
Tuesday, January 25, 2011**

Present: Eveland, Taylor, Germershausen, Boy, Wikstrom, Huyler
Absent: Beecher
Others Present: Administrator Gage, Borough Clerk Williams, Attorney Bell

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 and The Daily Record. Also, the annual legal notice and 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.

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. He stated that 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:

- Resolution # 11.05.10, Borough of Kinnelon, Opposing Assembly Bill No. 2095
- Ordinance # 57-2010, Borough of Madison, Entitled "Design and Building Layout".

MINUTES FOR APPROVAL:

Councilman Wikstrom made a motion to approve the minutes of the Reorganization Meeting of January 4, 2011, seconded by Councilman Boy.

Roll Call: Germershausen, yes; Boy, yes; Beecher, absent; Taylor, yes; Wikstrom, yes; Huyler, yes

ORDINANCE FOR FIRST READING:

#11-1 Amending Chapter 192 of the Borough Code, Entitled "Riparian Zones"

**BOROUGH OF FLORHAM PARK
ORDINANCE #11-1
CHAPTER 192 ENTITLED "RIPARIAN ZONES"**

Council President Huyler introduced Ordinance #11-1 by title, explained the purpose of the ordinance and moved for approval on first reading, seconded by Councilman Taylor.

Roll Call: Germershausen, yes; Boy, yes; Beecher, absent; Taylor, yes; Wikstrom, yes; Huyler, yes

Councilman Huyler stated that the above Ordinance was introduced and read by title at this regular meeting held on January 25, 2011. He further stated that the Council would further consider this ordinance for a second reading and final passage on February 15, 2010 at 7:00 p.m. He instructed the Clerk to publish the proper notice and to post the ordinance on the bulletin board in the Municipal building. Councilman Germershausen moved for approval of the Ordinance on first reading, seconded by Council President Taylor

Roll Call: Huyler, yes; Germershausen, yes; Boy, yes; Beecher, absent; Taylor; yes, Wikstrom, yes;

#11-2 To Authorize Annexation of Lands in Madison Borough, Block 401, Lot 1

**BOROUGH OF FLORHAM PARK
ORDINANCE #11-2**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO AUTHORIZE THE ANNEXATION OF LAND WITH THE
BROOUGH OF MADISON KNOWN AS BLOCK 401, LOT 1 ON THE TAX MAP OF THE
BROOUGH OF MADISON

Council President Huyler stated that the title of the Ordinance #11-2 was incorrect and some areas of the Ordinance needed to be changed. He made a motion to table Ordinance #11-2 until further changes could be made, seconded by Councilman Taylor.

Roll Call: Huyler, yes; Germershausen, yes; Boy, yes; Beecher, absent; Taylor; yes, Wikstrom, yes;

11-3 **Regulating Carnivals within the Borough of Florham Park**

Council President Huyler introduced Ordinance #11-3 by title, explained the purpose of the ordinance and moved for approval on first reading. Councilman Germershausen indicated that he had some issues with the Ordinance.

He stated he had an issue with propane tanks and the issuing of permits. Had a problem with health inspections, why doesn't an outside agency coming in to this Carnival have to have inspections?

Council President Huyler stated that the vendors were inspected by the Florham Park Health Department before they were allowed to operate.

Councilman Taylor stated that the issue Councilman Germershausen was referring to is a separate issue from the Ordinance presented. He stated that the Ordinance was specifically written to determine who was allowed to hold Carnivals in Florham Park.

Councilman Germershausen stated that it wasn't even a Florham Park Organization that was running the Carnival - it was the Rotary Club of Madison.

Council President Huyler stated that he was involved in the beginning with the event and that was an untrue statement. The event was a joint effort between the Florham Park Rotary Club and the Madison Rotary Club.

Councilman Germershausen stated that the Borough used Florham Park resources to run this carnival.

Councilman Taylor stated that Frank Esposito and Andrew Williams of the DPW were involved; however, they volunteered and did it on their own time.

Councilman Germershausen stated that he also had a problem with Fire Inspections

Councilman Taylor stated that there were, in fact, inspections done by the Fire Department. There was a hot water heater running on gas and that was also inspected.

Councilman Germershausen stated that they let non-Florham Park vendors only in and it should be first opened to Florham Park vendors first.

Council President Huyler stated that they can't dictate what vendors the organizations are going to use.

Councilman Taylor stated that the issue Councilman Germershausen was referring to is a separate issue from the Ordinance presented. He stated that the Ordinance was specifically to determine who was allowed to hold Carnivals in Florham Park. Mayor Eveland agreed and echoed Councilman Taylor's words.

Council President Huyler made a motion to approve the Ordinance on 1st reading. The motion was seconded by Councilman Taylor.

Roll Call: Huyler, yes; Germershausen, no; Boy, yes; Beecher, absent; Taylor, yes; Wikstrom, yes;

Councilman Huyler stated that the above Ordinance was introduced and read by title at this regular meeting held on January 25, 2011. He further stated that the Council would further consider this ordinance for a second reading and final passage on February 15, 2011 at 7:00 p.m. He instructed the Clerk to publish the proper notice and to post the ordinance on the bulletin board in the Municipal building. Councilman Huyler moved for approval of the Ordinance on first reading, seconded by Council President Taylor

Roll Call: Huyler, yes; Germershausen, no; Boy, yes; Beecher, absent; Taylor, yes; Wikstrom, yes;

RESOLUTIONS FOR APPROVAL VIA CONSENT AGENDA

- #11-16 Authorizing co-op participation with Mount Holly Municipal Utilities Authority
- #11-17 Authorizing budget transfers of 2010 appropriations
- #11-18 Authorizing a data transmission to Signature Information Solutions
- #11-19 Authorizing the purchase of Municipal Vehicles
- #11-20 Authorizing the appointment of Brown and Brown as Insurance Broker
- #11-21 Authorizing purchase of Plant CML Sentinel Patriot 9-11 System
- #11-22 Authorizing Professional Services Contract with Stonebridge Title Services, Inc.
- #11-23 Authorizing Professional Services Contract with Casey & Keller
- #11-24 Authorizing Professional Services Contract with JM Sorge
- #11-25 Establishing Fees for the Borough Engineer
- #11-26 Authorizing Issuance of Sidewalk Café Licenses
- #11-27 Authorizing a Tax Appeal Settlement for 500 Columbia Turnpike
- #11-28 Amending the Schedule of Service of the Florham Park Sewer Utility
- #11-29 Authorizing the Purchase of Municipal Vehicles an related equipment from a Morris County Co-op Vendor

- #11-30 Authorizing Signatures for checks, drafts and withdrawals from approved banks
#11-31 Authorizing the Settlement of a Case in Controversy for Sun Valley

Council President Huyler made a motion to approve the above listed Resolutions via Consent of the Council via a single motion. He instructed the Clerk to read them into the Record.

The motion was seconded by Councilman Taylor.

Roll Call: Huyler, yes; Germershausen, yes; Boy, yes; Beecher, absent; Taylor; yes, Wikstrom, yes;

PAYMENT OF VOUCHERS:

Councilman Boy read a summary of the current bills list and made a motion to approve it in the amount of \$3,339,609.56. The motion was seconded by Council President Huyler.

Roll Call: Germershausen, yes; Boy, yes; Beecher, absent; Taylor; yes, Wikstrom, yes; Huyler, yes

PRIVILEGE OF THE FLOOR-OPEN TO THE PUBLIC

Mayor Eveland opened the meeting to the public for questions or comments.

Bernie Wetter, 8 Milton Avenue

Mr. Wetter stated that he is not sure anyone should smoke in public places anymore; maybe they should put the kids outside and smoke in their own houses.

Mr. John Winters, Brooklake Road

Mr. Winters asked where the Borough is regarding the cost of snow removal and the money spent on salt. Administrator Nancy Gage stated that two of the storms qualified under FEMA reimbursement and the Borough will receive \$16,000 to offset the storm as well as another amount of reimbursement which is yet to be determined.

Mr. Winters asked about the status of the 2011 Pool.

Councilman Wikstrom stated they are trying to keep the cost low and gain some momentum with membership. They don't plan on making any major improvements this year. They will look into that again in 2012.

Mr. Dennis Callahan, President of the Senior Citizen's Club

Mr. Callahan greeted the Mayor and Council. He indicated that they Seniors now have 10-15% membership. He is going to reach out to seniors to see if they can encourage more of the seniors to join. He stated that he has initiated a "Movies on Friday" program and is hoping the town continues support for the supervisor Vinnie in his role there. Also, surveys have been distributed to seniors and are awaiting the return of all of those. Some things they learned so far are that the Senior's want Bingo and Wii games. They are also looking for a tax expert who would volunteer their time and also hired a young woman from Ridgedale Middle School to teach the seniors more about technology. He thanked the Mayor and Council for all their support.

Mayor Eveland thanked Mr. Callahan for coming in and providing the update.

David Gordon, Village Road, Florham Park

Mr. Gordon indicated that he would like to make a statement regarding the proposed smoking ordinance. His statement follows:

I am not an eloquent man, so I have been struggling for months now to try and communicate my feeling as to why this proposal is so abhorrent to me. I have discussed this with my neighbors, I have discussed this with my children, I have discussed this with other members of this town.

I have no way in polite society to tell you what I really feel. How many more people are out there that do not have the eloquence, or the courage to stand before you and speak. When I ask the smokers what they think, the only reply "that's crazy" or "I will ignore it", or "let them try to enforce that". But the real tragedy is how these people will be forced to smoke in their homes, where their second hand smoke will be concentrated in their children's lungs, when they would prefer to smoke outside in a public park.

And it is the park that is the crux of this matter to me. I have no objection to restricting smoking where people have no control over being crowded together, but a park is not one of those places. A park is where we erect our monuments to people that have died defending our freedom , to me this makes a park sacred ground. To restrict freedom in a park is not only wrong, it is an atrocity! To quote Franklin Delano Roosevelt, "Those who have long enjoyed such privileges as we enjoy, forget in time that men have died to win them". Have your forgotten what it took to become the freedom loving society that we are today?

The real shame is that this law is not even needed, smokers are a dying breed. Even I do not smoke anymore because I cannot afford it. My three children all think smoking is for losers. They didn't learn that from me, they learned it from our school system. The diesel exhaust from our school buses is doing more harm than any cigarette in the open air could. The only reason for this law is that some people find it offensive, but there are still people in this town that find it enjoyable. The two sides will never, ever agree. What I am trying to say is that education, compassion and patience will get you what you want, but force will only get you disrespect and contempt.

Mayor Eveland thanked Mr. Gordon for his comments.

Mayor Eveland asked if there were any more comments from the Public, seeing none he closed the meeting to the Public.

Councilman Germershausen stated that on behalf of Chief of Police Patrick Montuore, he would like to thank Borough Clerk Sheila Williams for her assistance with moving Borough records out of the Police Department. Councilman Germershausen stated that the new training room will be ready soon and every single item in it has been purchased at no cost to the Borough and was done completely through donations.

Adjournment:

It was regularly moved by Council President Huyler, seconded by Councilman Germershausen that the meeting be adjourned at 8:20 p.m.

Respectfully submitted,

Sheila A. Williams, R.M.C.
Borough Clerk
January 27, 2011