

**Borough of Florham Park  
Council Meeting Minutes  
December 13, 2011**

Council President Huyler 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	
Councilman Boy	X	
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 Council President Huyler

Councilman Huyler 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:

- Minutes of the Morris County Planning Board Meeting of October 20, 2011
- Notice of Ordinance Introduction, Township of Morris, Amending Ch. 57, Land Development
- Notice of Ordinance Introduction, Township of Livingston, Amending Ch. 306, Trees
- Notice of Ordinance Introduction, Township of Morris, Amending Ch. 57, Land Use and Zoning
- Letter from the FP Falcons Football Club thanking the Mayor and Council for their donation
- Introduction of Land Use Ordinance, Twp. of Hanover, Amending Ch. 16, Trees
- Minutes of the Florham Park Library Board of Trustees Meeting of November 21, 2011
- Letter from the Morris County Board of Freeholders regarding their Annual Reorganization
- Email from Sarah Gordon regarding the smoking ordinance
- Email from John Aden, Democratic Committee regarding volunteers
- Invitation to Morris Township 2012 Reorganization meeting

**MINUTES FOR APPROVAL:**

Councilman Taylor made a motion to approve the minutes of the November 15, 2011 Work Session and the November 29, 2011 Work Session and Regular Meeting of November 29, 2011. The motion was seconded by Councilman Germershausen.

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

**MAYORAL RECOGNITION:**

Councilman Huyler recognized the 11 and under Florham Park Express Soccer team. He indicated that the Mayor was proud of them and wished he could have been here tonight to recognize them with the rest of the Council. He stated:

These girls recently won their flight in the Morris County Youth Soccer Association and ended with a 9 and 1 record for the season. Seven of the ten games were shut-outs. Opposing teams were from Madison, Summit, Mountain Lakes and Phillipsburg, NJ. It was quite a season – not only facing other teams, but staying focused through the unprecedented events of Hurricane Irene and the Halloween storm. The team has been together for four seasons and have come in 2<sup>nd</sup> place twice before. There are 15 girls on the team.

According to their coaches they are great girls and played a true “team game” while displaying the highest sportsmanship against their opponents. They were wonderful “ambassadors” of Florham Park in traveling to and hosting opposing teams. Tonight we would like to recognize these girls. As I call your name please come up to be recognized. The following girls were given Certificates of Achievement:

Stephanie Alessio, Claire Cahill, Adrianna Centrone, Brooke Dernier, Olivia Gahwyler, Angela Guerra, Fiona Hadley, Shannon Malone, Samantha Montuore, Rachel Mueller, Bridget Murphy, Megan Muth, Hope Nichols, Ava Siragusa, Kelsey Stites

**ORDINANCE FOR SECOND READING**

**#11-20 Adding a New Chapter 280, Outdoor Smoke-Free Air, to the Borough Code to Establish Outdoor Smoke-Free areas within the Borough of Florham Park**

Councilman Wikstrom made a motion to table Ordinance # 11-20, the motion was seconded by Councilman Boy

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

Attorney Joseph Bell indicated that inasmuch as the vote ended in a tie, the motion is defeated. He instructed the Council to proceed with the Ordinance.

Councilman Boy read Ordinance #11-20 and moved for its adoption. He stated that the Ordinance was introduced and passed on first reading at a regular meeting of the Borough Council held November 15, 2011 as follows:

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ADDING A NEW CHAPTER 280, OUTDOOR SMOKEFREE AIR, TO THE BOROUGH CODE TO ESTABLISH OUTDOOR SMOKEFREE AREAS WITHIN THE BOROUGH OF FLORHAM PARK**

Council President Huyler asked the Clerk to read a summary of the legal notice.

Borough Clerk Williams read a summary of the legal notice and stated that the Ordinance had been published as required by law, posted on the bulletin board in Borough Hall and that copies had been made available to members of the general public desiring same.

Council President Huyler opened the meeting to the public on the Ordinance and stated that any taxpayer of the Borough of Florham Park or any interested persons could be heard.

The following members of the public made statements:

**Frank Sweeten, 15 Northern Avenue:**

Although there is no social value to smoking – the ordinance is pandering & diminishes the governing bodies ability to govern. He stated he would like to see the supporting evidence for examples given in the Ordinance.

**David Gordon, Village Road**

He is concerned about this law because he thought it was not well thought out. He also asked if there was going to be a designated smoking area at the Social Garden of the 4<sup>th</sup> of July.

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

Councilman Boy read the following resolution and moved its adoption:

**RESOLVED**, that the Ordinance, as read by title, on second reading, at this Regular meeting, be adopted and finally passed.

The motion was seconded by Councilman Wikstrom.

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

Council President Huyler stated that the Ordinance was defeated as the vote ended in tie.

## **RESOLUTIONS – CONSENT AGENDA**

Councilman 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.

- # 11-153 Authorizing approval of ABC License for Steak and Ale of NJ, Inc.
- # 11-154 Authorizing Membership Renewal with the Morris County Co-Op
- # 11-155 Authorizing Renewal 2012 Towing Licenses
- # 11-156 Authorizing 2012 Sidewalk Café Licenses
- # 11-157 Authorizing 2012 Limousine Licenses
- # 11-158 Authorizing 2011 Budget Transfers
- # 11-159 Authorizing Cancellation of A Developer’s Escrow Agreement and Improvement Authorizations
- # 11-160 Resolution Allocating Money from Municipal Affordable Housing Trust
- #11-162 Authorizing issuance of Amusement Device Licenses
- #11-163 Authorizing issuance of Amusement and Recreation Facility Licenses

**Roll Call:** Taylor, yes; Boy, 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 Council President Huyler.

**Roll Call:** Huyler, yes; Germershausen, yes; Boy, yes; Taylor; yes, Wikstrom, 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 wanted to establish some ground rules regarding comments from the public. He indicated that in light of the pending litigation that is going to be initiated by residents, Borough attorneys have advised the Council that they should not make any comments. He stated that each person should step up to the microphone, state their name and address for the record, and they will be allotted five minutes each. He asked if there were any questions. Seeing none he opened the meeting to the public. The following are comments made by members of the public:

Seeing no more members of the public who wished to be heard, Council President Huyler closed the meeting to the public.

**ADJOURNMENT**

It was regularly moved by Councilman Taylor, seconded by Councilman Wikstrom that the meeting be adjourned at 7:35 p.m.

Respectfully submitted,

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