

**Florham Park Borough Council
Regular Council Meeting Minutes
February 16, 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:

Governing Body	Present	Absent
Mayor Eveland	X	
Council President Taylor	X	
Councilman Germershausen	X	
Councilman Wikstrom		X
Councilman Huyler	X	
Councilwoman Cefolo-Pane	X	
Councilman Carpenter	X	

Other Borough Officials present were Borough Clerk Sheila Williams and Borough Attorney Joseph Bell.

The Pledge of Allegiance was led by Mayor Eveland.

I. PRESENTATION TO MAYOR AND COUNCIL

Mario Springer of ADP Corporation presented checks for \$1,000 each to the Florham Park Police Department, Fire Department, Memorial First Aid Squad, Recreation Department, and Florham Park Public Schools. He stated that it was ADP's way of giving back to the Community. Representatives from each agency were in attendance to accept the donations. Mayor Eveland stated that as always the Borough is very grateful for the donations and they will be put to good use.

II. RECOGNITIONS

- **Recognition of Former Councilman Fred Boy**

Mayor Eveland presented a chair to former Councilman Fred Boy. He stated that Mr. Boy had dedicated years of service in various volunteer aspects in Florham Park Borough and thanked him for all he had done during his years of service. Mayor Eveland also read a letter from Councilman Wikstrom who could not attend the meeting due to a family vacation as follows:

Dear Fred,

As you know, I am on a family vacation this week and am very sorry that I could not be there tonight to celebrate your service to Florham Park. You have been an asset to this governing Council and the Borough for many years. Your attention to detail will be missed and I truly wish you the best in the future. Enjoy your retirement!

Very truly yours,

*David L. Wikstrom, Councilman
Florham Park*

Councilman Boy thanked everyone and stated that it had been a pleasure to serve.

- **Recognition of Police Chief Patrick Montuore for FBI National Academy Certification**

Mayor Eveland called Chief of Police Patrick Montuore up to the podium to be recognized for his accomplishments at the National FBI academy and stated the following:

Last Summer Chief Patrick Montuore attended the FBI National Academy training Academy. The National Academy is located on a 385 acre Marine Corps Base in Quantico, Virginia. Leaders and managers of state and local police, sheriffs' departments, military police organizations, and federal law enforcement agencies participate in this training; however, participation is by invitation only, though a nomination process. Participants are drawn from every state in the union, from U.S. territories, and from over 150 international partner nations. Chief Montuore was selected to attend.

The Chief's class consisted of 246 law enforcement officers from around the world. The attendees lived in college type dorms for the ten week program. They roomed together, studied together, ate their meals together, and endured tough physical training together. Some of the subjects that Chief Montuore studied while attending the academy included law, behavioral science, understanding terrorism/terrorists mindset, leadership development, communication, and health and fitness.

Anyone who's attended the National Academy knows all about the symbolic "Yellow Brick Road" which is the final test of the fitness challenge. It consists of a 6.1 mile grueling run through a hilly, wooded trail built by the Marines. Along the way, the participants must climb over walls, run through creeks, jump through simulated windows, scale rock faces with ropes, crawl under barbed wire in muddy water, maneuver across a cargo net and more. The course came to be known as the "Yellow Brick Road" after the Marines placed yellow bricks at various spots to show runners the way through

the wooded trail. I am proud to announce that not only did Chief Montuore successfully graduate in September, but he brought back the coveted yellow brick but completing the fitness exercise.

The Council and I are proud of the accomplishments of Chief Montuore and would like to present the following Certificate of Achievement to Chief Montuore for his wonderful accomplishment.

III. FLORHAM PARK POLICE DEPARTMENT - SWEARING IN CEREMONY

Mayor Eveland stated that there were several police officers appointed to new positions in January. They were individually sworn in by the Borough Clerk as follows:

Matthew Gatzke - Lieutenant
Glen Johnstone – Sergeant
Kevin Langeris – Probationary patrolman
Daniel Braico – Probationary patrolman

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:

- Letter from resident Laurie Orlovsky praising Florham Park Police Dept.
- Email from resident Jack Sutherland regarding open space on Elm Street
- Email from Senior President Dennis Callahan regarding 50th year Senior Club anniversary
- Email from resident Lynn Zaug regarding Elm Street
- Email from resident Lawrence Alexander regarding Elm St.
- Letter from 4th grader at Brooklake School to Mayor Scott Eveland regarding NJ Project
- Letter from Steve Reichenstein, AARP Secretary, regarding Pedestrian Safety Program
- Letter from Morris County Board of Freeholders regarding the County budget meeting
- Notice of Ordinance introduction, Twp. of Morris, regarding off-street parking requirements
- Letter of resignation from Councilman Fred Boy
- Email from resident Jeaneen Andretta thanking the FP Police for quick response
- Letter to Mayor Scott Eveland thanking him for his dedication and assistance
- Notice of Ordinance introduction, Twp. of Jefferson, regarding a redevelopment plan
- Minutes of the December 1, 2011 Morris County Planning Board meeting

MINUTES FOR APPROVAL:

Council President Taylor made a motion to approve the minutes of the minutes of the February 2, 2012 Work Session, the January 19, 2012 Work Session and the Regular Meeting of January 19, 2012. The motion was seconded by Councilman Huyler.

Roll Call: Taylor, yes; Germershausen, yes; Wikstrom, absent; Huyler, yes; Cefolo-Pane, yes; Carpenter, abstain

ORDINANCE FOR SECOND READING:

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

Councilman Huyler read Ordinance #12-1 and moved for its adoption. He stated that the Ordinance was introduced by title and passed on first reading at a regular meeting of the Borough Council held on January 19, 2012 as follows:

ORDINANCE #12-1

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 103, TO ALLOW LEASHED DOGS ON BOROUGH RECREATION AREAS

Mayor Eveland 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.

Mayor Eveland 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.

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

Councilman Huyler 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 Council President Taylor

Roll Call: Taylor, yes; Germershausen, yes; Wikstrom, absent; Huyler, yes; Cefolo-Pane, yes; Carpenter, abstain

ORDINANCE FOR FIRST READING:

#12-2 Granting Municipal Consent for the Operation of Cable Television

**BOROUGH OF FLORHAM PARK
ORDINANCE #12-2**

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF FLORHAM PARK, NEW JERSEY TO CSC TKR LLC, d/b/a CABLEVISION OF MORRIS

Councilwoman Cefolo-Pane introduced Ordinance #12-2 by title, explained the purpose of the ordinance and moved for approval on first reading, seconded by Councilman Germershausen.

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

Councilwoman Cefolo-Pane stated that the above Ordinance was introduced and read by title at this regular meeting held on February 16, 2012. She further stated that the Council would consider this ordinance for a second reading and final passage on March 22, 2012 at 7:00 p.m. 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 Council President Taylor

Roll Call: Taylor, yes; Germershausen, yes; Wikstrom, absent; Huyler, yes; Cefolo-Pane, yes; Carpenter, 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 Germershausen.

- #12-31 Authorizing Joseph Guerin to serve as pension certifying officer
- #12-32 Authorizing the transfer of 2011 municipal funds
- #12-33 Authorizing Tax Collector to cancel interest on Block 3101, Lot 1C07E
- #12-34 Authorizing a tax adjustment, Block 2009, Lot 5
- #12-35 Authorizing approval of a Temporary Municipal Budget for 2012
- #12-36 Authorizing execution of a Historic Preservation Easement to Morris County
- #12-37 Authorizing adoption of New Rules and Regulation for the Florham Park Police
- #12-38 Authorizing the Lease/Purchase of a Municipal Vehicle for FPPD

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

NEW BUSINESS

Removal of Fire Department personnel

Councilman Huyler made a motion to remove the following inactive members of the Florham Park Volunteer Fire Department effective immediately:

Dominick Forlenza, Kenneth Dunne, Kevin Natal

The motion was seconded by Councilman Germershausen

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

Payment of Vouchers:

Council President Mark Taylor read a summary of the current bills list and made a motion to approve it in the amount of \$5,798,414.39. The motion was seconded by Councilman Germershausen.

Roll Call: Taylor, yes; Germershausen, yes; Wikstrom, absent; Huyler, yes; Cefolo-Pane, yes;
Carpenter, 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.

The following members of the public wished to be heard:

Larry Alexander, 40 Elm Street

Mr. Alexander thanked the Borough Engineer for his assistance with his many requests. He stated that Mr. Sgaramella had been instrumental in getting him information needed and helping him with the entrance to Elm Street. Mr. Alexander discussed the fact that his driveway is not properly shown on the model that the Council has. He believes the model has given the wrong perception to the town because there are mistakes in it. He stated his driveway is incorrect on the model and some properties are not shown at all. Mr. Alexander would like the entrance to be pushed down toward the DPW storage area, although Mike Sgaramella said that is part of the wetlands. Mr. Alexander stated he did not want the Council to pay for a new model because he knows it costs money, but requested that the new site plan be displayed next to it for better transparency. Mr. Alexander volunteered his services to help as a reviewer to help with the plans. He discussed speed limits on Elm Street as well. He further stated there was an unidentified person who knocked over his recycling bin somewhere between 2:00 and 3:00 a.m. and said that someone intimidating him is not going to change the way he feels. He further stated that he knows the complex will ultimately be built and looks forward to the time when he can walk through the fields. Stated that the mayor commented in the newspaper that the people that rant and rave make him more resolved to get this done on his watch. Mr. Alexander asked that his own resolve is that he will be watching the details of this project, especially for those residents who are most impacted on a day to day basis. He thanked the Mayor and Council for their time.

Mayor Eveland stated he would like to respond to some of the things Mr. Alexander said. He has spoken to Borough Engineer Sgaramella and the driveway is going to be located further down. We also discussed some additional buffers such as berms, conifers, fir trees. I have no problem putting the site plan next to the model. Mr. Alexander asked if he could volunteer to help. Mayor Eveland stated that Mr. Alexander had a conflict of interest, although we would love to hear your input and will always take it into consideration.

Bob Foggio, 44 Elm Street

Mr. Foggio stated that he would like the most updated plans made available to the public to see. The plans with the new Recreation Center included. He discussed access through the Mack-Cali building. He discussed moving the entrance to Mack-Cali as a safety measure and also to alleviate parking on Elm Street.

Mayor Eveland stated that he would like access through Mack-Cali and would like that to be the main entrance. More dialogue is necessary with the Engineer to see how that can be accomplished. Maybe it is possible to have Elm Street be an exit only. These are things that need to be looked at. Mr. Foggio asked if there would be a fence along Elm Street so people just can't go exit out of the park anywhere. The Mayor stated there would. They wouldn't want people just heading out into the traffic.

Mr. Foggio asked about a 2 million dollar bond for recreation. Do we have it?

The Mayor stated they have authorized it but still have to make the 5% down payments on it; which will come from the Pilot payments from the JETS.

Mr. Foggio also stated that there were contractors on Elm Street, in blue water tank trucks that made a left hand turn onto Elm Street when they were not supposed to.

Carl Silvestri, 38 Elm Street

Mr. Silvestri stated that it is unfortunate that his house wasn't on the Master Plan and was hoping it wasn't on the tax maps. Mr. Silvestri further stated that he was concerned about pathways to connect the parks. He reminded the Council that the Mayor and Council in 2000 passed an Ordinance that would prohibit any developer from having access to Elm Street for that property. There has been a lot of inaccuracy; the local papers cannot even spell people's names correctly. He stated the original master plan called for a natural setting, with "park like" features as opposed to a cookie cutter complex. He gave some examples of how this was supposed to be achieved. If you look at the site plan, it calls for trees and picnic places, buffers, etc. Thanks to OPRA, I got the current site plan. It looks like a major league sized field. How many teams in Florham Park need to play on such a large field? Two teams at the most?

Mayor Eveland stated that the big field at Emmett will be used for practice.

Mr. Silvestri stated that was interesting because the plan says this is to augment Emmett Park, rather than to replace it. We are not opposed to recreation fields, but it has to be sensible and do what other plans have suggested and make more of it for passive recreation. 70% of households in town do not have children and would be better served with more areas for passive recreation. Please show me in the plan where the area for passive recreation is? Thank you.

Blaine Rothauser, 54 Park Street

Mr. Rothauser asked that in the future when people have questions on larger scale use impacts, where do they go for questions? Who will be the repository body for such questions? Who will advise the Mayor and Council or Planning Board in the future? Discuss ingress and egress regarding access to the park? He stated he was concerned about the impact to a possible entrance through Mack-Cali due to it being one of the most sensitive areas in town. How would we have input into the council's considerations regarding this matter during the process? Where would I go?

The Mayor indicated that when environmental issues arise, residents should go through the Borough Engineer or the Administrator or the Engineer. The Engineer would have all of the technical information.

Mr. Rothauser asked how he would know that it was taken to the level it needed to be?

The Mayor stated that if it was something that required governing body action it would be discussed at a public meeting.

Steve Reichenstein, 250 Ridgedale Ave

Mr. Reichenstein stated that: Property taxes have increased about 13% since 2008; 4 ½ % since 2009. Mr. Reichenstein questioned Ordinance # 2 from February 15, 2011 to apply portion of CAP law which allows in case of an emergency to cap them 3 1/2 % Last year Council voted to do this. Social Security has gone up. 37% of our residents are seniors. Wages haven't gone up in economy. Interest and CD's and bonds are less than 1%. It is a tough economy. What is one man's legacy is another man's tax. The project will cost about 3.5 Million dollars, and I think 2.5 Million is bonded. 1M from open space. There will also be maintenance one the fields are built. Doesn't think taking care of the dog park design should be left to girl scouts. What about maintenance issues such as cleaning up the poop? Having police protection there and whatever else needs to be done to maintain the facility. I would like to know how much this is going to cost the taxpayers over the next three years, 5 years and 10 years.

The Mayor stated before Mr. Reichenstein went any further he wanted to address some of his incorrect information. The Council is not going above the cap. The Ordinance that you are referring to is standard and is done every year. It is only done so you have the option in case of an emergency. I can tell you, that is not going to happen.

Mr. Reichenstein asked how much it was increased last year. I think it was 3.45% Mr. Reichenstein stated.

Mayor Eveland stated that 22% of your tax bill is the Municipal portion. Last year the average tax increase for a home assessed at 650,000, the average increase was \$70.00 in the last budget.

Mr. Reichenstein stated that is still a tax increase. It's a full 1% or 40% above what the governor says is acceptable. I believe in what the Governor is doing. I am vice president of the NJ Taxpayers association. You are not going with the program. You are still raising taxes on Seniors and everyone else instead of taking them down. Did you or did you not increase taxes last year 3.45%?

Mayor: Approximately \$70.00 on the average home.

Reichenstein: That is someone's meal for a week. Glad you are making such good money as the Counsel for Jersey City Schools – that's terrific. But there are seniors who \$70.00 a year means a lot too. I am not going to argue.

Mayor: I am not going to get into a political debate with you. I gave you the courtesy of listening, but you are not letting me answer and are trying to make some sort of political statement.

I am not making a political statement Mayor. I am concerned about taxes. I am on the Taxpayer's Board and I hear about that.

Mayor: We are still working on the budget. So come to the budget hearings. We are doing a deficit reduction plan as part of the budget. We don't have hard numbers on the project until it is put out to bid.

Mr. ReichensWill you then give us the estimate on how much it will cost to maintain this over the next 5 years and to pay the \$2M bonds. How much

The Mayor again stated Mr. Reichenstein should attend the budget hearings.

Mr. Reichenstein asked if there was a budget projection?

The Mayor stated they we are working on the budget right now. Come to the budget hearings.

Mr. Reichenstein noticed in the newspaper you are going to have the girl scouts monitoring the doggy park. As an experienced dog handler and trainer, I don't think you can have them handle this.

Mayor: You are taking a little information out of the paper and spinning it.

Recheinstein: Excuse me....Who is going to man the dog park?

Mayor explained that the girl scouts needed to earn a merit badge and they were merely going to give suggestions as to the design of the park to the Mayor. They weren't going to man the dog park.

Foggio: Asked if people really want the dog park. Stated it was suburbia and people have backyards.

Mayor: Stack of correspondence showing the positive responses to it, which I will be happy to show you.

Tricia Lindridge-Ingber, 46 Elm Street

Mrs. Lindridge- Inber stated she took offense that her concerns were referred to as ranting and raving by the Florham Park Eagle.

The Mayor stated that was not his quote. He never said that.

Ms. Lindridge-Ingber stated that the reason they had to try and get a court order to stop contractors from cutting trees is because none of the phone calls or letters after the January 5th meeting were not

returned. Why did we have to spend thousands of dollars on a court case? She asked why he didn't feel the need to respond.

Mayor stated we had the meeting on January 5th and he himself had met with the Alexander's who were there on behalf of the people on Elm Street. He also noted that the judge noted in the case that ample notice.

She asked why he felt he didn't have to respond?

Mayor stated there was a meeting on January 5th to go over all the issues and after January 5th he met with the Alexander's who brought concerns to him. He apologized if you were offended. I thought by having the January 5th meeting and meeting with Mr. Alexander he would be fleshing out the issues that the residents have and apologize if she feels that way. He also stated that he told the staff, such as the Borough Engineer.

Mrs. Ingber stated that the Borough made her put in OPRA requests for information. We had to put OPRA requests in for every single piece of information. We were shut down.

The Borough Clerk stated that it is a violation of state statute to release public documents without an OPRA request. The Borough Clerk stated that every individual that requests documents from the Borough is required to fill out a request per the state statute under the Open Public Records Act. It is a state mandated rule and not under the control of municipalities. There are no exceptions to this rule. The Clerk stated she was following the proper procedures as appropriate.

Mrs. Inger stated that she did not know that they could not be given documents with OPRA and thanked the Clerk for clarifying that information.

The Mayor stated that he gets dozens of calls everyday for people looking to speak to the Mayor. It is not possible to speak to them all, so he asks the department heads to handle, i.e. Borough Engineer, Administrator, etc. He apologized for what she perceived as a lack of response from him.

ADJOURNMENT

It was regularly moved by Councilman Germershausen, seconded by Council President Taylor that the meeting be adjourned at 8:25 p.m.

Respectfully submitted,

Sheila A. Williams, R.M.C.
Borough Clerk
February 28, 2012