



Borough of Florham Park Borough Council Meeting Minutes February 25, 2016

Mayor Taylor 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. Borough Clerk Sheila 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 Taylor asked the Borough Clerk to call the roll as follows:

Governing Body Member	Present	Absent
Mayor Taylor	X	
Council Pres. Michalowski	X	
Councilman Germershausen	X	
Councilwoman Cefolo-Pane	X	
Councilman Carpenter	X	
Councilman Michalowski	X	
Councilman Zuckerman	X	

Additional Borough Officials present were Administrator William Huyler, Borough Clerk Sheila Williams, as well as Borough Attorney Joseph Bell.

Mayor Taylor asked everyone to stand for the Pledge of Allegiance.

COMMUNICATIONS:

Mayor Taylor 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:

- Letter regarding absence of the Mayor in accordance with R.S. 40:88-3
- Invitation from Congressman Rodney Frelinghuysen to Annual Mayor Breakfast
- Minutes of the Morris County Planning Board Meeting of January 26, 2016
- Notice of Ordinance Introduction, Ordinance # 3-2016, Re: Parking Spaces
- Invitation from the Board of Chosen Freeholders to 1/21/16 Budget Meeting
- Notice of Ordinance Introduction, Twp. of Livingston, Designed Shopping Center

MINUTES FOR APPROVAL:

Councilman Germershausen made a motion to approve the following meeting minutes:

- Minutes of the January 21, 2016 Work Session
- Minutes of the January 21, 2016 Regular Meeting
- Minutes of the February 4, 2016 Work Session

The motion was seconded by Councilman Michalowski

Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

APPOINTMENTS

Florham Park Fire Department:

Councilman Carpenter made a motion to appoint Alexander Nemirovsky as a Regular Firefighter in the Florham Park Fire Department effective immediately.

The motion was seconded by Councilman Zuckerman.

ROLL CALL VOTE:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

Mr. Nemirovsky was sworn in by the Borough Clerk.

I. COUNCIL PROCLAMATION

- Proclaiming February 27, 2016 Malcolm Sutherland-Foggio Day Mayor
In Florham Park, NJ for his accomplishments with:
Make Some Noise: Cure Kids Cancer Foundation

Mayor Taylor spoke about the wonderful work that Malcolm has done with the Make Some Noise Foundation after being diagnosed with Ewing Sarcoma at the age of 10. Mayor Taylor presented a Proclamation to Malcolm Sutherland as follows:

PROCLAMATION

WHEREAS, Florham Park resident Malcolm Sutherland-Foggio was diagnosed with Ewing's Sarcoma, a highly-aggressive and malignant bone tumor when he was just 10 years old; and

WHEREAS, sadly, 20,000 – 30,000 kids have died from pediatric cancer in the past ten years alone; and

WHEREAS, despite enduring 14 rounds of chemotherapy, surgery to remove his hip and exhausting rehabilitation, Malcom kept up with his schoolwork and came up with an idea; and

WHEREAS, instead of feeling sorry for himself, he decided to take action and deliver his message nationwide to help raise awareness and money for pediatric cancer research for kids who are currently facing the disease; and

WHEREAS, Malcolm initially began selling bracelets to raise awareness and moved on to found the *Make Some Noise: Cure Kids Cancer Foundation*; and

WHEREAS, Malcolm also started a National Angel Quilt in memory of kids across the country who lost their battle to cancer; and

WHEREAS, the quilt is currently over 60 feet long and holds the photographs of over 280 kids from all across the United States; and

WHEREAS, due to the Malcom's tireless dedication to this cause, he has raised nearly \$2 Million to date for pediatric cancer research; and

WHEREAS, Malcolm is now in remission, but continues to be a beacon of hope and fights each day for children who are facing pediatric cancer; and

WHEREAS, Florham Park is so incredibly proud to have this courageous and giving young man as one of its citizens.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED, that I Mark Taylor, Mayor of Florham Park hereby proclaim February 27, 2016 as

***Malcom Sutherland-Foggio Day
in Florham Park, New Jersey***

In Florham Park Borough, County of Morris, State of New Jersey, Set unto my hand the 25th Day of February 2016 and caused the seal of the Borough to be affixed hereto.

Mark Taylor, Mayor

Mayor Taylor asked Malcolm to come up and say a few words. Malcolm eloquently discussed his foundation and stated that they are focusing on raising money for research. Malcolm described his own ordeal with Ewing's Sarcoma and ensuing complications over the past seven years. He explained how he tours the country meeting with researchers and touring lab facilities to better understand the crisis. He stated that there is a Gala in the coming weekend to raise money and all are invited to attend. He thanked the Mayor and Council for recognizing him. Malcolm was given a standing ovation.

NEW BUSINESS

- **Northeast Holdings, Inc.**

Northeast Holdings, Inc. was in attendance to discuss the former Benningan's property on Columbia Turnpike. They discussed maintenance issues on the property. The Owner of the property was in attendance as well as two of his attorneys.

Mayor Taylor stated that he just wanted to say that he has been called countless times that he received complaints about the state of the former Bennigan's.

Attorney stated license holder acquired license in 2012 Benningan's went of business when they declared bankruptcy in 2008. It took 4 years to sell the license. His client acquired the license with the intention of developing the property around it. They have gotten extensions on the inactive license. There has been interest from different franchises to put something on this property. They envision that in the future and LOI will be finalized and a restaurant will be on the site, along with medical buildings.

Steve Azzolini took over the case recently after the passing of Attorney Brian Burns. In 2013 the Zoning Board approved the subdivision of the property. There was work to be done when I took over the case. Subdivision deeds had to be drafted. An access easement had to be approved by the Borough Engineer. Also some other issues developed such as drainage and easement issues. We presented an alternative plan of moving the easement. We are working on new plans for that. When it is done, we will submit it to the Borough Engineer. Hopefully we will move on the subdivision. I recently was before the Board of Adjustment for an extension of the project which until June 30, 2017, which was approved by the Board of Adjustment. The project is now moving along.

Mayor Taylor stated that is an encouraging story. This building has been vacant for 8 years and the liquor license has been held for 4 years, going on 5 years. He stated the property maintenance is terrible. It needs to be cleaned up. There are weeds growing and it looks like an abandoned property. We would love to see a restaurant use go on that property.

Councilman Malone stated he echoes all those thoughts about that eyesore as you enter Florham Park, the #1 Town in New Jersey. Something needs to be done and done quickly. Residents are tired of it – I am tired of it. It is at a critical state and I encourage you to get this project moving. Tarps are blowing off, weeds are growing everywhere, vehicles parked there.

Councilman Zuckerman stated that this should be done quickly and asked them when they were going to clean it up.

Dr. Peter Salas, owner of U.S. Northeast Holdings stated he will have someone clean it up. He stated he has been maintaining it, but maybe needs to do more. He will take care of clean up right away. He stated he is working hard to find a restaurant there and would like to build offices where he can conduct his business.

Further discussion ensued on cleaning up the property and Mr. Salas stated he would take care of it right away.

Mayor Taylor thanked all parties for coming in.

ORDINANCES FOR SECOND READING:

16-1 Amending Chapter 212, Zoning Application Fees

Councilwoman Cefolo-Pane read Ordinance # 16-1 and moved for its adoption. She stated that the Ordinance was introduced and passed on first reading at a regular meeting of the Borough Council held on January 21, 2016 as follows:

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #16-1**

**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 212 “ZONING BOARD APPLICATION FEES” AND CHAPTER 250 “ZONING” OF
THE BOROUGH CODE TO ESTABLISH FEES FOR REZONING REQUESTS**

Mayor Taylor asked the Borough Clerk to read a summary of the legal notice.

Borough Clerk Sheila 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 Taylor 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.

Councilwoman Cefolo-Pane 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 Carpenter

Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

Mayor Taylor declared the Ordinance adopted and finally passed. He asked the Borough Clerk to publish proper notice of the adoption and to record the Ordinance in the proper places.

16-2 Amending Chapter 20, “Defense and Indemnification”

Councilman Malone read Ordinance # 16-2 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 on as follows:

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE # 16-2**

**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 20 ENTITLED “DEFENSE AND INDEMNIFICATION” AND
AUTHORIZING THE BOROUGH OF FLORHAM PARK TO PROVIDE LEGAL
COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND
APPOINTEES OF THE BOROUGH OF FLORHAM PARK IN CERTAIN ACTIONS
BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES**

Mayor Taylor asked the Borough Clerk to read a summary of the legal notice.

Borough Clerk Sheila 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 Taylor 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 Malone 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 Carpenter

Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

Mayor Taylor declared the Ordinance adopted and finally passed. He asked the Borough Clerk to publish proper notice of the adoption and to record the Ordinance in the proper places.

16-3 Amending Chapter 216, Municipal Pool Fees

Councilman Zuckerman read Ordinance # 16-3 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 on as follows:

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE # 16-3**

**AN ORDINANCE AMENDING CHAPTER 216 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF FLORHAM PARK TO
REVISE REGISTRATION FEES FOR THE FLORHAM PARK MUNICIPAL POOL**

Mayor Taylor asked the Borough Clerk to read a summary of the legal notice.

Borough Clerk Sheila 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 Taylor 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 Zuckerman 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 Malone

Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

Mayor Taylor declared the Ordinance adopted and finally passed. He asked the Borough Clerk to publish proper notice of the adoption and to record the Ordinance in the proper places.

ORDINANCES FOR FIRST READING:

#16-4 Amending Chapter 68, “Alarm Systems” – False Alarms

Councilman Carpenter introduced Ordinance # 16-4 by title, explained the purpose of the Ordinance and moved for approval on first reading. He read the Ordinance by title as follows:

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE #16-4**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF
FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING AND REPEALING IN PART CHAPTER 68 “ALARM SYSTEMS” OF THE
BOROUGH CODE TO REGULATE FALSE ALARMS AT INSTITUTIONS OF HIGHER
LEARNING**

Councilman Carpenter made a motion to approve the Ordinance on First Reading. The motion was seconded by Councilman Zuckerman. Roll Call Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski			X		
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	5		1		

Councilman Carpenter stated that the above Ordinance was introduced and read by title at this regular meeting held on February 25, 2016. He further stated that the Council would consider this ordinance for a second reading and final passage on March 24, 2016 at 7:00 p.m. prevailing time in the Municipal Building. He asked the Clerk to publish the proper notice and to post the ordinance on the bulletin board in the Municipal building.

Councilman Carpenter moved for approval of the Ordinance on first reading, seconded by Councilman Zuckerman. Roll Call Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski			X		
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	5		1		

#16-5 Establishing Summer Program Fees for 2016

Councilman Malone introduced Ordinance # 16-5 by title, explained the purpose of the Ordinance and moved for approval on first reading. He read by the Ordinance by title as follows:

**BOROUGH OF FLORHAM PARK
MORRIS COUNTY, NEW JERSEY
ORDINANCE # 16-5**

**AN ORDINANCE ESTABLISHING SUMMER PROGRAM FEES FOR THE YEAR 2016 IN THE
BOROUGH OF FLORHAM PARK**

Councilman Malone made a motion to approve the Ordinance on First Reading. The motion was seconded by Councilman Carpenter. Roll Call Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

Councilman Malone stated that the above Ordinance was introduced and read by title at this regular meeting held on February 25, 2016. He further stated that the Council would consider this ordinance for a second reading and final passage on March 24, 2016 at 7:00 p.m. prevailing time in the Municipal Building. He asked the Clerk to publish the proper notice and to post the ordinance on the bulletin board in the Municipal building.

Councilman Malone moved for approval of the Ordinance on first reading, seconded by Councilman Germershausen. Roll Call Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

RESOLUTIONS FOR APPROVAL - CONSENT AGENDA:

Council President Michalowski made a motion to approve the above listed 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 following Resolutions were presented:

- # 16-29 Authorizing a Tax Lien Reimbursement – Block 101, Lot 2.015
- # 16-30 Authorizing Application to the Morris County Historic Preservation Trust Fund Program for the Little Red Schoolhouse
- # 16-31 Authorizing a 2016 Temporary Capital Budget
- # 16-32 Authorizing Verizon Wireless to Install Equipment, Campus Dr.
- # 16-33 Authorizing a Risk Management Consultant
- # 16-34 Authorizing a Turf Mowing Bid Award Ext., D’Onfrio & Son, Inc.
- # 16-35 Authorizing a Developer Agreement for Ridge Dale Realty, LLC
- # 16-36 Authorizing a Developer Agreement for Lodgemark Hotel
- # 16-37 Ordering the Demolition of Block 1701, Lot 1, 14 Elm Street

The motion was seconded by Councilman Germershausen.

ROLL CALL VOTE:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski	X				
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	6				

Payment of Vouchers:

Councilman Malone read a summary of the current bills list and made a motion to approve it in the amount \$3,665,254.44. The motion was seconded by Councilman Carpenter.

ROLL CALL VOTE:

Council Member	Aye	Nay	Abstain	Absent	Comments
Michalowski				X	
Germershausen	X				
Cefolo-Pane	X				
Carpenter	X				
Malone	X				
Zuckerman	X				
Total	5			1	

PRIVILEGE OF THE FLOOR:

Mayor Taylor opened the meeting for public questions or comments.

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

ADJOURNMENT:

Mayor Taylor asked for a motion to adjourn.

It was regularly moved by Councilman Carpenter, seconded by Councilman Germershausen that the meeting be adjourned at 8:05 p.m.

Respectfully submitted,

Sheila A. Williams, R.M.C.
Borough Clerk
March 21, 2016