

**Borough of Florham Park**  
**March 22, 2012**

Council President 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. 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 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.

**COMMUNICATIONS:**

Council President Taylor 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 50<sup>th</sup> year Senior Club anniversary
- Email from resident Lynn Zaug regarding Elm Street
- Email from resident Lawrence Alexander regarding Elm St.
- Letter from 4<sup>th</sup> 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 16, 2012 Regular Meeting and the February 16, 2012 Work Session. The motion was seconded by Councilman Wikstrom

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

**INTRODUCTION OF THE 2012 MUNICIPAL BUDGET**

**Resolution # 12-59**

Council President Taylor made a motion to approve Resolution # 12-59 authorizing the Governing Body to Introduce the Municipal Budget by Title. He asked the clerk to read the resolution in the record. The motion was seconded by Councilman Huyler.

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

**Resolution # 12-62**

Council President Taylor made a motion to approve Resolution # 12-62 authorizing the Governing Body to Introduce the Municipal Budget by Title. He asked the clerk to read the resolution in the record. The motion was seconded by Councilman Wikstrom.

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

**Resolution # 12-60**

Council President Taylor made a motion to approve Resolution # 12-60 for approval of Introduction of the 2012 Municipal Budget as follows:

**BOROUGH OF FLORHAM PARK  
RESOLUTION #12-60  
INTRODUCTION OF THE 2012 MUNICIPAL BUDGET**

**BE IT HEREBY RESOLVED** by the Governing Body of the Borough of Florham Park, County of Morris, State of New Jersey that the following statements of revenue for 2012 appropriations shall constitute the local budget for the year 2012; and

The Governing Body of the Borough of Florham Park does hereby approve the following summary of the Budget for the Fiscal Year 2012:

|   |                 |
|---|-----------------|
| Municipal Appropriations within "CAPS"  | \$13,251,255.50 |
| Municipal Appropriation excluded from "CAPS"  | \$ 3,493,585.10 |
| Reserve for Uncollected Taxes   | \$ 1,300,500.00 |
| Total General Appropriation   | \$18,045,340.60 |
| Less Anticipated Non-Tax Revenue (Surplus<br>Misc Revenues, Receipts from delinquent taxes) | \$ 5,636,854.90 |

Difference: Amounts to be raised by Taxes  
For support Municipal Budget (as follows)

|   |                 |
|---|-----------------|
| (A) Local Tax for Municipal Purposes Including<br>Reserve for Uncollected Taxes | \$11,299,579.29 |
| (B) Minimum Library Tax   | \$ 1,108,906.41 |

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Florham Park, County of Morris, that a hearing on the Municipal Budget and Tax Resolution will be held at the Municipal Building on April 25, 2012 at 6:30 p.m.

This Resolution shall take effect immediately.

Council Approval: March 22, 2012

\_\_\_\_\_  
R. Scott Eveland, Mayor

Attest:

\_\_\_\_\_  
Sheila A. Williams, Borough Clerk

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

I hereby certify this to be a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Florham Park on March 22, 2012

\_\_\_\_\_  
Sheila A. Williams, R.M.C.

The motion was seconded by Councilman Wikstrom.

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

**ORDINANCE FOR SECOND READING:**

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

Councilwoman Cefolo-Pane read Ordinance #12-2 and moved for its adoption. She stated that the Ordinance was introduced by title and passed on first reading at a regular meeting of the Borough Council held on February 16, 2012 as follows:

**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**

Council President Taylor 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 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 Germershausen

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

**ORDINANCE FOR FIRST READING:**

**#12-3 Amending Chapter 2, Administration of Government to Modify Composition of the Library Board**

**ORDINANCE #12-3**

**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 CHAPTER 2, ADMINISTRATION OF  
GOVERNMENT TO MODIFY COMPOSITION OF LIBRARY BOARD**

**Councilwoman Cefolo-Pane** introduced Ordinance #12-3 by title, explained the purpose of the ordinance and moved for approval on first reading, seconded by Councilman Carpenter

**Roll Call:** Taylor, yes; Germershausen, yes; Wikstrom, yes; 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 March 22, 2012. She further stated that the Council would consider this ordinance for a second reading and final passage on April 30, 2012 at 6:30 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 Councilman Wikstrom.

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

**#12-4            Establishing Salaries and Wages for Non-Union Employees**

**ORDINANCE #12-4**

**AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR NON-UNION  
EMPLOYEES OF THE BOROUGH OF FLORHAM PARK FOR 2012**

**Councilman Carpenter** introduced Ordinance #12-4 by title, explained the purpose of the ordinance and moved for approval on first reading, seconded by Councilman Gemershausen

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

**Councilman Carpenter** stated that the above Ordinance was introduced and read by title at this regular meeting held on March 22, 2012. He further stated that the Council would consider this ordinance for a second reading and final passage on April 30, 2012 at 6:30 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 Carpenter moved for approval of the Ordinance on first reading, seconded by Councilman Wikstrom.

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

**#12-5 To Exceed the Municipal Budget and Establish a CAP Bank**

**ORDINANCE #12-5**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)**

**Councilman Wikstrom** introduced Ordinance #12-5 by title, explained the purpose of the ordinance and moved for approval on first reading, seconded by Councilman Huyler

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

**Councilman Wikstrom** stated that the above Ordinance was introduced and read by title at this regular meeting held on March 22, 2012. He further stated that the Council would consider this ordinance for a second reading and final passage on April 30, 2012 at 6:30 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 Wikstrom moved for approval of the Ordinance on first reading, seconded by Councilman Huyler.

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

**#12-6 To Revise Registration Fees for the Florham Park Municipal Pool**

**ORDINANCE #12-6**

**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**

**Councilman Huyler** introduced Ordinance #12-6 by title, explained the purpose of the ordinance and moved for approval on first reading, seconded by Councilwoman Cefolo-Pane

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

**Councilman Huyler** stated that the above Ordinance was introduced and read by title at this regular meeting held on March 22, 2012. He further stated that the Council would consider this ordinance for a second reading and final passage on April 30, 2012 at 6:30 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 Councilman Wikstrom.

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

## **RESOLUTIONS – CONSENT AGENDA**

Councilman Huyler 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.

- #12-42 Authorizing adoption of personnel policies and procedures manual amendments
- #12-43 Authorizing a Fair Share Assessment to the Morris Co. Adaptive Recreation Program
- #12-44 Authorizing a Grant Submittal for Association of NJ Environmental Commission
- #12-45 Authorizing participation in the Summit Co-Operative Pricing System
- #12-46 Authorizing a Change Order for Birdsall Services Group
- #12-47 Authorizing issuance of an ABC License for Florham Park Restaurants, LLC
- #12-48 Authorizing a Sidewalk Café License for Cullins Restaurant
- #12-49 Certifying the Florham Park First Aid Squad for 2012
- #12-50 Appointing a JIF Fund Commissioner for 2012
- #12-51 Authorizing the Submission of a Tonnage Grant Application
- #12-52 Calling for Restoration of Energy Taxes to Municipalities
- #12-53 Authorizing a Professional Services Agreement for A-L Services, Inc.
- #12-54 Authorizing a Tax Lien on Block 3901, Lot 1, Qualifier C12B
- #12-55 Authorizing Donation of 1987 Mack Fire Truck to the Republic of Haiti
- #12-56 Authorizing a 2012 Temporary Budget
- #12-58 Exempting Block 1402, Lot 1.01 from the Official Tax Assessment Records
- #12-61 Authorizing a Change Order for CMS Construction, Inc.
- #12-64 Authorizing a transfer of 2011 Municipal Funds

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

## **APPOINTMENTS:**

Councilwoman Cefolo-Pane made a motion to approve the following appointments to the Florham Park Environmental Commission effective immediately.

Stan Wisnewski  
Mark Iantosca  
Joe Walk  
David Rubelowsky

The motion was seconded by Council President Taylor.

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

## **Payment of Vouchers:**

**Councilman Carpenter** read a summary of the current bills list and made a motion to approve it in the amount of \$2,718,028.75 The motion was seconded by Councilman Wikstrom.

**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**

Regarding Mr. Siragusa's letter to the editor in the March 16<sup>th</sup> FP Eagle:

Mr. Siragusa made several assumptions, which also appear to be common arguments for many who do not fully understand the reasons for continuing to assert my right as a citizen for more detailed information about the Elm Street park project. Let me address some of those assumptions in Mr. Siragusa's letter, outlined below:

- that the Elm Street park project is based on plans dating back to 2005;
- that the project was fully researched and reviewed per the FP Recreation Master Plan;
- that the project was discussed in open hearings;
- that the 3D model was available in the library and borough hall for more than a year;
- that the site plan was published on the town website;
- that the project was part of the Mayor and council's campaign platform of the 2011 election;

Further, his letter and several comments I have heard or read in the last three months assert:

- that I am an opponent of the park – not true – I have only challenged critical details, and asked for documentation, in order to independently see that it will be done right with everyone's input;
- that I am politically motivated – not true – I'm an engineer, not a politician;
- that I don't trust my town officials – not true – I trust them to perform their sworn civic duty to honestly and promptly answer legitimate questions that I have about the park, or any other town issue, with supporting documents that I can examine myself;
- that I have my head under a rock, or in the sand for many years – nice try. Politics 101 teaches that you try to get your opposition mad and occupied with baseless and insulting accusations. I refuse to be pulled in that direction, so let's just stick with the issues and try to resolve them like adults.

Here's one issue:

This should be evident to anyone who will take about 15 minutes to examine the 2009 model, and the 2007 landscape architect plan, and the guidelines published in all of the Master Recreation Plans through the latest October 2011 revision of that plan, and the various conflicting media quotes about the park. The current site plan is vastly different in both concept and detail. The current site plan has revealed numerous significant changes, and even some errors, since the May 2011 version that I first examined with Mr. Sgaramella in November of last year, and different from the one shown in January to residents. Therefore, the current site plan completely misrepresents the basis for the park, which is claimed by many to have been "out there" for all to see for years. In fact, no version of this site plan, for as far back as I can determine, or a list of revisions, or even a notice that changes were made, has

EVER been published on the town website, posted near the model, or publicized in the media. Doesn't it make sense to ask questions and understand the rationale for all these changes? And doesn't it make sense to publicize those details, especially if you are confident that the plan will have as much support as claimed? So, when will the site plan be published on the town website or in the media?

Another issue:

It seems that if you're not totally supportive of the park and have to ask about other minor missing details, you must be against Florham Park or have an obvious conflict of interest. Details like:

- source of funding, both public and private;
- need for so many fields, based on current forecasts of demographics and recreation participants;
- possible deals for corporate sponsorship and PILOT in return for charitable or company league use of the fields;
- balance of active vs. passive recreation, consistent with the master plans;
- park entry and exit of up to 275 cars in a blind spot on a small street, across from your own driveway;
- safety on your and adjacent streets from traffic congestion and speeders;
- estimated frequency and times of that traffic congestion, from an independent expert;
- little or no buffers to adjacent homes from fields, overhead lights, noise, car headlights, etc;
- environmental and flooding impact due to leveling most of the area's mature trees, with an estimated 20 to 50-year period of time to grow sparser, non-native replacement trees, especially when similar plans didn't work elsewhere in town where level ball fields were built;
- independent review of building and environmental permits when inconsistencies were noted;
- and last, the effect on property taxes to spend at least \$3.5 million on one of the biggest town projects in a decade, with no published estimate of capital cost or annual maintenance cost.

I, and others, have asked repeatedly for public meetings and more information to resolve these park issues. Not only those issues from the January 5<sup>th</sup> meeting at borough hall, but new ones that have surfaced since that time. So I ask again, please schedule the first meeting and invite anyone who will offer constructive input. My resolve is to make sure all issues are completely and openly discussed, settled, and published. Let's all not be afraid to compromise or even appropriately resize the project to "get it done".

I am truly sorry I have not been more involved in the Elm Street park project, other than reading and hearing about it for many years during my 28-year residency in Florham Park, with the last 10 of those years living on Elm Street. Now I have made efforts to be more informed, with reasonable questions and challenges to project details, which have not been adequately addressed to my satisfaction as a taxpayer, property owner, and recreation supporter. Please - do not label me as an opponent or other nonsense for simply trying to be as informed as Mr. Siragusa.

It is not fiction – you can't make this up.

**Brian Cave, 58 Elm Street**

Mr. Cave asked when the budget would be available for the public to view.

Mrs. Williams indicated the Introduced Budget would be available on the website and also in her office after the meeting.

Mr. Cave made a suggestion that Resolutions be published on the website and in the library.

Mr. Cave asked a question regarding Resolution #12-58. Asked why it took over two years to file deed.

Mr. Bell stated it was an oversight.

Mr. Cave also asked that his comments and his letter be read into the record as follows:

I read with great interest the letter written in last week's Florham Park Eagle by Mr. Siragusa, and agree with his statement that everyone should know the facts. So to that end, I feel it is important that I also present a number of facts concerning the Elm Street Park project.

First off, neither myself nor my neighbors live "under a rock in Belleville", which apparently must be a popular place to live given the number of references I've seen to it recently. Where I do live is Elm Street, from which a number of residents, as well as residents from Murphy Circle and Allerton Court, attended a Jan 5, 2012 meeting hosted by Borough Engineer Sgaramella and Councilman Wikstrom. In the course of this meeting, three primary facts were established about the Elm Street Park site: full funding was not in place to build the park, all required permits and approvals for the site were not yet obtained, and the proposed design of the park was completely different from anything previously shared with the public.

Of particular concern was the removal of most of the thick buffered forest areas fronting on Elm Street, the inclusion of a new rec center, a near doubling of parking to accommodate it, the creation of a large detention pond for storm runoff, and a complete re-design of the fields which appeared to favor adult sports usage over that geared to younger ages.

Gone were the large tracts of "existing trees to remain" that were shown in the original 2009 design published in the Master Recreation Plan and in the original 3D model shown in the library. Rather than a design that would "spare as much of the naturalized areas and hardwoods as is possible", leave a "thick, wooded buffer to insulate Elm Street" and "achieve the look and feel of a more natural setting", the revised park plan looked like the "cookie cutter" complex the Recreation Master Plan specifically stated it was trying to avoid. And to accomplish the revised plan, rather than having large tracts of "existing trees to remain" as called for under the original design, the new objective was to raze the entire site to the bare ground, with the exception of a narrow buffer fronting on Elm Street.

To this day, we have not been able to find a single copy of this revised plan published on the Florham Park borough website, nor any documents concerning these major revisions placed in the library or mentioned in council minutes. In fact, a full review of borough council work session and regular meetings reveals less than 2 dozen mentions of the overall Elm Street Park project over the course of 5 years, 2 of which are merely the ordinance accepting the deed for the property from Rock-GW. In order to even obtain a copy of the most up-to-date plan, an OPRA had to be filed with the town; versions of the latest plan were not made available at the Jan 5 meeting with residents.

Does the latest 3D model of the park show these changes? Yes.....and no. The 3D model does show the change in the field configuration and the subsequent removal of most of the "existing trees to remain" segments of the park. But it does not show the inclusion of the rec center, the increase in parking nor

the addition of the detention pond. And impossible to tell from the 3D model was that the entire site would be almost entirely clear cut to accommodate the build-out.

Another fact about the 3D model: the version that appeared to the public in the library was the original version as outlined in the Master Rec Plan. However, according to the library the model was removed around summer 2011 and did not return. This is apparently when the revisions to the model were made, after which the model did not appear back in the library where the majority of residents could publicly view it. Instead, it wound up in a locked conference room at borough hall; on the two separate occasions I asked to see the model, this conference room had to be unlocked to grant me access to it.

Could the public view it during council sessions? Yes, as long as the council was not in closed executive session in said conference room. But as anyone would also know from reviewing past council minutes, the majority of sessions are sparsely attended by the public, which means an **extremely** limited number of residents would have seen the model and been aware that so many changes had occurred to the plan. And nowhere in that conference room or near the model is the latest version of the revised site plan available for review.

Needless to say, the majority of residents in attendance at the Jan 5 meeting had major issues concerning the park, from funding issues to incomplete permits to major ongoing plan changes to complete clear cutting of the forest. So what did we do - file a lawsuit?

Absolutely not. We reached out to the mayor and council expressing our issues and concerns and asked that the clear cutting be put on hold until open meetings could be held to discuss these major concerns. Several dozen phone messages and eMails were sent by residents in proximity to the proposed park as well as residents from other areas in town. The response received back from the borough? Nothing, except a boilerplate eMail stating that messages had been “*sent to the mayor for review*”.

Nearly two weeks later, the mayor did hold a meeting with one Elm Street resident who had actually been trying to arrange a meeting for several months at that juncture. This resident made it clear to the mayor that he was there representing himself only and not the full group of concerned residents, but the mayor chose to ignore this declaration and indicate in a council meeting last month that he considered this meeting with one person as being representative of the entire group of residents.

When it became apparent that the mayor and council were trying to “run down the clock” in order for the clear cutting of the Elm Street site to proceed, concerned residents felt there was no other recourse than to resort to a legal action in an attempt to temporarily halt the clear cutting. If the council had been open to any degree in sitting down and discussing resident concerns about the major plan changes that so few knew about, such an action would likely not have been required.

But such was not the case, so an attempt was made to obtain a temporary restraining order concerning the clear cutting. Let me repeat that: a **temporary** restraining order. This was not an attempt to completely halt the creation of the Elm Street facility, but rather to temporarily halt the clear cutting in order for all parties to discuss the issues further in an open and public forum. Needless to say the attempt proved fruitless, as there is now a gaping near-20 acre hole on Elm Street where woodlands used to be.

Did this lawsuit cost Florham Park residents money? Yes, it did. Did it cost me money? Yes, it did – **twice**. And I am not the least bit happy about that. But I believe that it might not have been necessary

at all if our mayor and council had not chosen to adopt a stonewall approach to those of us that had, **and continue to have**, issues and questions concerning the Elm Street Park project.

I would also like to address statements made about environmental studies and other approvals from various state & federal agencies concerning the Elm Street project.

Was there an environmental study performed in 2011? Yes, but it was in no way some all-encompassing study performed on the complete 20-acre Elm Street project site as many would like us to believe. The April 2011 study performed by Amy Greene Environmental Consultants was on three small, isolated pockets of wetlands bordering the sewer plant access road which collectively are less than an acre in total size.

The purpose of this study was to determine if these wetland pockets represented vernal ponds supporting specific types of aquatic life. The conclusion of the study was that the wetland pockets were not truly vernal pools, which opened the door to the borough to fill in these wetlands. So this study was in no way a comprehensive review of the full Elm Street site and the long-term environmental impact that clear cutting and the building of fields and extensive parking lots would have on the wetlands immediately bordering it on several sides.

Two facts of note related to this item: 1) During the study, an Eastern Box turtle was actually found in one of these small wetland pockets, which completely dispels the notion that these woods represented a “lifeless and sterile” environment, as some would try to convince us; and 2) As of this writing, these three wetland pockets and their surrounding trees still remain standing on the Elm Street site while the rest of the property has been fully clear cut; this indicates that the town has not yet received the requisite permits and approvals for filling in these wetlands, otherwise they would have already done so.

The approval from the New Jersey Department of Environmental Protection consists primarily of what is called a Letter of Interpretation, or LOI. All this represents is someone from the NJ-DEP coming in to review the site to verify the line of the 50-foot buffer surrounding the intermediate wetlands that exist on the overall property; the town is legally prevented from building anything within this buffer. However, this again in no way constitutes an environmental study of the long-term impact the park will have on the buffers and the wetlands themselves.

These two elements represent about 15 hours in total effort and produced 2 primary documents totaling 7 pages. Compare that to the Environmental Report compiled for the new Madison Recreation Center consisting of 75 pages of broad-ranging and detailed analysis.

The approval from the U.S. Fish & Wildlife Service consists of a letter received by the town in late Jan 2012 concerning the possible presence of the federally endangered Indiana bat due to a known earlier presence of the species on Morristown airport property. In this letter, the Fish & Wildlife Service stated that it was unlikely the Elm Street woods acted as a maternity site for the bat due to it not containing the appropriate type of trees, but that any cutting should still be restricted to the October to March timeframe as a precaution due to the potential for foraging bats to be otherwise present.

This is the current published version of facts about the so-called “bat issue”. But what is not generally known is how the town almost pulled a “fast one” concerning an earlier opinion written by the same department.

In May 2009, Fish & Wildlife provided a similar opinion concerning the Indiana bat and a restriction on cutting trees within the October to March timeframe. This is the approval the borough was originally using to move ahead with the clear cutting of the Elm Street site.

However, there was a major issue with this approval: it was written specifically for work being done **on the 2.9 acre lot on which the Elm Street pump station building sits**, and **not** for the much larger and more forested 110-acre site which encompasses the major portion of the Elm Street park project. Once this fact was pointed out to the Fish & Wildlife Service, they arranged for a site review of the larger property in January 2012 which ultimately resulted in a proper approval for the full site. It took a concerned resident only several days to point out an oversight to the Fish & Wildlife Service what the town likely knew about for more than two years.

When it comes down to it, the town has indeed received the necessary approvals for cutting down the Elm Street woodlands to make way for an athletic facility, although the question of approvals concerning the wetland pockets still seems to be in play. Every action the town has taken has been to answer one primary question: can we cut down the Elm Street woods and build some fields? The answer to this is yes. The one question it appears has not been given any type of consideration is **should** we?

A fact that is still a major concern is that of how the park will be paid for. Residents who attended the Jan 5<sup>th</sup> meeting, and a number that have become aware of this issue since, are dismayed that the Elm Street woods were cut down before all requisite funding for the new park was in place. And where that funding will be coming from, or even what the final costs will be to both build and maintain the park, is still a major question.

Early statements and even prior borough budgets indicated that approximately \$1 million would be funded using bonds and the rest from private and corporate donations. Now we are being told that \$2 million will be bonded and possibly \$1 million from our open space fund will be used to build the park. Whatever happened to private and corporate donations? And how much higher will the bond portion of the cost go, especially in light of the fact that no one appears to have spent any amount of time to get an accurate estimate on what it will all actually cost before they started clearing the property?

All that I have stated this evening is FACT and not fiction. Am I completely against the creation of the new park on Elm Street? No, I am not. And as I said at the outset, I do not live under a rock in Belleville – I have known about the project for a number of years. What I have **not** known for years is the latest incarnation of the park, the major changes that I view as detrimental over the original design shared with residents, and the still major concerns I have about exactly how much this is all going to cost, and exactly how it is all going to be paid for.

To that end, I request that the mayor and council setup a recurring set of meetings dedicated to the Elm Street Park in which ALL information can be publicly shared and in which resident issues and concerns can be directly addressed.

**Tricia Lindridge-Ingber, 46 Elm Street**

Mrs. Lindridge- Ingber stated that her neighbors Julie Sutherland and Robert Foggio of 44 Elm Street were out of town and asked her to read the following statement prepared by them into the official record as follows:

Being out of town, we have asked that this letter be read into the record of tonight's meeting:

It is important for all tax payers in Florham Park to have equal opportunity to hear all the facts for all matters relating to the Elm Street Park, and be able to come to their own intelligent and informed conclusions without being misled by a surplus of emotion and lack of information.

This matter is clearly being ruled exclusively by emotion and controversy, and only bringing everything to light in a responsible and open public way can help facilitate understanding and resolution. It is in this light that we request a town hall meeting to provide full and public disclosure of all matters relating to the park to educate all tax-payers on the issues, including but not limited to the following:

The mission statement of the Original Mater Plan:

The number of fields and the sizes of fields needed at the time of the Master Plan's original design, and an update to the current field needs, (either increased or decreased needs).

The current Elm Street plan and reasons for its divergence from the original master plan:

The proposed usage/users of the new fields, (i.e. who will be using these fields, will these fields be for the exclusive use of town Rec and Travel teams, or will other groups including non-resident/non-tax-paying users have access to the fields).

The total estimated cost of the project as indicated by those contractors who bid on the various aspects of the construction of the park, fields, roads, etc., in the bids/proposed costs submitted by contractors and acquired by the town as of January 2012 when the work began on the project.

The funding source(s) for both construction and maintenance of the park and fields: Residents were told in the Jan 5th meeting that it would be privately funded, then attendees at the February Council meeting were told that it would be publicly funded. The tax-payers need to know where from where the funding will be primarily derived.

Only through an earnest and transparent town discussion can all parties understand the issues, and hopefully help move plans forward in a satisfactory way for all of Florham Park's residents/tax-payers. We strongly urge the Mayor and City Council to hold a Town Meeting, inviting all Florham Park Taxpayers by letter, flyer, or other effective manner as to be sure all are aware of it, and host this Town Meeting to clear the air once and for all... and demonstrate their capable leadership.

Thank you very much,  
Julie Sutherland & Robert Foggio

**Anthony Aldo Caruso, 1 Elm Street**

Mr. Caruso stated he had been on Elm Street for a long time and he had seen a lot of changes. He stated that he looked at the plans at thought a route in the property from the Cali property might be a good idea. He is concerned about the safety factors on Elm Street. He stated we are creating a bottleneck that is dangerous. He further stated that a girl got killed on Elm Street years ago. He indicated that it is not getting better; it is getting worse. He feels traffic studies should be done. He

asked everyone to cooperate and work together to do the right thing. He stated that he believes the Mayor and Council are honorable people that will do the right thing. Lets give this project some good thought.

**Blaine Rothauser, 54 Park Street**

There are mostly people from Elm Street there, except for me. I live on Park Street. He indicated he is looking at it from a different perspective, which is from an environment standpoint. Mr. Rothauser addressed the environmental impact of the project and stated that he was in contact with the Whippany Watershed and they are very concerned. He is also in contact with the Association of Environmental Commissions who are concerned that they had no say in the matter. You could go through Cali to access the park but that is a very busy street. Black Meadows Ecological Complex is a concern. I asked the Mayor to read an "Environmental Impact Report" and he decided not to respond. I then sent it out to the Citizen's Group that is here. We vetted this thing completely. He stated that he doesn't like the Wetland visits; doesn't think the person was a wetlands specialist. Feels they only looked at the wetlands and no impact study was done. A box turtle was found there. Mr. Rothauser asked Council if anyone had been out to the site and walked around. He asked the council that if they had visited there, can anyone look him in the eye and say this project has no impact on the environment? Discussed the basins; water is being re-directed and you will de-water some of the wetlands; you are directing water off the site in an un-natural way. He is also worried about the dog park. Is that going to be part of the park?

Councilman Huyler stated it was going to be part of the park.

Mr. Rothauser believes you need the help of experts for that. He also suggested that they should also study the noise of this work, which will change the patterns of migratory birds and other things. HMr. Rothauser stated that he has some suggestions regarding how to work with some of those impacts. Blaine stated that are very little communications going on.

**Bryan Cave**

Mr. Cave stated that residents do have a website concerning the park. There was something vile posted on the website. Behavior is not acceptable. We will now have someone review before we allow postings. He wanted this put on the record.

**ADJOURNMENT**

It was regularly moved by Councilman Germershausen, seconded by Council President Taylor that the meeting be adjourned at 7:33 p.m.

Respectfully submitted,

Sheila A. Williams, R.M.C.  
Borough Clerk  
March 27, 2012