



**Borough of Florham Park
Borough Council Meeting Minutes
October 17, 2019**

Mayor Taylor called the Regular Meeting of the Borough Council to order at 5:30 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.

Council President Carpenter asked the Borough Clerk to call the roll as follows:

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

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

Pledge of Allegiance:

Council President Carpenter led 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:

- Notice of Ordinance Introduction, Twp. of East Hanover, Land Use
- Letter from the Mayor regarding his absence on September 9-11
- Notice of Resolution Adoption, Morris Co. Bd. of Freeholders regarding 2020 Census
- Notice of Resolution Adoption, Borough of Tinton Falls, Regarding Veteran Care
- Notice of Ordinance Adoption, Twp. of Morris, Chapter 95, Structures/Additions
- Minutes of the June 20, 2019 Morris County Planning Board Meeting

MINUTES FOR APPROVAL

Mayor Taylor asked for a motion to approve the following meeting minutes:

- October 3, 2019 Work Session

Councilman Germershausen made a motion to approve the minutes as stated above.

The motion was seconded by Councilman Zuckerman

Mr. Malone stated he would vote to approve the minutes with the minor changes that he asked the Borough Clerk to make.

Vote:

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

Meeting with Local Contractors to Discuss Property Maintenance Code

Mayor Taylor stated that the Council started the meeting early this evening to discuss some changes to the Property Maintenance Code. He asked Councilwoman Cefolo-Pane to give an overview of changes the Borough would like to make to the existing property maintenance Ordinance.

Councilman Malone stated that he would like to recuse himself due to a property he has in town and left the dais.

Councilwoman Cefolo-Pane stated that they wanted to begin this meeting by discussing some changes to the current Property Maintenance Code. The hope is that there can be a reasonable expectation of existing residences and constructions sites so that people do not have to live next to open construction sites or live in conditions that may impact their safety, health and welfare. This stems from observations and complaints from residents regarding construction sites in their neighborhood. Kevin Guilfoyle's department is charged with enforcing the ordinance. What he came up with to improve these conditions is contained in the draft ordinance you have before you. I don't believe there is anything too restrictive in the proposed ordinance. That is what tonight's meeting is for; to discuss it. If you have a chance to review it, please do so. If there is anything you would like to discuss, please feel free. Kevin, would you like to come up and give an overview.

Kevin Guilfoyle, Construction Official stated that the Borough has had some complaints from residents. The complaints were mostly for sites where houses are knocked down and they sit there; not necessarily for active construction sites. Some are using these inactive sites for storage yards, staging areas for other job sites, etc.

Mr. Huyler said we have taken some suggestions and have made what we believe are reasonable changes; fair and equitable for everyone. If you look at the Ordinance, I don't think you will see anything in it that is outrageously restrictive. We needed to codify some of these changes; therefore, if it is not complied with we can enforce it. The idea is just to be respectful of your neighbors.

Mayor Taylor opened said he would now take any questions or comments. Please step up to the microphone and state your name and address.

Barbara Nevius, West End Avenue

The gates surrounding construction sites are sometimes open and block the road and the sidewalk. Also, another contractor removed the curbing and it was like that for over a week with boards extending into the roadway. There was a hole where the curb was, so maybe that can be addressed as well.

Councilwoman Cefolo-Pane stated she believes those gates are supposed to be closed.

Henry from AGA Homes

Henry stated: I work for AGA Homes. We construct new homes in Florham Park. It takes about a year to put up a house. We invested in a Komatsu 228 which is a \$260,000 machine. Also bought a \$75,000 bobcat. When I begins a job Morris County has to come down and inspect the site. After that I use the 228 to tear down the house. It costs \$700 to move these machines. I can't move these machines all over the place when I am still using it.

Mayor Taylor stated that was he is talking about is not the issue. If that is an active construction site, of course the machines will be there. There are sites that are not active; construction sites where properties have not been maintained. We do receive complaints about them. We have sink holes and mosquito issues. People become concerned when a machine stays on a job for say six months or a year. That is really what we are talking about here.

Mayor Taylor asked Henry to read the Ordinance and understand it.

Maureen Mulligan, Kice Road

Mrs. Mulligan stated that she was a little disappointed that this meeting was held only for the benefit of the contractors. This topic is one that comes up in every conversation in Florham Park. This is a disturbing subject.

Mayor Taylor stated this meeting is not only for the benefit of contractors. It is an open meeting to discuss possible changes to the property maintenance ordinance. That being said we did invite several of our most active contractors and we published a notice in the newspaper.

Mrs. Mulligan stated you should invite people to talk about this before you introduce it.

Mayor Taylor stated this is only a discussion this evening. We are not introducing anything. They will have an opportunity to speak at the public hearing. There will be two meetings; the first one will be the Introduction and the second one will be a Public Hearing.

Mrs. Mulligan stated that I think you need to state how long a project can go on before you need to cease.

Attorney Joseph Bell stated that it says 6 months.

Mrs. Mulligan stated:

She thinks they will have a hard time tracking that. When does the 6 months start?

I think there is a project for Woodcrest on Lincoln appears to have been under construction for 3 years. They just finished putting the pipes in. The pipes that are there belie how bad the water situation is on that property.

Mrs. Mulligan if you are speaking about 58 Lincoln, the Developer purchased that property and unbeknownst to the Borough of Florham Park, there was a storm drain management system that comes down from Hillside, through the back of Edgewood, onto Lincoln, through Cathedral, When they started to dig, they discovered it was in the middle of a property with no markings. That storm drain has since been moved to the front of the property so he can build the home. They are working on the foundation and will be starting the first floor shortly. That is exactly what held that home up!

Mrs. Mulligan said okay but it still has a tremendous impact on the neighborhood. A couple of years ago when I was walking, someone was operating a “digger”, for lack of the correct terminology. He was digging in the middle of the property and dumping muddy water into the middle of the street. It was early on a Sunday morning and it was going on and on and on.

Mayor Taylor said I can't attest to that since I wasn't there.

Administrator Huyler said in the future if you see something like that to please give us a call.

Mrs. Mulligan said she notified Carl Ganger.

Mrs. Mulligan stated she likes the restrictions on the equipment; however, there are contractors who will hide pieces of equipment toward the back of the under construction building. They keep them there for a long time, so that has to be watched. These things are happening next to people's homes.

Mayor Taylor stated if they get a permit for building on a particular site, quite honestly there are certain rules and the permitting factor that allow them to have machinery on that site. We really don't have an arm to adjust that until those timeframes happen, such as a year or two goes by and nothing happens.

Mrs. Mulligan stated that she would like to talk about portable toilets. The contractors have to know they should get themselves together after they come out of the portable potties. It's a real issue and needs to be addressed; believe me I walk a lot.

Mrs. Mulligan also stated that contractors need to put their signs on Construction sites identifying them. I think there is one on Hillside that doesn't have an official sign.

Mayor Taylor stated he is a private individual; its not a builder. He's an architect and building a home.

Steve Ballasone, Lincoln Avenue

Mr. Bassalone stated that regarding the portable toilets, we have to be careful what we say about that. There is a maximum distance from the street that they will come and service them.

Mayor Taylor stated that he understands that.

Councilwoman Cefolo-Pane said there has to be a way to contain them and if they are outside the gate can become an attractive nuisance. Kids can mess with them. Can you secure that?

Kevin Guilfoyle stated they are not allowed to be outside the fence during construction. When the fence comes down we ask them to put it as close to the house as possible. I believe they want 10 feet.

Sal Conte, SGC Construction

Mr. Conte wanted to address some things that were mentioned regarding some of his sites. The sites at 78 Cathedral is the site where the pipe was unbeknownst to the town; where the pipe popped up and we had to get the easement. 58 Lincoln was the easement that took 16 months to complete. Joe Bell, Mike Sgaramella, Bill Huyler and others were involved. It took quite a long time to get it done. Manholes were sitting on the property and we had an exuberant amount of rain and we couldn't do anything. That is why that property sat. Anyone who says we work on Sundays is lying. We haven't worked on a Sunday in over 10 years.

With regard to the porta-potties, serviceability is the most important aspect. We got complaints when Steve Jones was here about them, so we set them back and moved them closer to the house. The neighbors started complaining that they were getting odors from them. You have to be careful with what you want because it will always adversely affect someone else wherever you put it.

Councilwoman Cefolo-Pane stated that we should defer to our attorney to make sure it is in the right space, to find a balance.

Mr. Conte stated he would like to say that he is ecstatic about the Ordinance. It think this will make it so everyone is treated equally. I am in favor of the ordinance, not against it. I think this Ordinance is less vague and sets some boundaries for everyone to follow. I have no issue with following the rules. What I do have an issue with is when people are not treated equally. There is a proponent that has been a thorn in our side, and all the builders here. He is a member of one of your boards and is sitting here tonight. What I don't want, is to be discriminated against. Hopefully, this Ordinance will stop that. I have no issues complying with the Ordinance. It becomes an issue when the Ordinance is good for one and not for another. When I get a call from Kevin I take care of whatever it is. I have always complied with him and all the Borough officials. They have been very good about giving us a courtesy call before they issue a violation. You can ask Kevin, I always do what he asks so there is no issue there. The issue is when someone abuses power that they do not have, that is what bothers me. It want it stated and put on the record that photos have been taken of my properties and submitted to members of this Council. I have been selected and they are using their position on that Board against me, I have a problem with them. I am being very straightforward. I want this on the record. The Borough has been great to me and I think I have been great right back. Everyone complains about the Contractors until they get a \$600,000/\$700,000 check for a property they paid \$17,000 for 40 years ago. We know it's a nuisance when you have building going on in your neighborhood or next door to you. I get it. For the last year we had bad weather, so you can't dig. As long as the regulations are in line with UCC I will comply with the Ordinance 110%. As long as everyone is equally treated, that is what I care about.

Councilwoman Cefolo-Pane stated that just so you know your properties were not the only ones that were sent over, so don't take it personally. Sometimes people will just give me an address and I have no idea whose property it is.

Kristen Santoro, 38 Park Street

Suggested probably having timeframes for garbage drop-off and toilet pick-ups.

Mayor Taylor stated that we do infer those times at the Planning Board level, although we have no real teeth there, that garbage pick-up should be between the hours 7 am and 6 pm. I know there are some areas in town like the Diner where they pick up the garbage at 3:30 a.m. I don't know whether we can enforce that or how we can force that.

Mr. Huyler stated that it is governed by the noise ordinance in general, so if someone is bothered by it they can just call the Police Department.

Kevin Guilfoyle said Lou Nucci just sent letters out to the commercial sites where it has been an issue indicating they should only have pick-up during the prescribed time.

Mayor Taylor indicated that they are planning on introducing this Ordinance at the next meeting on November 21, with adoption and a public hearing scheduled for December 13. Anyone is welcome to come back and make comments at the public hearing.

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

Councilman Malone returned to the Dais after this section of the meeting was closed.

APPOINTMENTS/OATH OF OFFICE – Florham Park Police

Mayor Taylor stated that there were several Police Department appointments on the agenda this evening.

Council President Carpenter made a motion to approve the following appointments to the Florham Park Fire Department effective immediately:

- Patrick Ferreira – Regular Firefighter
- Virenda Gupta – Regular Firefighter
- Christopher Pastena – Junior Firefighter

The motion was seconded by Councilman Zuckerman

Vote:

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

The new firefighters were sworn in by the Borough Clerk.

PROCLAMATION:

Mayor Taylor read the following Proclamation and presented it to members of the Frank Patterson American Legion:



**FRANK PATTERSON AMERICAN LEGION POST NUMBER 43
and AMERICAN LEGION AUXILIARY UNIT NUMBER 43
COMMUNITY PROCLAMATION**

WHEREAS, The American Legion was chartered by Congress in 1919 as a wartime veterans organization based on the four pillars of care for veterans, national security, Americanism and children & youth; and

WHEREAS, The members of the American Legion are dedicated to upholding the ideals of freedom and democracy while working to make a difference in the lives of fellow Americans; and

WHEREAS, The American Legion Auxiliary was also founded in 1919 to support the American Legion and honor the sacrifice of those who serve by enhancing the lives of our veterans, military and their families, both at home and abroad.

WHEREAS, The American Legion is concluding their centennial year (1918-2019) and the American Legion Auxiliary is entering its centennial year (1919-2020);

NOW, THEREFORE, I MARK TAYLOR, MAYOR of the BOROUGH OF FLORHAM PARK of the STATE OF NEW JERSEY, do hereby proclaim NOVEMBER 10, 2019 as the “Frank Patterson American Legion Post and Auxiliary Unit Number 43 Centennial Day”.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed, the official seal of the BOROUGH OF FLORHAM PARK on this 10th day of November, 2019.

Mark Taylor, Mayor

Mayor Taylor congratulated the members and thanked them for coming in.

PRESENTATION:

Councilman Malone presented members of Boxcar, Spencer Herman and Shannon O who will be taking about commuter parking options.

Spencer thanked the Borough for inviting them to speak. Mr. Herman provided an overview of what Boxcar does.

Boxcar partners with private property owners. Mr. Herman stated that they have been in business 2 ½ years, headquarters are in Chatham, NJ and are active in 40 towns over 5 states.

Shannon O. stated that their primary function is parking; they use private residences, churches, funeral homes, basically renting out the parking when they are not using it. You can book these spots up to two weeks in advance. We also created a bus service for commuters in surrounding areas, i.e. Chatham, Madison, Cranford, Summit and Westfield. The bus runs three times per day. It goes into Manhattan. There are currently approximately 200 spaces that you can book in Madison.

Councilman Malone stated that the app is the key. You use it to reserve your parking spot so you are not driving around trying to figure out where to Park. You know where you are going to park. You park and either take a bus or train into NYC. The revelation to us is that there are open spaces that can be utilized by Florham Park residents.

Mr. Herman stated that was correct and on any given day about 25% of those spaces are not being utilized.

Shannon stated that they are at about 80% capacity in their private lots.

Councilman Malone discovered this from some other Dads, through baseball. They started talking about Boxcar and bus service. They were ecstatic when they found out about it. That is why I wanted to bring this to Florham Park. I think it would be great if we could partner. You do your part and we do our part. We can try and get the message out on the website and other ways. This would be another avenue to offer to residents.

Councilman Malone thanked Boxcar for coming in.

ORDINANCE FOR SECOND READING

19-14 Amending Chapter 208, Streets & Sidewalks,
 Implementing a Five-Year Road Opening Moratorium

Council President Carpenter read a summary of Ordinance # 19-14 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 September 19, 2019 as follows:

**BOROUGH OF FLORHAM PARK
COUNTY OF MORRIS COUNTY, STATE OF NEW JERSEY
ORDINANCE # 19-14**

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FLORHAM PARK IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING Part II GENERAL LEGISLATION, ARTICLE III, STREET OPENINGS, CHAPTER 208, STREETS AND SIDEWALKS TO ADD SECTION 208-2(C), IMPLEMENTING A FIVE (5) YEAR ROAD OPENING MORATORIUM

Mayor Taylor asked Borough Clerk Sheila Williams 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.

Council President Carpenter 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 Michalowski

Roll Call Vote:

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

Mayor Taylor declared that the Ordinance was finally adopted and asked the Borough Clerk to print the notice of adoption in the proper places.

ORDINANCE FOR FIRST READING

➤ # 19-15 Authorizing Salaries for Non-Union Employees

Councilman Malone read Ordinance # 19-15 by title as follows and moved for adoption on First Reading:

**BOROUGH OF FLORHAM PARK
ORDINANCE # 19-15**

AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR NON-UNION FULL TIME

The motion was seconded by Council President Carpenter

Vote:

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

Councilman Malone stated that the above Ordinance was introduced and read by title at this regular meeting held on October 17, 2019. He further stated that the Council would

consider this ordinance for a second reading and final passage on November 17, 2019 at 6:30 p.m. prevailing time in the Municipal Building. He asked the Borough 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.

Vote:

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

CONSENT AGENDA –RESOLUTIONS FOR APPROVAL

- # 19-150 Authorizing the Hire of a Part-Time Administrative Assistant to the Construction Official
- # 19-151 Authorizing a Chapter 159 for DDEF

Council President Carpenter made a motion to approve the above listed Resolutions via a single motion of the Council. He asked the Clerk to read the Resolutions into the Record.

The motion was seconded by Councilman Michalowski.

Roll Call Vote:

Council Member	Aye	Nay	Abstain	Absent	Comments
Carpenter	X				
Germershausen	X				
Cefolo-Pane	X				
Malone	X				
Michalowski	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 \$399,805.14. The motion was seconded by Council President Carpenter.

Vote:

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

PRIVILEGE OF THE FLOOR:

Mayor Taylor opened the meeting to the Public. The following members of the public wished to be heard:

Mr. John Winters, 32 Brooklake Road

Mr. Winters asked how the \$9M amount would be broken out for the School Board referendum.

Mr. Zuckerman said it hasn't been shared yet but would keep everyone updated. They can also attend the next Board of Education meeting.

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

EXECUTIVE SESSION RESOLUTION:

19-152 Authorizing Executive Session

Councilwoman Cefolo-Pane asked for a motion to approve Resolution # 19-152 authorizing the Council to enter into Executive Session.

The Motion was seconded by Councilman Germershausen

Vote:

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

ADJOURNMENT:

Council returned to the regular meeting from Executive Session at 7:00 p.m.. It was regularly moved by Councilman Malone and seconded by Councilwoman Cefolo-Pane that the meeting be adjourned at 7:35 p.m.

Respectfully submitted,

Sheila A. Williams, R.M.C.
Borough Clerk
November 21, 2019