

New Providence, New Jersey
April 27, 2009

The regular meeting of the Borough Council of the Borough of New Providence, County of Union and State of New Jersey was held on Monday, April 27, 2009 at the Municipal Center. Mayor John A. Thoms called the meeting to order.

Present on Roll Call: Mayor Thoms, Council President MacDermott,
Councilman Hern, Councilman Gennaro, Councilman
Cucco, Councilman Galluccio, Councilman Gennaro

Absent: None

Also Present: Borough Administrator Marvin, Borough Clerk Barry,
Borough Attorney Woodward

Pledge of Allegiance

Mayor Thoms led the Pledge of Allegiance.

Public Notice

Mayor Thoms stated this is a public meeting of the Borough Council of the Borough of New Providence, County of Union and State of New Jersey. Adequate notice of this meeting has been given in accordance with P.L. 1975, Chapter 231, in that an annual notice or revision was made in conformance with Section 13 of the Act.

PRESENTATIONS:

1. Proclamation: Organ & Tissue Donor Month

Mayor Thoms proclaimed the month of April as "Donate Life Month" in the Borough and presented the proclamation to Diantha Pearson of Overlook Hospital Auxiliary's Donate Life Committee.

Mrs. Pearson commented on the works of the committee.

APPROVAL OF MINUTES:

Councilman Cucco moved the minutes of the April 6, 2009 Borough Council budget meeting and regular meeting be approved as submitted. Seconded by Councilman Galluccio and unanimously approved.

COMMUNICATIONS:

1. New Providence Community Pool, March 17, 2009. Re: Meeting Minutes. No action required.
2. Ron Wysocki, April 3, 2009. RE: 1789 Springfield Avenue. No action required.

3. State of New Jersey, Department of Environmental Protection, April 7, 2009. Re: Oakwood Park Renovation. No action required.
4. State of New Jersey, Department of Transportation, April 7, 2009. Re: Transportation Enhancement APRA Program. Administrator to follow-up.
5. City of Summit, April 7, 2009. Re: Development Regulation Ordinance. No action required.
6. Jersey Central Power & Light, April 8, 2009. Re: Proposed Economic Stimulus Demand Response and Energy Efficiency Programs. No action required.
7. Bret D. Adams, April 14, 2009. Re: Cancellation of Leaf Pickup in 2009. No action required.
8. NJ Transit, April 16, 2009. Re: Traffic Detours. Council requested letter be sent to Police Department.
9. Chad Burton, April 20, 2009. Re: Bees. No action required.
10. Oakwood Park Correspondence: No action required.

Mimi Whelan - April 2, 2009
 Jim turner - April 3, 2009
 Chris Ci rrotti - April 4, 2009
 Paul Heffernan – April 5, 2009
 Maria Ludgwig – April 5, 2009
 Alan Young – April 5, 2009
 Deborah Leonard – April 5, 2009
 Barbara Denike – April 5, 2009
 Rebecca Churchill – April 5, 2009
 Al Sanczyk – April 5, 2009
 Laine Maurer – April 5, 2009
 Nadine Geoffroy – April 5, 2009
 Brian Geoffroy – April 5, 2009
 Kimberly Ocello – April 5, 2009
 Laura Lattmann – April 5, 2009
 Jeffrey Lattmann – April 5, 2009
 Michael Rupp – April 6, 2009
 Patti Miller – April 6, 2009
 Julie DeMarco – April 6, 2009
 Jacquelyn Hasenkopf – April 6, 2009
 Debra Boyman – April 6, 2009
 Jennifer Slater – April 6, 2009
 Camille Zambri – April 6, 2009
 Kenneth Pecca – April 6, 2009
 Camille Zambri – April 6, 2009
 Laura Lamanna – April 6, 2009

Tom Vislocky – April 6, 2009
 Jim Madden – April 6, 2009
 Perri Everton – April 6, 2009
 Tara McFarland – April 6, 2009
 Robin Haller – April 6, 2009
 Susan Wirth – April 6, 2009
 Gavin McFarland – April 6, 2009
 Barbra Kogan – April 6, 2009
 Alan Young – April 6, 2009
 Karen Vislocky – April 6, 2009
 Steven S. Nasto – April 6, 2009
 Jim Webber – April 6, 2009
 Mathew & Deana Cumiskey – April 6, 2009
 Brad Pyne – April 6, 2009
 Mike Amoia – April 6, 2009
 Marlene W. Fraehmke – April 6, 2009
 Gregory Caburis – April 6, 2009
 Tom Finch – April 6, 2009
 Harry & Lydia Sangree – April 6, 2009
 Grace Kosiecki – April 6, 2009
 David Maurer – April 6, 2009
 Janet Michaels – April 7, 2009
 Adam Smith – April 7, 2009
 Drew Mullins – April 7, 2009
 Andrew Bobbitt – April 7, 2009
 Bill Harvey – April 7, 2009

Oleg Popov – April 6, 2009	Mike Zeto – April 7, 2009
Jen Apicella – April 6, 2009	Mary Engelbrechtsen – April 7, 2009
Alla Zaslavsky – April 6, 2009	Daniel Barletta – April 7, 2009
Alex Kogan – April 6, 2009	Bill Alagna – April 7, 2009
Jospeh S. Crisafi – April 6, 2009	Sean Regan – April 7, 2009
Debbie Shapazian – April 6, 2009	Allison Smith – April 7, 2009
Susan Curto – April 6, 2009	Ann & Jim McCormick – April 7, 2009
Karpal Kullar – April 6, 2009	Stephen C. Leonard – April 7, 2009
Alex Kogan – April 6, 2009	Ken Meyers – April 7, 2009
Thomas L. Montrone – April 6, 2009	Lourdes & John Zellhofer – April 7, 2009
Jacquelyn Hasenkopf – April 6, 2009	Pilar Boyle – April 7, 2009
Scott Spoerl – April 6, 2009	Sherry Zabel – April 8, 2009
Tom Estes – April 6, 2009	Ian & Cindy Fowlis – April 8, 2009
Rich Jackson – April 6, 2009	Christine Consenza – April 8, 2009
Michael Duffy – April 6, 2009	Nicholas Argenziano – April 8, 2009
Tessy Therattil – April 6, 2009	David Gertie – April 8, 2009
Perry Sann – April 6, 2009	David Smith – April 8, 2009
Jai Therattil – April 6, 2009	Doug Sweeney – April 8, 2009
Ingrid Nau – April 6, 2009	Dave Maluso – April 13, 2009
Jimin Liu – April 6, 2009	Christine Simmons – April 13, 2009
Susan Befeler – April 6, 2009	Gina Fagan – April 13, 2009
Camille Zambri – April 6, 2009	Linda Molstad – April 13, 2009
James & Anisa Stedman – April 6, 2009	Ellen Oldakowski – April 13, 2009
Daniell Mezzacca – April 6, 2009	Tom Finch – April 19, 2009
Junying Zhen & Shuxu Xing – April 6, 2009	Art Cattano – April 23, 2009
Robert Shiff – April 6, 2009	

11. Municipalities: No action required.
 Borough of Fanwood – Support of HR 1618

COUNCIL COMMITTEE BUSINESS:

Mayor Thoms reviewed the status of the municipal budget preparation. Mayor Thoms explained the difficult decisions made by Council in the process of preparing the budget. Mayor Thoms advised there have been several meeting with the unions and that the PBA suggested the Borough change health plans to the State Health Benefits Plan as a way to save money. Mayor Thoms expressed the hope the talks would continue with the unions and that the budget issues would be resolved soon.

Councilman Cucco

1. Resolution 2009-122 “Resolution Approving Purchase Order #36452 For Griffin Automotive Infor Serv In The Amount Of \$1,500.00”

Councilman Cucco presented Resolution 2009-122 approving purchase order for computer software.

2. Resolution 2009-125 “Resolution Approving Partial Payment #3 To Metro Energy Solutions. In The Amount Of \$3,747.50 For The Project Commonly Known As “Energy Efficient Lighting Consulting Services”

Councilman Cucco presented Resolution 2009-125 approving payment #3 to Metro Energy for the Energy Efficient Lighting Consulting Services project.

Councilman Galluccio

1. Resolution 2009-114 “Resolution Approving Purchase Order #36490 For Marturano Recreation Company, In The Amount Of \$25,006.00, Under State Contract A59052”

Councilman Galluccio requested this resolution be held to the next Council meeting.

2. Resolution 2009-118 “Resolution Employing Allison Marks As Summer Camp Director In The Community Activities Department Of The Borough Of New Providence”

Councilman Galluccio presented Resolution 2009-118 employing Allison Marks as a summer camp director.

3. Resolution 2009-120 “Resolution Approving Purchase Order #36468 For Education & Entertainment Enterprises, Inc In The Amount Of \$ 1,744.50”

Councilman Galluccio presented Resolution 2009-120 approving PO 36468 for recreational programs.

4. Resolution 2009-121 “Resolution Approving Purchase Order #36467 For P.E.P Club, Inc In The Amount Of \$ 2,100.00”

Councilman Galluccio presented Resolution 2009-121 approving PO 36467 for recreational programs.

Councilman Gennaro

1. Report of State Audit of Tax Deductions.

Councilman Gennaro review State Audit results for senior citizen, disabled, veteran, widow of veteran and surviving spouses deductions, noting the audit found one property where the deduction had not been removed when the property was sold. Council concurred the current property owner should be billed the corrected tax amount.

2. Resolution 2009-113 “Resolution Authorizing Emergency, Temporary Appropriation”

Councilman Gennaro presented Resolution 2009-113 authorizing emergency temporary budget appropriations.

3. Resolution 2009-116 “Resolution Approving Change Order #2 For Z Brothers Concrete Contractors, Inc., In The Amount Of \$11,400.00, For The Project Commonly Known As ‘Academy Street Replacement Of Existing Light Pole Foundations’ “

Councilman Gennaro requested this resolution be carried to the next conference meeting.

4. Resolution 2009-117 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$516,601.16”

Councilman Gennaro presented Resolution 2009-117 authorizing the bills payable list.

Councilman Hern

1. Resolution 2009-123 “Resolution Approving Purchase Order #36512 For Medical Laboratory Diagnostics In The Amount Of \$2,200.00”

Councilman Hern presented Resolution 2009-123 for laboratory services for the senior health fair.

Council President MacDermott

1. Resolution 2009-119 “Resolution Appointing Bruno Marto As A Permanent Employee In The Police Department Of The Borough Of New Providence”

Council President MacDermott presented Resolution 2009-119 appointing Dispatcher Marto as a permanent employee.

2. Resolution 2009-124 “Resolution Accepting Written Employment Resignation From Mark Demareski, Assistant Borough Engineer For The Borough Of New Providence Engineering Department”

Council President MacDermott presented Resolution 2009-124 accepting the resignation of Mark Demareski who will be working for Maser Consulting and assigned to the Borough.

Councilman Vyzas

1. Prestige Petroleum – Dumpster Location.

Councilman Vyzas reviewed the request of Prestige Petroleum to locate a dumpster in the paper street section of Union Avenue as requested by the Board of Adjustment. Council approved request noting that the dumpster would have to be moved if the Borough, at any time, required the use of the paper street.

2. Resolution 2009-111 “Resolution Authorizing Indemnification/Hold Harmless Agreement Between The Borough Of New Providence And The Morris-Union Jointure Commission For Use Of Borough Property On June 5, 2009”

Councilman Vyzas presented Resolution 2009-111 approving a hold harmless agreement with the Morris Union Jointure Commission.

3. Resolution 2009-112 “Resolution Authorizing Return Of Escrow Funds To Murray Hill Veterinary Associates”

Councilman Vyzas presented Resolution 2009-112 authorizing the return of escrow funds for a Board of Adjustment application.

4. Resolution 2009-115 “Resolution Authorizing Return Of Escrow Funds To Bradley & Son Funeral Homes LLC”

Councilman Vyzas presented Resolution 2009-115 authorizing the return of escrow funds for a Board of Adjustment application.

Mayor Thoms

1. Appointment of Substitute School Crossing Guard - Pamela Paxton

Mayor Thoms announced the appointment of Pamela Paxton as a substitute school crossing guard.

2. Eagle Scout Project – Kyle Fries.

Council reviewed the proposed Eagle Scout project to upgrade the trails at Oakwood Park. Council approved the request noting that all environmental regulations must be complied with and that there are not available funds to assist with the cost of the project.

BOROUGH ADMINISTRATOR’S REPORT.

Borough Administrator Marvin – Operations Normal.

Borough Attorney Woodward – reviewed resolution authorizing Lightpath NJ to install fiber optic cable in the Borough right-of-way.

COUNCIL COMMITTEE REPORTS.

Councilman Vyzas reviewed the following items:

- 1) Planning Board continuing work on the master plan review and re-examination report.
- 2) Birdsall Engineering proposal to conduct master plan review and re-examination report. Planning Board requested Council approve the master plan review and re-examination report portion of the Birdsall Engineering proposal in the amount of \$10,600. Resolution should be prepared for the next agenda.
- 3) Recommendation of the Construction Official that the Borough should charge for issuing certificates of occupancy.

Councilman Hern – Operations Normal.

Council President MacDermott reported on the following items:

- 1) Diversity Committee Meeting tomorrow night.
- 2) Sustainability Community Priority Actions have been chosen.
- 3) Chaperoned the High School music trip and was very proud of the students who were representing New Providence.

Councilman Gennaro reported on the following items:

- 1) Meeting on the emergency generator is being rescheduled.

Councilman Galluccio reported on the following items:

- 1) Municipal Alliance Committee has received confirmation of 2009 grant.

Councilman Cucco reported on the following items:

- 1) Public Works Department completed installation of fireproofing of the new records room and saved the project \$9,000.

PUBLIC COMMENTS:

This is an opportunity for any member of the public to be heard about issues that are not separate topics scheduled for public hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three (3) minutes, and may only speak once on any one topic.

Mayor Thoms opened the meeting for public comments.

Ted Romanko – Union County Prosecutor – asked Council to consider not laying off police officers.

Nisim Sahar – 276 Elkwood Ave – comment on concern with the potential reduction of police officers.

Mary Defilippis – 91 Passaic Street - concurred with the statements of Prosecutor Romanko and noted her concern with Police staffing levels.

Warren Perillo – 232 South Street – expressed concern with laying off police officers, suggesting there are other places to make budget cuts.

Mary Harman – 81 Commonwealth Ave – stated concern regarding the redevelopment of Oakwood Park asking Council to look at traffic and parking in the area of the park. Also state concern regarding police layoffs.

Joe Narciso – 136 Woodbine Cr. – expressed safety concerns if the park becomes a county facility and there fewer police officers to patrol it.

Christine Perillo – 232 South Street – expressed support for the Police Department noting hope that an agreement can be reached.

Paul Dormont – 20 Possum Way – questioned why the police are unable to work the overtime jobs.

Donna Nisberg – 82 Possum Way – concerned about police back-up if there are fewer officers working.

Christine Hern – 332 Livingston Ave – expressed concern for fewer police and how it would impact the ability of the officers to respond to domestic situations.

Ray Eriksen – 89 Possum Way – commend Council for trying to work things out and requesti Council think long and hard before laying off police.

Dan Henn – 323 Central Ave – commented on how the reduction in police would hurt the community.

Mike Broderick – B. A. for Teamsters –Commented on potential layoff and thanked all the people who came out in support of the employees.

There being no one else wishing to speak this portion of the meeting was closed.

FORMAL ACTION

CONSENT AGENDA

(routine items that may be passed by a single roll call vote; any Council member may call for a separate discussion or vote on any item)

Council President MacDermott moved passage of items 1 - 5, 7, 9, and 10 – 17 of the consent agenda. Seconded by Councilman Hern and on Roll Call: Councilman Gennaro, Councilman Galluccio, Councilman Cucco, Council President MacDermott, Councilman Hern and Councilman Vyzas voted “aye”. Carried on Roll Call.

1. Appointment of Substitute School Crossing Guard - Pamela Paxton.
2. Eagle Scout Project – Kyle Fries.
3. Resolution 2009-111 “Resolution Authorizing Indemnification/Hold Harmless Agreement Between The Borough Of New Providence And The Morris-Union Jointure Commission For Use Of Borough Property On June 5, 2009”
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5. Resolution 2009-113 “Resolution Authorizing Emergency, Temporary Appropriation”
6. Resolution 2009-114 “Resolution Approving Purchase Order #36490 For Marturano Recreation Company, In The Amount Of \$25,006.00, Under State Contract A59052”

REMOVED FROM CONSENT AGENDA

7. Resolution 2009-115 “Resolution Authorizing Return Of Escrow Funds To Bradley & Son Funeral Homes LLC”
8. Resolution 2009-116 “Resolution Approving Change Order #2 For Z Brothers Concrete Contractors, Inc., In The Amount Of \$11,400.00, For The Project Commonly Known As ‘Academy Street Replacement Of Existing Light Pole Foundations’ “

REMOVED FROM CONSENT AGENDA

9. Resolution 2009-117 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$516,601.16”
10. Resolution 2009-118 “Resolution Employing Allison Marks As Summer Camp Director In The Community Activities Department Of The Borough Of New Providence”

11. Resolution 2009-119 "Resolution Appointing Bruno Marto As A Permanent Employee In The Police Department Of The Borough Of New Providence"
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EXECUTIVE SESSION.

1. Resolution 2009-7a "Resolution Establishing April 27, 2009 As The Date, And 9:30 P.M. As The Time, And The Municipal Center As The Place, For The Holding Of A Special Meeting Of The Mayor And Council Of The Borough Of New Providence, To Discuss Contract Negotiations, At Which Time The Public Will Be Excluded"

Title was read in full by the Borough Clerk.

Council President MacDermott moved passage of Resolution 2009-7a "Resolution Establishing April 27, 2009 As The Date, And 9:30 P.M. As The Time, And The Municipal Center As The Place, For The Holding Of A Special Meeting Of The Mayor And Council Of The Borough Of New Providence, To Discuss Contract Negotiations, At Which Time The Public Will Be

Excluded". Seconded by Councilman Galluccio and on Roll Call: Councilman Gennaro, Councilman Galluccio, Councilman Cucco, Council President MacDermott, Councilman Hern and Councilman Vyzas voted "aye". Carried on Roll Call.

RE-OPENING OF MEETING

On motion by Councilman Hern, seconded by Councilman Galluccio the meeting was reopened.

ADJOURNMENT

There being no further business, on motion by Councilman Hern, seconded by Councilman Galluccio the meeting was adjourned.

Respectfully submitted,

Wendi B. Barry
Borough Clerk

These minutes have not yet been officially approved.