

New Providence, New Jersey
July 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 July 27, 2009 at the Municipal Center. Mayor John A. Thoms called the meeting to order.

Present on Roll Call: Mayor Thoms, Councilman Gennaro, Councilman Galluccio, Councilman Cucco, Councilman Hern and Councilman Vyzas

Absent: None

Entered After Roll Call: Council President MacDermott

Also Present: Borough Attorney Woodward, Borough Administrator Marvin, Borough Engineer Hipolit, and Borough Clerk Barry

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.

COMMUNICATIONS:

1. John & Lisa Barfield, June 23, 2009. Re: Tony Carnevale, WWTP Supervisor. No action required.
2. State of New Jersey, Department of Environmental Protection, July 8, 2009. Re: Joint Meeting of Essex and Union Counties Wastewater Treatment Plant Improvements. No action required.
3. New Providence Fire Department, July 9, 2009. Re: Membership. Council accepted membership.
4. Sal Testa, July 9, 2009. Re: Marion Avenue Zoning. Construction office has been notified.
5. Charlie Engler, July 10, 2009. Re: Resignation SWAC Rep. Council accepted resignation.

6. New Providence Fire Department, July 15, 2009. Re: Membership. Council accepted membership.

Council President MacDermott entered and took her place.

7. Mike Baumer, July 16, 2009. Re: Leaf Pick-up. No action required.
9. Steven Bloom, July 21, 2009. Re: Leaf Pick-up. No action required.
10. Mimi Whelan, July 12, 2009. Re: Leaf Pick-up. No action required.
11. Oakwood Park Correspondence: No action required.

Rosalie & Ely Hamaty	Camille Zambri
William Smith	Camille Zambri
Marie Ludwig	David Maurer
Sharon Davis	David Maurer
Gavin McFarland	Bill Smith
Tara Cullen-McFarland	Kathleen Pellas
Tara Cullen-McFarland	Rose Morba
Laura Lattmann	Robert Ward
Nadine Geoffroy	L Demilio
Kevin & Jamie Fellingner	L Demilio
J.R. Bale	L Demilio
Tara & Chris Bartiromo	Mike Baumer
Tom Pate	Alan Young
Sheila Cavanagh	Laura Lattmann
David Maurer	Laura Lattmann

COUNCIL COMMITTEE BUSINESS:

Councilman Cucco

1. Resolution 2009-202 “Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey Rejecting All Bids For Rehabilitation Of The Final Clarifier At The WWTP”

Councilman Cucco reported this resolution rejects all bids received for the rehabilitation of the final clarifier at the wastewater treatment plant, noting that all bids exceeded the estimated budget for the project by more the \$200,000.00. Councilman Cucco reported the Borough Engineer recommends that the project be put on hold and revisited if and when there is further deterioration of the clarifier. Council question Borough Engineer on condition of the Clarifier.

2. Resolution 2009-203 “Resolution Approving Purchase Order For Installation Of A Video Camera Detection System To Jen Electric, Inc. In The Amount Of \$ 16,400.00, Morris County Cooperative Pricing Council Contract #37”

Councilman Cucco stated this resolution approves the installation of a video camera system for the intersection of Livingston and Central Avenues. Councilman Cucco stated this purchase order is funded by a grant.

3. Resolution 2009-204 “Resolution Approving Purchase Order #37064 For Honor Tree Service, Inc. In The Amount Of \$1,800.00”

Councilman Cucco moved the approval of Purchase Order 37064 for the emergency removal of trees.

4. Resolution 2009-205 “Resolution Approving Purchase Order #37003 For Jersey Elevator Company Inc., In The Amount Of \$1,697.81”

Councilman Cucco moved the approval of Purchase Order 37003 for elevator maintenance service in municipal facilities.

5. Resolution 2009-206 “Resolution Authorizing The Application For ‘Greening Union County 2009’ Grant For The Borough Of New Providence”

Councilman Cucco moved approval of the filing of the 2009 Greening Union County grant which will provide for the purchase and planting of 25 trees.

6. Resolution 2009-207 “Resolution Authorizing Shared Service Agreement Between The Borough Of New Providence, The Borough Of Chatham And The City Of Summit”

Councilman Cucco moved the passage of an agreement for the sharing of public works personnel. Council supported the concept but raised several questions regarding insurance, equipment, licenses and sunset clause. Council requested the Borough Attorney to review contract language.

7. Resolution 2009-208 “Resolution Approving Change Order #1 For Wojchik Electric, Inc. In The Amount Of \$319.49, For The Project Commonly Known As ‘Lighting System Upgrade And Occupancy Sensor Installation’ “

Councilman Cucco moved approval of change order #1for Wojchik Electric for additional work required at the fire house.

8. Resolution 2009-209 “Resolution Approving Partial Payment #3 To Wojchik Electric, Inc., In The Amount Of \$12,864.71 For The Project Commonly Known As ‘Lighting System Upgrades And Occupancy Sensor Installation’ ”

Councilman Cucco moved approval of partial payment #3 for Wojchik Electric.

9. Resolution 2009-210 “Resolution Approving Purchase Order #37001 For Fire Fighting Equipment Co., In The Amount Of \$1,956.50”

Councilman Cucco moved approval of PO 37001 for the annual inspection of fire extinguishers.

10. Introduction of Ordinance 2009-10 “An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Setting Sewer Use Fees For Certain Users Of The Borough Sanitary Sewer System”

Councilman Cucco moved the introduction of Ordinance 2009-10 on first reading.

Councilman Galluccio

1. Resolution 2009-211 “Resolution Approving Proposal To The Union County Division Of Planning For Grant Funds For The Municipal Alliance, For The Year 2010”

Councilman Galluccio moved approval of the filing for the Municipal Alliance grant for the year 2010.

Councilman Gennaro

1. Fertilizer Application Ordinance – Discussion.

Councilman Gennaro reviewed the regulations which require the Borough adopt an ordinance establishing guidelines for the use of fertilizer in the Borough.

Borough Engineer Hipolit reviewed history and background of State directive. Mr. Hipolit summarized the proposed ordinance and adoption schedule set by the State.

Council discussed ordinance noting several areas of concern. Councilman Gennaro requested the Borough Attorney change several sections of the ordinance. Council agreed to introduce the ordinance at the August 10, 2009, meeting.

2. Resolution 2009-212 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$2,014,912.86”

Councilman Gennaro moved the approval of the bills payable list in the amount of \$2,014,912.86

3. Resolution 2009-213 “Resolution Authorizing The Submittal Of An Application For A Grant From The Hazardous Discharge Site Remediation Fund”

Councilman Gennaro moved the application for a grant for site remediation of the Ping Wang property. Borough administrator Marvin advised that this grant would provide 100% funding for the report and if approved would provide 75% funding for the remediation of the property.

Council President MacDermott

1. Resolution2009-214 “Resolution Accepting The Average Of The Appraisals For The Green Acres Property Purchased At 124 South Street”

Council President MacDermott moved approval of Green Acres appraisals for 124 South Street.

2. Resolution 2009-215 “Salary Resolution”

Council President MacDermott moved the approval of the Salary Resolution for the Community Activities programs.

3. Resolution 2009-216 “Resolution Appointing Patricia Spychala As Tax Assessor For The Borough Of New Providence”

Council President MacDermott moved the appointment of Pat Spychala as Tax Assessor.

4. Resolution 2009-217 “Resolution Advancing Stephen Drown To Patrolman First Grade In The Police Department Of The Borough Of New Providence”

Council President MacDermott moved the advancement of Stephen Drown to Patrolman First Grade.

5. Resolution 2009-218 "Resolution Advancing Chad Wilson To Patrolman First Grade In The Police Department Of The Borough Of New Providence"

Council President MacDermott moved the advancement of Chad Wilson to Patrolman First Grade.

6. Resolution 2009-219 "Resolution Advancing Bryce Garrison To Patrolman First Grade In The Police Department Of The Borough Of New Providence"

Council President MacDermott moved the advancement of Bryce Garrison to Patrolman First Grade.

7. Resolution 2009-220 "Resolution Advancing Don Sretenovic To Patrolman Third Grade In The Police Department Of The Borough Of New Providence"

Council President MacDermott moved the advancement of Don Sretenovic to Patrolman Third Grade.

8. Resolution 2009-221 "Resolution Advancing Joe Diparisi To Patrolman Fifth Grade In The Police Department Of The Borough Of New Providence"

Council President MacDermott moved the advancement of Joe Diparisi to Patrolman Fifth Grade.

9. Resolution 2009-222 "Resolution Advancing Joe Parlapiano To Patrolman Fifth Grade In The Police Department Of The Borough Of New Providence"

Council President MacDermott moved the advancement of Joe Parlapiano to Patrolman Fifth Grade.

10. Resolution 2009-223 "Resolution Advancing Andrew Diamond To Patrolman Sixth Grade In The Police Department Of The Borough Of New Providence"

Council President MacDermott moved the advancement of Andrew Diamond to Patrolman Sixth Grade.

11. Resolution 2009-224 "Salary Resolution"

Council President MacDermott moved approval of the Salary Resolution for Borough employees.

Mayor Thoms

1. Speed Limit Report.

Mayor Thoms reviewed speed limit report which recommends the reduction of the speed limit on Union Avenue. Council deferred further discussion pending the submission of additional information.

2. Resolution 2009-225 “Resolution Supporting Continued Discussions Concerning Shared Dispatch Operations For Berkeley Heights, New Providence, And Summit”

Mayor Thoms moved the continued support of discussions regarding a shared dispatch operation.

3. Resolution 2009-226 “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering Services For The Field Improvements To Oakwood Park”

Mayor Thoms moved the approval of Maser Consulting proposal for additional engineering work for Oakwood Park. Councilman Gennaro explained the plan is to prepare the bid documents with several alternates to maximize benefits to the Borough.

4. Resolution 2009-227 “Resolution Approving Change Order #1 For Kapuscinski-Luongo For Professional Architectural Services”

Mayor Thoms moved the approval of Kapuscinski-Luongo proposal for additional architectural services for the Oakwood Park project.

Councilman Vyzas

1. Proposed Zoning Ordinance Revision.

Councilman Vyzas reviewed proposed changes to the zoning ordinance regarding the parking of recreation and commercial vehicles. Councilman Vyzas explained that additional information will be provided by the Zoning Official. Councilman Galluccio requested this information be sent the Board of Adjustment for comments.

BOROUGH ADMINISTRATOR'S REPORT.

Borough Administrator Marvin reported on the following:

Academy Street light poles were mounted last week. New lamps should be operational within the next few weeks.

Library experienced flooding in the basement during recent storm with an overflow in a bathroom and leaks in the ceiling. The incident has been reported to the insurance carrier, who had an adjuster at the library. Damage was extensive.

Borough Engineer Hipolit, Public Works Manager Johnston and Borough Administrator Marvin met with the Forrester to identify tree species for the Rescue Squad parking lot, Lassus-Wherley side of Academy Street, Springfield Avenue in front of Centennial Park and Livingston Avenue. Tree locations will be staked on Livingston Avenue shortly, and locations will be discussed with the residents.

The Administrative, Construction and Engineering offices energy efficient lighting has been completed. Recreation, Court and Police will be completed shortly.

COUNCIL COMMITTEE REPORTS.

Councilman Gennaro – Operations Normal.

Councilman Galluccio – Operations Normal.

Councilman Cucco – Reported on the following items:

July 26th storm damage within the Borough.

Councilman Vyzas reported on the following items:

Planning Board continues to work on the mater plan update.

Lutheran Social Ministries has contracted to purchase the K-Line property and will hold several focus session to review their proposed plans for the property.

Councilman Hern – Operations Normal.

Council President MacDermott reported on the following items:

The Borough is registered with Sustainable N.J.

Diversity committee has completed and will be forwarding recommendations for the Borough.

Mayor Thoms reported on the following items:

Emergency response during the July 26th storm.

New businesses that have located to the Borough.

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.

Chris Boyman – 175 Woodbine Circle. Commented on the following items:

- Shared services agreement – workers compensation coverage.
- Fertilizer Ordinance
- Opposition to Oakwood Park project.

Larry Corsi – 28 Eight Street. Commented on the following items:

- Replacement trees for Livingston Avenue.
- Marion Avenue Zoning complaint.
- Lutheran Social Ministries continuous care facility.

David Maurer – 224 Pine Way. Commented on the following items:

- Fertilizer Ordinance – Q & A
- Oakwood Park project funding.

Joe Narciso – 136 Woodbine Circle. Commented on the following items:

- Performing Arts Conservatory coming to New Providence in September.
- Opposition to Oakwood Park project.

Martha Finch – 216 Woodbine Circle. Commented on the following items:

- Oakwood Park referendum.

James LaRubbio – 42 Edgewood Avenue. Commented on the following items:

- Lutheran Social Ministries continuous care facility.
- Changes to the Borough which will affect the quality of life of the residents.
- Oakwood Park project.

There being no further comments 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 requested resolution 2009-207 be removed from the consent agenda.

Councilman Hern requested resolutions 2009-226 and 2009-227 be removed from the consent agenda for a separate vote.

Councilman Galluccio moved that adoption of items 1 -5, 7-24, and 27 of the consent agenda. Seconded by Councilman Cucco 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. Resolution 2009-202 “Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey, Rejecting All Bids For Rehabilitation Of The Final Clarifier At the WWTP”
2. Resolution 2009-203 “Resolution Approving Purchase Order For Installation Of A Video Camera Detection System To Jen Electric, Inc., In The Amount Of \$16,400.00, Morris County Cooperative Pricing Council, Contract #37”
3. Resolution 2009-204 “Resolution Approving Purchase Order #37064 For Honor Tree Service, Inc., In The Amount Of \$1,800.00”
4. Resolution 2009-205 “Resolution Approving Purchase order #37003 For Jersey Elevator Company, Inc., In The Amount Of \$1,697.81”
5. Resolution 2009-206 “Resolution Authorizing The Application For ‘Greening Union County 2009’ Grant For The Borough Of New Providence”
6. Resolution 2009-207 “Resolution Authorizing Shared Service Agreement Between The Borough Of New Providence, The Borough Of Chatham And The City Of Summit”

REMOVED FROM CONSENT AGENDA.
7. Resolution 2009-208 “Resolution Approving Change Order #1 For Wojchik Electric, Inc., In The Amount Of \$319.49, For The Project Commonly Known As ‘Lighting System Upgrade And Occupancy Sensor Installation’ “
8. Resolution 2009-209 “Resolution Approving Partial Payment #3 To Wojchik Electric, Inc., In The Amount Of \$12,864.71 For The Project Commonly Known As ‘Lighting System Upgrades And Occupancy Sensor Installation’ “

9. Resolution 2009-210 "Resolution Approving Purchase Order #37001 For Fire Fighting Equipment Co., In The Amount Of \$1,956.50"
10. Resolution 2009-211 "Resolution Approving Proposal To The Union County Division Of Planning For Grant Funds For The Municipal Alliance, For The Year 2010"
11. Resolution 2009-212 "Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$2,014,912.86"
12. Resolution 2009-213 "Resolution Authorizing The Submittal Of An Application For A Grant From The Hazardous Discharge Site Remediation Fund"
13. Resolution 2009-214 "Resolution Accepting The Average Of The Appraisals For The Green Acres Property Purchased At 124 South Street"
14. Resolution 2009-215 "Salary Resolution"
15. Resolution 2009-216 "Resolution Appointing Patricia Spychala As Tax Assessor For The Borough Of New Providence"
16. Resolution 2009-217 "Resolution Advancing Stephen Drown To Patrolman First Grade In The Police Department "
17. Resolution 2009-218 "Resolution Advancing Chad Wilson To Patrolman First Grade In The Police Department Of The Borough Of New Providence"
18. Resolution 2009-219 "Resolution Advancing Bryce Garrison To Patrolman First Grade In The Police Department Of The Borough Of New Providence"
19. Resolution 2009-220 "Resolution Advancing Don Stretenovic To Patrolman Third Grade In The Police Department Of The Borough Of New Providence"
20. Resolution 2009-221 "Resolution Advancing Joe Diparisi To Patrolman Fifth Grade In The Police Department Of The Borough Of New Providence"
21. Resolution 2009-222 "Resolution Advancing Joe Parlapiano To Patrolman Fifth Grade In The Police Department Of The Borough Of New Providence"

22. Resolution 2009-223 "Resolution Advancing Andrew Diamond To Patrolman Sixth Grade In The Police Department Of The Borough Of New Providence"
23. Resolution 2009-224 "Salary Resolution"
24. Resolution 2009-225 "Resolution Supporting Continued Discussions Concerning Shared Dispatch Operations For Berkeley Heights, New Providence And Summit"
25. Resolution 2009-226 "Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering Services For The Field Improvements To Oakwood Park"
- REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE.
26. Resolution 2009-227 "Resolution Approving Change Order #1 For Kapuscinski-Luongo For Professional Architectural Services"
- REMOVED FROM CONSENT AGENDA FOR SEPARATE VOTE.
27. Introduction Of Ordinance 2009-10 "An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Setting Sewer Use Fees For Certain Users Of The Borough's Sanitary Sewer System"

RESOLUTIONS FOR SEPARATE VOTE

- Resolution 2009-226 "Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering Services For The Field Improvements To Oakwood Park"

Council President MacDermott moved passage of Resolution 2009-226. Seconded by Councilman Galluccio and on Roll Call: Councilman Gennaro, Councilman Galluccio and Council President MacDermott voted "aye". Councilman Cucco, Councilman Hern and Councilman Vyzas voted "nay" Mayor Thoms voted "aye" to break the tie. Carried on roll call.

Resolution 2009-227 “Resolution Approving Change Order #1 For
Kapuscinski-Luongo For Professional Architectural
Services”

Council President MacDermott moved passage of Resolution 2009-227.
Seconded by Councilman Galluccio and on Roll Call: Councilman Gennaro,
Councilman Galluccio and Council President MacDermott voted “aye”.
Councilman Cucco, Councilman Hern and Councilman Vyzas voted “nay” Mayor
Thoms voted “aye” to break the tie. Carried on roll call.

ADJOURNMENT.

There being no further business, on motion by Councilman Cucco, seconded by Council
President MacDermott the meeting was adjourned.

Respectfully submitted,

Wendi B. Barry, Borough Clerk

These minutes have not yet been officially approved.