

New Providence, New Jersey
August 24, 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, August 24, 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

Absent: Councilman Vyzas

Also Present: Borough Administrator Marvin, Deputy Borough Clerk Gorgia

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.

Public Hearing Of Ordinances

1. Ordinance 2009-11 "An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Regulating Fertilizer Application"

Title read in full by the Borough Clerk.

Mayor Thoms declared a public hearing of citizens for Ordinance 2009-11. There being no one wishing to speak, the public hearing was declared closed.

Councilman Cucco moved final passage of Ordinance 2009-11 "An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Regulating Fertilizer Application". Seconded by Council President MacDermott, and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio voted "aye". Carried unanimously on roll call.

2. Ordinance 2009-12 “An Ordinance Granting Renewal Of Municipal Consent To Comcast Of New Jersey II, LLC, To Construct, Connect, Operate And Maintain A Cable Television And Communications System In The Borough Of New Providence, Union County, New Jersey”

Title read in full by the Borough Clerk.

Mayor Thoms declared a public hearing of citizens for Ordinance 2009-12. There being no one wishing to speak, the public hearing was declared closed.

Councilman Galluccio moved final passage of Ordinance 2009-12 “An Ordinance Granting Renewal Of Municipal Consent To Comcast Of New Jersey II, LLC, To Construct, Connect, Operate And Maintain A Cable Television And Communications System In The Borough Of New Providence, Union, County, New Jersey”. Seconded by Councilman Cucco and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio voted “aye”. Carried unanimously on roll call.

Approval Of Minutes

Councilman Cucco moved the minutes of the July 13, July 27 and August 10, 2009 Borough Council meetings be approved as submitted. Seconded by Council President MacDermott and approved. Councilman Gennaro abstained from voting for the August 10, 2009 Borough Council Meeting minutes.

Communications

1. State Of New Jersey, Department Of Environmental Protection, July 31, 2009. RE: “Recycling Enhancement Act”. Council President MacDermott stated the Sustainability Committee can forward comments, if needed.
2. City Of Summit, August 4, 2009. RE: Amending Development Regulations Ordinance. No action required.
3. State Of New Jersey, Department Of Environmental Protection, August 13, 2009. RE: Scrap Metal And Vehicle Recycling Stormwater General Permits. No action required.

4. Bob And Nancy Cashel, August 6, 2009. RE: Leaf Collection. No action required.
5. State Of New Jersey, Council On Affordable Housing, August 14, 2009. RE: Third Round Housing Element And Fair Share Plan. No action required.

COUNCIL COMMITTEE BUSINESS

Councilman Cucco

1. Resolution 2009-243 “Resolution Approving Purchase Order #37189 For Jen Electric, Inc., In The Amount Of \$3,691.60”

Councilman Cucco stated this is for yearly traffic light maintenance.

2. Resolution 2009-244 “Resolution Approving Purchase Order #37199 For Springfield Truck Center, Inc., In The Amount Of \$2,000.00”

Councilman Cucco stated this is for emergency repairs to truck #16.

3. Resolution 2009-254 “Resolution Approving Purchase Order #37265 For Horizon Industries, Inc., In The Amount Of \$10,480.00”

Councilman Cucco stated this is for emergency replacement of parts for the Wastewater Treatment Plant. Councilman Gennaro concurred this was a necessary expense, and questioned that it excludes paying prevailing wage rates. Borough Administrator Marvin will check with Borough Attorney Woodward, and the resolution will be approved subject to the Attorney’s comments.

Councilman Gennaro

1. Introduction Of Ordinance 2009-13 “Bond Ordinance Providing For Various Capital Improvements Of The Borough Of New Providence, In The County Of Union, New Jersey, Appropriating The Aggregate Amount Of \$526,000 Therefor And Authorizing The Issuance Of \$499,700 Bonds Or Notes Of The Borough To Finance Part Of The Cost Thereof”

Councilman Gennaro stated this is for several improvements, including but not limited to, Public Works, Wastewater Treatment Plant, Computers and Networking, Community Activities Department, Fire Department and Police

Department. Publication will be in the usual manner, and the public hearing is scheduled for the September 8, 2009 Borough Council meeting.

2. Resolution 2009-245 "Resolution Approving Purchase Order #37237 For Argent Contracting Co., Inc., In The Amount Of \$3,586.22"

Councilman Gennaro stated this is for installation of sewer line at the Library.

3. Resolution 2009-246 "Resolution Approving Purchase Order #37194 For Spatial Data Logic, Inc., Sole Source Provider, In The Amount Of \$6,000.00"

Councilman Gennaro stated this is for GeoLogic Support through September 30, 2010.

4. Resolution 2009-247 "Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$5,011,418.61"

Councilman Gennaro stated \$4.1million is for the Board of Education and \$566,000.00 is for the sewer charge for Summit.

5. Resolution 2009-248 "Resolution Approving Change Order #1 For En-Tech Of New Jersey Corporation, In The Amount Of \$6,287.97 For The Project Commonly Known As '2008 Sewer Lining Floral Avenue' "

Councilman Gennaro stated the change is being requested for a discrepancy in the dimension of the sewer line from 12" to 15". The Borough Engineer recommends the change order.

Councilman Hern

1. Resolution 2009-249 "Resolution Awarding Contract To Stuart R. Koenig From Stickel, Koenig & Sullivan, Attorneys-At-Law, 571 Pompton Avenue, Cedar Grove, New Jersey 07009, For Special Counsel Services Regarding COAH"

Councilman Hern explained the situation regarding Linde's objection to the Borough's Third Round Housing Element and Fair Share Plan, and the need to appoint Special Counsel.

2. Resolution 2009-255 "Resolution Appointing Members Of The Mediation Team, As Required By COAH Regulations As Set Forth In N.J.A.C. 5:96-8.2(C)"

Councilman Hern stated that in conjunction with the appointment of Special Counsel regarding COAH, the Borough is required to appoint a mediation team to participate in mediation session with COAH and the Linde Group. Council concurred to approve this resolution subject to possible revisions by the Borough Attorney.

Councilman Vyzas

1. Resolution 2009-250 “Resolution Authorizing Return Of Escrow Funds To Faith Lutheran Church”

Mayor Thoms stated Faith Lutheran had a Planning Board application from 2006 which is complete, and the Borough Engineer recommends release of remaining escrow funds in the amount of \$716.25.

2. Discussion Item: Parking Of Commercial & Recreational Vehicles. Councilman Gennaro stated the Board of Adjustment has some very legitimate questions. Council concurred the Board of Adjustment comments should be forwarded to the Planning Board for their recommendations.

Councilman Galluccio

1. Resolution 2009-251 “Resolution Approving Purchase Order #37228 For Lindsey Meyer Teen Institute, In The Amount Of \$2,120.00”

Council Galluccio stated this is for Municipal Alliance programs for youth and is being paid through grant monies.

2. Resolution 2009-252 “Resolution Approving Purchase Order #37261 For Equishare USA, LLC/Pony Share, In The Amount Of \$1,770.00”

Councilman Galluccio stated this is for recreation programs, and is being paid through the Recreation Trust.

Mayor Thoms

1. Resolution 2009-253 “Resolution Approving Purchase Order #37229 For Atlantic Tactical Of NJ, Inc., In The Amount Of \$3,212.60”

Mayor Thoms stated this is for ammunition for the Police Department.

2. Raffle Request: New Providence Education Foundation RA #870. Police approval has been received, subject to State approval.
3. Raffle Request: New Providence Education Foundation RA #871. Police approval has been received, subject to State approval.

BOROUGH ADMINISTRATOR'S REPORT

Borough Administrator Marvin - operations normal.

COUNCIL COMMITTEE REPORTS

Councilman Gennaro - operations normal.

Councilman Galluccio:

1. Municipal Alliance met last week for back to school; programs will include Red Ribbon week.
2. Municipal Alliance will be part of the printed newsletter.

Council President MacDermott:

1. Would like to further discuss organizations hanging ribbons in town. Concerns include ribbons not being taken down after program, messy, etc. Councilman Cucco suggested some sort of penalty if ribbons are not removed. Borough Administrator to survey other towns regarding their policies. Will be discussion item for September 8th meeting.

Councilman Cucco - operations normal.

Councilman Hern - operations normal.

Mayor Thoms - operations normal.

PUBLIC COMMENTS

Mayor Thoms declared a public hearing of citizens.

Joan McCullough, 19 Newcomb Drive - Ms. McCullough expressed concerns regarding Oakwood Park.

Bill Hart, 25 Newcomb Drive - Mr. Hart thanked Mayor and Council for their time and efforts. Mr. Hart stated he attended the Freeholder's meeting on August 20th and questioned the \$4 million bond they proposed for Oakwood Park instead of using open space trust fund monies.

Jim DeMarco, 51 Pitney Avenue - Mr. DeMarco stated the source of the \$4 million is the County's capital budget, not the open space trust fund, and urged Council to reconsider this issue.

Laura Lattman, 166 Woodbine Circle - Ms. Lattman asked Mayor Thoms if he was aware Union County changed where the funds were coming from.

Karl Pfalzgraf, 144 Pine Way - Mr. Pfalzgraf asked for a referendum regarding Oakwood Park.

Lawrence Demilio, 118 Woodbine Circle - Mr. Demilio asked the Council members who voted in support of Oakwood Park what they based their vote on.

Sam Alvine, 68 Ardsley Court - Mr. Alvine asked Council to question Union County on all aspects of Oakwood Park.

Brian Flanagan, 157 Grant Avenue - Mr. Flanagan expressed concerns that this issue should not have come up in the summer and is moving too fast.

There being no one else wishing to speak, the public hearing was declared 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)

Councilman Cucco moved passage of items 1 through 16 on the consent agenda, with items 12 and 13 subject to comments by the Borough Attorney. Seconded by Councilman Hern and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio voted "aye". Carried unanimously on roll call.

1. Resolution 2009-243 "Resolution Approving Purchase Order #37189 For Jen Electric, Inc., In The Amount Of \$3,691.60"
2. Resolution 2009-244 "Resolution Approving Purchase Order #37199 For Springfield Truck Center, Inc., In the Amount Of \$2,000.00"
3. Resolution 2009-245 "Resolution Approving Purchase Order #37237 For Argent Contracting Co., Inc., In The Amount Of \$3,586.22"
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5. Resolution 2009-247 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$5,011,418.61”
6. Resolution 2009-248 “Resolution Approving Change Order #1 For En-Tech Of New Jersey Corporation, In The Amount Of \$6,287.97 For The Project Commonly Known As ‘2008 Sewer Lining Floral Avenue’ “
7. Resolution 2009-249 “Resolution Awarding Contract To Stuart R. Koenig From Stickel, Koenig & Sullivan, Attorneys-At-Law, 571 Pompton Avenue, Cedar Grove, New Jersey 07009, For Special Counsel Services Regarding COAH”
8. Resolution 2009-250 “Resolution Authorizing Return Of Escrow Funds To Faith Lutheran Church”
9. Resolution 2009-251 “Resolution Approving Purchase Order #37228 For Lindsey Meyer Teen Institute, In The Amount Of \$2,120.00”
10. Resolution 2009-252 “Resolution Approving Purchase Order #37261 For Equishare USA, LLC/Pony Share, In The Amount Of \$1,770.00”
11. Resolution 2009-253 “Resolution Approving Purchase Order #37229 For Atlantic Tactical Of NJ, Inc., In The Amount Of \$3,212.60”
12. Resolution 2009-254 “Resolution Approving Purchase Order #37265 For Horizon Industries, Inc., In The Amount Of \$10,480.00”

Subject to comments by Borough Attorney regarding Prevailing Wage Rate Act.
13. Resolution 2009-255 “Resolution Appointing Members Of The Mediation Team, As Required By COAH Regulations, As Set Forth In N.J.A.C. 5:96-8.2(C)”

Subject to possible revisions by the Borough Attorney.
14. Introduction Of Ordinance 2009-13 “Bond Ordinance Providing For Various Capital Improvements Of The Borough Of New Providence, In The County Of Union, New Jersey, Appropriating The Aggregate Amount Of \$526,000 Therefor And

Authorizing The Issuance Of \$499,700 Bonds Or
Notes Of The Borough To Finance Part Of The Cost
Thereof”

15. Raffle Request: New Providence Education Foundation, RA #870.
16. Raffle Request: New Providence Education Foundation, RA #871.

ADJOURNMENT

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

Respectfully submitted,

Marilyn A. Gorgia
Deputy Borough Clerk

These minutes have not yet been officially approved.