

New Providence, New Jersey
February 23, 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, February 23, 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 Vyzas

Absent: None

Also Present: Borough Administrator Marvin, Borough Clerk Barry, Deputy Borough Clerk Gorgia, 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.

Proclamations

Mayor Thoms declared Red Cross Month in New Providence.

Mayor Thoms declared Girl Scout Week in New Providence.

Approval of Minutes

For the February 9, 2009 Borough Council meeting minutes, Councilman Vyzas requested to add "and Borough staff" to his thanks, under the Oakwood Park Concept Plans. Councilman Cucco moved the minutes of the February 9, 2009 Borough Council meeting be approved as amended. Seconded by Councilman Gennaro. Councilman Hern abstained. Motion approved.

Appointments

Mayor Thoms announced the appointments of Councilman Gennaro, Councilman Cucco and Councilman Vyzas to the Board of Ethics. Councilman Hern moved to concur in the Mayor's appointments, seconded by Council President MacDermott and unanimously approved.

Salt, Morris County Co-Op #3, For Rock Salt For The Year 2009', Adopted January 5, 2009"

Councilman Cucco stated purchases for rock salt for the year 2009 has exceeded the original estimate.

Councilman Gennaro

1. Sale of Bond Anticipation Notes. Councilman Gennaro stated the Borough accepted bids for the sale of \$1,080,000 bond anticipation notes which are rollovers of currently outstanding notes. The sale was awarded to Sovereign Securities.
2. Resolution 2009-71 "Resolution Refunding Or Applying Overpayment of Taxes To Certain Property Owners"

Councilman Gennaro stated the Tax Collector has reported certain property owners are entitled to refunds because of overpayment of taxes.

3. Resolution 2009-75 "Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Design Services Of Livingston Avenue, Section 2, NJDOT Local Aid Project"

Councilman Gennaro stated this is for Livingston Avenue, Section 2, for design services only.

4. Resolution 2009-76 "Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$340,814.50"

Councilman Gennaro stated this is routine paying of bills.

5. Resolution 2009-77 "Resolution Authorizing Emergency, Temporary Appropriation"

Councilman Gennaro stated this is bookkeeping before the budget is approved.

Council President MacDermott

1. Introduction Of Ordinance 2009-02 "An Ordinance Amending And Supplementing Chapter 147 Of The Code Of The Borough Of New Providence, Establishing Fees And Licenses"

Introduction of Ordinance Deferred.

Mayor Thoms

1. Limousine License, Summit of New Jersey, Inc. Approval of Police and Zoning has been given.

2. Raffle Request RA#862, Community Service Association. Police Approval has been given, subject to State approval.
3. Resolution 2009-69 "Resolution Approving Purchase Order #36081 For Nice Systems, In The Amount Of \$3,611.60"

Mayor Thoms stated this is for the maintenance of the Police Dictaphone recording machine. Borough Administrator Marvin stated this is for the year 2005. The original purchase order was never received, but the service was provided.

4. Resolution 2009-72 "Resolution Authorizing Agreement Between The Borough Of New Providence and Lexis-Nexus, Martindale-Hubbell, 121 Chanlon Road, New Providence, NJ 07974"

Mayor Thoms stated this is an indemnification agreement so the Fire Department can perform a training drill at the location.

5. Resolution 2009-73 "Resolution Authorizing Lease Agreement Between The Borough Of New Providence And New Providence Rescue Squad"

Removed from Agenda.

6. Introduction Of Ordinance 2009-01 "An Ordinance Of The Borough Of New Providence, County of Union, State Of New Jersey, Amending Chapter 197 Of The Borough As Respect To Public Intoxication"

Borough Attorney Woodward stated this arose out of a case in Maple Shade, NJ where a man was arrested for public intoxication. State law supersedes local law, and this repeals the reference in the Borough code to public intoxication. Public hearing is scheduled for March 9th.

7. Request To Plant Tree on Public Property - Cub Scout Den. Mayor Thoms stated he spoke with Ms. Lamanna whose son is in the Cub Scout den regarding possible locations. Council agreed the tree could be planted where the old Sharing House stood, in one of the 4 corner areas.
8. Dan Roberson - Eagle Scout Project Request. Mayor Thoms asked to defer this. Council President MacDermott stated she and Borough Administrator Marvin have been in touch with the family.

Councilman Vyzas

1. Resolution 2009-66 "Resolution Authorizing Return Of Escrow Funds To Tower Management Financing"

Councilman Vyzas stated the Borough Engineer has deemed the project complete and recommends the return of excess escrow funds.

2. Resolution 2009-67 “Resolution Authorizing Return Of Escrow Funds To Santa Fe Management LLC”

Councilman Vyzas stated the Borough Engineer has deemed the project complete and recommends the return of excess escrow funds.

3. Resolution 2009-68 “Resolution Authorizing Return Of Escrow Funds To Joseph And Donna Nobile”

Councilman Vyzas stated the Borough Engineer has deemed the project complete and recommends the return of excess escrow funds.

BOROUGH ATTORNEY’S REPORT

Borough Attorney Carl Woodward - operations normal.

BOROUGH ADMINISTRATOR’S REPORT

Borough Administrator Marvin reported on the following:

1. Borough applied for three 2010 appropriation requests from Congressman Leonard Lance:
 1. Critical Infrastructure video monitoring - requested funding for this project, unsuccessfully, in the past.
 2. Generator replacement.
 3. Sewer grate upgrades.

COUNCIL COMMITTEE REPORTS

Councilman Gennaro - operations normal.

Councilman Galluccio:

1. The 5K race proceeds this year will be used to purchase coffee, coffee makers and cd’s to send to a unit in Iraq.
2. Municipal Alliance meets on Tuesday, February 24th.

Councilman Cucco - operations normal.

Councilman Vyzas:

1. Planning Board has established a Master Plan sub-committee, who will be working with the various departments to update the Master Plan.

Councilman Hern:

1. Construction sites at the old Citgo station and the new townhouses have a lot of debris at the sites. Mayor Thoms requested Construction Official Lynch look into this.

Council President MacDermott:

1. Public Works Manager Johnston will be the featured speaker for the Sustainability Committee and will talk about recycling. The Sustainability's website should be operational by February 26th.
2. The Diversity Task Force Committee meets this week.
3. Current Borough ordinances will be posted on the website.

Mayor Thoms:

1. Councilman Gennaro and Councilman Galluccio will assist in the field house project.
2. Design Standards Committee will be meeting regarding the Downtown Improvement District.
3. Met with Freeholder Mirabella regarding shared services and suggested New Providence take over snow plowing County streets in New Providence for a fee.

PUBLIC COMMENTS

Mayor Thoms declared a public hearing of citizens.

Robert Davis, 61 Possum Way - Mr. Davis stated he is concerned with the e-mail distribution of the newsletter, noting not all residents get the information on the website. Mayor Thoms stated hard copies of the newsletter will be available and Borough Council meetings are televised.

Ira Krauss, 183 Grant Avenue - Mr. Krauss asked Council to find out if all the meters at the railroad station are being utilized.

Larry Corsi, 28 Eighth Street - Mr. Corsi stated he is glad action will be taken to clean up the former Citgo station and the new construction townhouses. Mr. Corsi also stated there was an article in the newspaper regarding liquid brine, which is much cheaper than salt for the roads. Mayor Thoms stated Public Works Manager Johnston is investigating this. Mr. Corsi stated the Cub Scouts can plant a tree on Livingston Avenue to replace one of the nine that were removed.

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 4, 6 through 13, and 15 through 18. Seconded by Councilman Hern and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted “aye”. Carried unanimously on roll call. Items 5,14,and 19 were removed from the consent agenda.

Borough Attorney Woodward reminded Council that they denied item 6. Councilman Cucco moved the request by Morris-Union Jointure Commission to waive fees be denied. Seconded by Council President MacDermott and unanimously approved.

1. Limousine License: Summit Of New Jersey, Inc.
2. Raffle Request RA #862: Community Service Association.
3. Braunschweiger Jewelers: Request To Hang Banners.
4. Cubscout Den: Request To Plant Tree On Public Property.
5. Dan Robertson: Eagle Scout Project Request – **Removed from Consent Agenda.**
6. Morris-Union Jointure Commission:Request To Waive Alarm Fees - **DENIED.**
7. Resolution 2009-66 “Resolution Authorizing Return Of Escrow Funds To Tower Management Financing”
8. Resolution 2009-67 “Resolution Authorizing Return Of Escrow Funds To Santa Fe Management LLC”
9. Resolution 2009-68 “Resolution Authorizing Return Of Escrow Funds To Joseph And Donna Nobile”
10. Resolution 2009-69 “Resolution Approving Purchase Order #36081 For Nice Systems, In The Amount Of \$3,611.60”
11. Resolution 2009-70 “Resolution Amending Resolution 2009-37: ‘Resolution Approving Purchases From International Salt, Morris County Co-Op #3, For Rock Salt For The Year 2009’, Adopted January 5, 2009”
12. Resolution 2009-71 “Resolution Refunding Or Applying Overpayment Of Taxes To Certain Property Owners”

13. Resolution 2009-72 "Resolution Authorizing Agreement Between The Borough Of New Providence And Lexis-Nexus, Martindale-Hubbell, 121 Chanlon Road, New Providence, NJ 07974"
14. Resolution 2009-73 "Resolution Authorizing Lease Agreement Between The Borough Of New Providence And New Providence Rescue Squad" **Removed from Consent Agenda.**
15. Resolution 2009-75 "Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Design Of Livingston Avenue, Section 2, NJDOT Local Aid Project"
16. Resolution 2009-76 "Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$340,814.50"
17. Resolution 2009-77 "Resolution Authorizing Emergency, Temporary Appropriations"
18. Introduction Of Ordinance 2009-01 "An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Amending Chapter 197 Of The Borough Code As Respect To Intoxication"
19. Introduction Of Ordinance 2009-02 "An Ordinance Amending And Supplementing Chapter 147 Of The Code Of The Borough Of New Providence, Establishing Fees And Licenses" **Removed from Consent Agenda.**

EXECUTIVE SESSION

1. Resolution 2009-3a "Resolution Establishing February 23, 2009 As The Date, And 9:00 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 Legal Matters And Contract Negotiations, At Which Time The Public Will Be Excluded"

Title read in full by the Borough Clerk.

Councilman Cucco moved passage of Resolution 2009-3a "Resolution Establishing February 23, 2009 As The Date, And 9:00 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 Legal

Matters And Contract Negotiations, At Which Time The Public Will Be Excluded”. Seconded by Councilman Galluccio and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted “aye”. Carried unanimously on roll call.

RE-OPENING OF MEETING

On motion by Councilman Gennaro, seconded by Councilman Cucco, the meeting was re-opened to the public.

ADJOURNMENT

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

Respectfully submitted,

Wendi B. Barry
Borough Clerk

These minutes have not yet been officially approved.