

New Providence, New Jersey  
May 11, 2009

The Budget meeting of the Borough Council of the Borough of New Providence, County of Union and State of New Jersey was held on Monday, May 11, 2009 at the Municipal Center. Mayor John A. Thoms called the meeting to order.

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

Entered After Roll Call: Council President MacDermott

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

#### Agenda Item

2009 Municipal Budget. Councilman Gennaro provided an update on the budget, and reported if the teamsters agree to switch to the state health plan, there will be no layoffs, furloughs and the non-union employees will receive a 2% increase effective August 1, 2009. A benefits analysis report will be submitted for comparison. Councilman Gennaro reported on the budget increase, capital improvements, tax appeals and a review and possible increase in fees for certain municipal permits. Shared services was also discussed. Council will discuss possible sewer usage fees at the next meeting. Council hopes to introduce the budget at the May 18, 2009 Council meeting.

Council President MacDermott entered the meeting and took her regular place.

Discussion continued regarding the possible discontinuation of leaf pickup.

#### Public Hearing

Mayor Thoms declared a public hearing of citizens.

Larry Corsi, 28 Eighth Street - Mr. Corsi stated he supports the elimination of leaf pickup. Mr. Corsi also asked if the pension was fully funded this year. Mayor Thoms stated yes.

Linda Fitzpatrick, Borough Employee - Ms. Fitzpatrick asked in the event the teamsters agree to the state health plan, does that mean the non-union administrative staff can expect to be switched to the state health plan next year. Councilman Gennaro responded the switch would be as of August 1, 2009.

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

Adjournment

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

Respectfully submitted,

Wendi B. Barry  
Borough Clerk

These minutes have not yet been officially approved.

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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, May 11, 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

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#### Communications

1. The Linde Group, April 23, 2009. RE: Objection to Borough's 3<sup>rd</sup> Round COAH Approval. Councilman Hern requested Council authorize a response to the objection of the Linde Group. Councilman Hern stated he feels Linde Group is challenging the extensive efforts the Borough conducted to put together this plan, which satisfies the COAH obligations. Mayor Thoms stated the Borough's planner, Jeff Janota, and the Borough's Affordable Housing Liaison, Vito Gallo, are diligently working on a forceful response.
2. New Providence Fire Department, April 26, 2009. RE: Membership Resignation. No action required.
3. PSEG, April 27, 2009. RE: Rate Changes. No action required.
4. Diane Wolfe, April 27, 2009. RE: Police layoffs. No action required.
5. Fair Share Housing Center, April 27, 2009. RE: Objection To Borough's 3<sup>rd</sup> Round COAH Approval. No action required.
6. Walter Patton, May 1, 2009. RE: Community Dispute Resolution Program. No action required.

7. Neal Rinaldi, May 5, 2009. RE: Board of Adjustment Public Hearing, 30 Constance Road. No action required.

8. Oakwood Park Correspondence. No action required.

Mary Walker	David Libassi
Lawrence Demilio	Ray Casarico
Ruth O'Brien	George Castellano
Caprice Garvin	Chris Cirrotti
Lawrence Demilio	Josephine Scharf
Aimee Fischbeck	Camille Zambri
Linda Molstad	Jit & Deepa Kularni
Amy Newcombe	Laine Maurer
Bryan Felt	Brian Haas
Eric Formichella	Lawrence Demilio
Steven Bloom	James LaRubbio
Steve Nisberg	Tom Finch
Richard Connolly	Ken Kaufmann
Lawrence Demilio	Pat Zambri
Gail Cushing	Scott Burgess
John Mundy	Jai Therattil
Linda Kress	Andrew Bobbitt
Ted Marzynski	Don & Beth Wahlig
Michael Abrams	Dee & Charlie Gomez

9. Municipalities:

City of Summit, Support S-164, A-1703. No action required.

Township of Union, Limit Truck Weight on Highways. No action required.

Township of Union, Support S-164, A-1703. No action required.

## **COUNCIL COMMITTEE BUSINESS**

### Councilman Cucco

1. Resolution 2009-126 "Resolution Approving Purchase Order #36551 For Brent Material Company, In The Amount Of \$1,993.65"

Councilman Cucco presented resolution 2009-126 approving the purchase of poly storm drainage pipe and ancillary components.

2. Resolution 2009-127 "Resolution Approving Final Closeout of The Project Commonly Known As 'Academy Street Roadway Improvement Project, Purchase Of Lights & Poles' For Monarch Electric Company"

Councilman Cucco presented Resolution 2009-127 approving the close out of the project known as "Academy Street Roadway Improvement Project, Purchase Of Lights & Poles".

3. Resolution 2009-128 "Resolution Authorizing Agreement Between The Borough Of New Providence And Sage Eldercare, Inc., In The Amount Of \$15,368.41"

Councilman Cucco presented resolution 2009-128 approving a contract which provides services to seniors.

#### Councilman Galluccio

1. Resolution 2009-129 "Resolution Approving Purchase order #36490 For Marturano Recreation Company, In The Amount Of \$25,006.00, Under State Contract A59052"

Councilman Galluccio presented Resolution 2009-129 approving the purchase of park benches and tables.

2. Resolution 2009-130 "Resolution Approving Purchase Order #36581 For Alfred's Sport Shop, In The Amount Of \$11,296.00, Under State Contract T221-691-337"

Councilman Galluccio presented resolution 2009-130 approving the purchase of various recreational equipment.

#### Councilman Gennaro

1. Resolution 2009-131 "Resolution Awarding Contract To Appraisal Consultants Corp., 293 Eisenhower Parkway, Livingston, New Jersey, For Tax Appraisal Services"

Councilman Gennaro presented Resolution 2009-131 for tax appraisal services.

2. Resolution 2009-132 "Resolution Approving Purchase Order #36601 For Microsystems-NJ Com, LLC, In The Amount Of \$2,170.00"

Councilman Gennaro presented Resolution 2009-132 for printed materials and transfer of data for the Tax Assessor.

3. Resolution 2009-133 "Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Division Avenue Safe Street To Transit Project"

Councilman Gennaro presented Resolution 2009-133 approving the submission of a grant application for the installation of sidewalks on Division Avenue as part of the NJDOT Safe Streets to Transit Funding.

4. Resolution 2009-134 “Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For the Fiscal Year 2010 Municipal Aid Program Pedestrian Safety Improvements”

Councilman Gennaro presented Resolution 2009-134 approving the submission of a grant application for the installation of sidewalks on South Street (195 to 139 South) - 750 LF (Priority 1); South Street (535 Mountain to 6 Candlewood) - 1,000 LF (Priority 2) and Floral Avenue (180 to 98) - 1,400 LF (Priority 3) as part of the NJDOT Pedestrian Safety Improvements Funding.

5. Resolution 2009-135 “Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Central Avenue - Section VI Project”

Councilman Gennaro presented Resolution 2009-135 approving the submission of a grant application for roadway improvements to Central Avenue - Section VI (Priority 1) as part of the NJDOT Municipal Aid Funding.

6. Resolution 2009-136 “Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Oakwood Drive Project”

Councilman Gennaro presented Resolution 2009-136 approving the submission of a grant application for roadway improvements to Oakwood Drive (Priority 2) as part of the NJDOT Municipal Aid Funding.

7. Resolution 2009-137 “Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Pearl Street Project”

Councilman Gennaro presented Resolution 2009-137 approving the submission of a grant application for roadway improvements to Pearl Street (Priority 3) as part of the NJDOT Municipal Aid Funding.

8. Resolution 2009-138 “Resolution Approving Change Order #3 For Lucas Electric Company, Inc., In The Deduct Amount Of \$4,500.00, for The Project Commonly Known As ‘Downtown Lighting Installation’ “

Councilman Gennaro presented Resolution 2009-138 approving Change Order #3, a deduction to the contract for the project commonly known as ‘Downtown Lighting Installation’

9. Resolution 2009-139 “Resolution Approving Final Closeout Of The Project Commonly Known As ‘Downtown Lighting Installation’ For Lucas Electric Company, Inc.’ “

Councilman Gennaro presented Resolution 2009-139 approving the final close out of the project commonly known as ‘Downtown Lighting Installation’.

10. Resolution 2009-140 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of 7,573,609.72”

Councilman Gennaro presented Resolution 2009-140 approving the routine payment of bills, with \$4.7m to the Board of Education, \$2m to Union County and \$96,000.00 to County Open Space.

#### Councilman Hern

1. Board Of Health Recommendation - Fee For Flu Vaccine. Councilman Hern reported the Board of Health recommends charging non-medicare recipients of flu vaccine \$10, and advised other towns within the regional health department are doing the same. Based on past flu clinics, this would involved approximately 50-100 people.

#### Council President MacDermott

1. Resolution 2009-141 “Salary Resolution”

Council President MacDermott presented Resolution 2009-141 approving wages for recreation, seasonal instructors and coaches.

#### Councilman Vyzas

1. Resolution 2009-142 “Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey, Authorizing Installation Of Fiber Optic Cable By Cablevision Lightpath-NJ, Within The Borough Right-Of-Way”

Councilman Vyzas presented Resolution 2009-142 approving the installation of fiber optic cable by Cablevision Lightpath-NJ. All insurance requirements have been met.

2. Resolution 2009-143 “Resolution Approving Proposal of Birdsall Engineering, Inc., For Preparation Of Master Plan Re-Examination For The Borough Of New Providence, County Of Union and State Of New Jersey”

Councilman Vyzas presented Resolution 2009-143 approving the Birdsall Engineering proposal to prepare the Borough’s Master Plan Review and re-examination report.

3. Resolution 2009-144 "Resolution Amending Resolution 2009-115 'Resolution Authorizing Return Of Escrow Funds To Bradley & Son Funeral Homes, LLC' Adopted April 27, 2009"

Councilman Vyzas presented Resolution 2009-144 reporting the original resolution did not include accrued interest of \$10.52 for this account, and is amended to do so.

### Mayor Thoms

1. Fire Department - Permission to Use Oakwood Park For Trench Rescue Training. Mayor Thoms reported the Fire Department periodically conducts annual trench rescue re-certification and this will occur on June 20, 2009.

### **BOROUGH ADMINISTRATOR'S REPORT**

Borough Administrator Marvin - operations normal.

### **COUNCIL COMMITTEE REPORTS**

Mayor Thoms reported on the following items:

1. Updates regarding 2009 Municipal Budget.

Councilman Gennaro - operations normal.

Councilman Galluccio reported on the following items:

1. 5K Race was a great success, with approximately 550 participants. The proceeds will go to troops in Iraq, including the Borough's Police Officer Chad Wilson's troop.
2. Borough Gardens, LLC has opened in town.

Councilman Cucco - operations normal.

Councilman Vyzas reported on the following items:

1. Prestige Petroleum has advertised for cleanup and removal of pumps at the former Citgo station. The continuation of their hearing is planned for June.
2. Ongoing progress by the Planning Board of the Master Plan update.

Councilman Hern reported on the following items:

1. The Board of Health is closely monitoring swine flu outbreaks, and is reaching out to health providers, schools and other agencies to report outbreaks and promote awareness.
2. The Board of Health and the Senior Center are sponsoring the following programs: Balance and Posture (4/21), Project Healthy Bones (ongoing), Senior Citizen Health Fair (5/20) and Healthy Active Minds (6/11, 18, 25). Many of the programs are funded by the Union County Community Development Block Grant.

3. Property on Union Avenue that is being developed has been thoroughly cleaned up.

Council President MacDermott reported on the following items:

1. Wished all mothers a Happy Mother's Day.
2. Memorial Day Parade is coming up and will include floats.
3. Council is closely following swine flu and all drug stores and medical care facilities should have enough medicine on hand.
4. Working on a "frequently asked questions" document regarding the Oakwood Park project. This will be available at the Municipal Center, on the website, etc.
5. Will be soon introducing an ordinance supported by the Municipal Alliance regarding juvenile drinking.
6. Working on personnel policy.
7. Diversity Committee will form a sub-committee to work on needs of the disabled.

## **PUBLIC HEARING**

Mayor Thoms declared a public hearing of citizens.

Joan McCullough, 19 Newcomb Drive - asked Council if while the Fire Department is conducting their trench rescue, they could clean up some of the debris in the area. Ms. McCullough asked Council to reconsider the scope of the Oakwood Park project to preserve the character of the park and town.

Brian Flanagan, 157 Grant Avenue - expressed many concerns, and suggested the following, but not limited to: put this issue on the ballot as a referendum; form an advisory committee; grant only a portion of the park to the County; place a dollar value on the river front property and let the County have that.

Joe Narciso, 136 Woodbine Circle - suggested this issue be put to a vote and expressed concern over police activity.

Tom Finch, 216 Woodbine Circle - stated he does not want the County to take over Oakwood Park and expressed concern about who takes control over scheduling. Mr. Finch suggested giving only the river front property to the County.

Debbie Leonard, 285 Woodbine Circle - expressed concerns about turf fields being too hot for children to play on.

Mildred Schroeder, 253 Woodbine Circle - stated she feels the County does not want the river front property if they can't have the rest of the park. Ms. Schroeder also expressed concern that if this is put to a vote, only those residents in the immediate surrounding area will vote no and the rest of the town will vote yes.

Michael Darata, 14 Hickson Drive - stated he feels turf is not needed for the fields and expressed concern that there is a lot of wrong information circulating about this issue.

There being no one else wishing to speak, the public comments portion of the meeting 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 21 on the consent agenda. 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 unanimously on roll call.

1. Resolution 2009-126 “Resolution Approving Purchase Order #36551 For Brent Material Company, Inc., In The Amount Of \$1,993.65”
2. Resolution 2009-127 “Resolution Approving Final Closeout Of The Project Commonly Known As ‘Academy Street Roadway Improvement Project, Purchase Of Lights & Poles’ For Monarch Electric Company”
3. Resolution 2009-128 “Resolution Authorizing Agreement Between The Borough Of New Providence And Sage Eldercare, Inc., In The Amount Of \$15,368.41”
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6. Resolution 2009-131 “Resolution Awarding Contract To Appraisal Consultants Corp., 293 Eisenhower Parkway, Livingston, New Jersey, For Tax Appraisal Services”
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11. Resolution 2009-136 “Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Oakwood Drive Project”
12. Resolution 2009-137 “Resolution Authorizing Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For The Pearl Street Project”
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15. Resolution 2009-140 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$7,573,609.72”
16. Resolution 2009-141 “Salary Resolution”
17. Resolution 2009-142 “Resolution Of The Borough of New Providence, County Of Union, State Of New Jersey Authorizing Installation Of Fiber Optic Cable By Cablevision Lightpath-NJ Com Within the Borough Right-Of-Way”
18. Resolution 2009-143 “Resolution Approving Proposal of Birdsall Engineering, Inc., For Preparation Of Master Plan Re-Examination For The Borough Of New Providence, County Of Union And State Of New Jersey”
19. Resolution 2009-144 “Resolution Amending Resolution 2009-115 ‘Resolution Authorizing Return Of Escrow Funds To Bradley & Son Funeral Homes, LLC’ Adopted April 27, 2009”

20. Fire Department - Permission To Use Oakwood Park For Trench Rescue Training.

21. Board of Health Recommendation - Fee For Flu Vaccine.

### **EXECUTIVE SESSION**

1. Resolution 2009-8a “Resolution Establishing April 27, 2009 As The Date, And 9:30 PM 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 read in full by the Borough Clerk.

Council President MacDermott moved passage of Resolution 2009-8a “Resolution Establishing April 27, 2009 As The Date, And 9:30 PM 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 unanimously on roll call.

### **RE-OPENING OF MEETING**

On motion by Council President MacDermott, seconded by Councilman Galluccio, the meeting was re-opened to the public.

### **ADJOURNMENT**

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

Respectfully submitted,

Wendi B. Barry  
Borough Clerk

These minutes are not yet officially approved.