

New Providence, New Jersey  
June 22, 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, June 22, 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

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.

Municipal Budget

Councilman Gennaro stated he has a resolution regarding the reading of the Budget. Mayor Thoms requested the Borough Clerk read the resolution.

RESOLUTION TO READ BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A:4-8, as amended, provides that the budget shall be read in full at the public hearing, or that it may be read by its title only, if:

1. At least one week prior to the date of the hearing, a complete copy of the approved budget:
  - (a) shall be made available for public inspection in the free public library, if any, of the municipality and in the free county libraries or regional libraries located in the municipality, or if no county libraries or regional libraries are located in the municipality, the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the

governing body an attestation that each such delivery was made, and

- (b) is made available to each person requesting the same, during said week and during the public hearing.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of New Providence that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a) and 1(b), have been met and therefore the Budget for 2009 shall be read by title only.

Councilman Gennaro offered the foregoing resolution and moved its adoption. Seconded by Councilman Cucco. Councilman Hern requested a discussion on the budget, and stated he will be voting against it for the following, but not limited to, reasons:

1. eliminates funding for two police officers.
2. eliminates two public works employees.
3. eliminates leaf vacuuming.
4. cuts \$10,000.00 funding to keep street lights on.
5. contains 50% cut in funding for professional development for staff.

Mayor Thoms requested a roll call for the foregoing resolution. Council President MacDermott, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Councilman Hern voted "no". Carried on roll call.

Councilman Gennaro stated this was a difficult budget process year, with some very painful cuts in services and staff that were necessary. Councilman Gennaro conducted a slide presentation.

Mayor Thoms stated he would entertain a motion to open the hearing on the budget.

Councilman Gennaro moved the budget hearing be opened. Seconded Councilman Cucco, and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Carried unanimously on roll call.

Borough Clerk Barry stated this is the time fixed for the public hearing on the Municipal Budget and Tax Resolution for 2009. The budget was approved by the Governing Body on May 18, 2009, was advertised as required by law on May 26, 2009, together with notice of hearing for this time. Printed copies have been made available to the public during the past week and a supply is here for anyone desiring a copy.

Mayor Thoms stated anyone who has not secured a copy of the budget may now do so. Mayor Thoms stated before opening this hearing, I wish to outline the procedure. Each person desiring to be heard will rise and give his or her name and address before

speaking. I will recognize one speaker at a time, in order of rising, as nearly as I can determine. Address all questions to the Chair; where necessary they will be referred to individual members of the Governing Body or Municipal Officials. Questions must be confined solely to the Municipal Budget before us; school or county matters are not proper subjects of this hearing and cannot be discussed or answered here tonight. I now declare open the public hearing on the Municipal Budget and Tax Resolution for 2009.

Daniel Henn, 323 Central Avenue, New Providence Police Officer - Mr. Henn asked if the 2008 monies for the upgrade to the Municipal Center was carried over to 2009, and asked how much this is. Mayor Thoms stated the money was carried over and requested Borough Administrator Marvin forward the total amount to Mr. Henn. Mr. Henn asked what other municipalities were compared to New Providence. Mayor Thoms stated he may see that information separately, because he felt naming other municipalities may be cause for embarrassment to those municipalities.

Bill Hart, 25 Newcomb Drive - Mr. Hart asked if the monies for the proposed emergency generator for the Municipal Center will be spent this year. Mayor Thoms stated this money is in the capital budget, not the operating budget and will be bonded.

Pat Moschetti, 50 Sherwood Drive - Mr. Moschetti commended Council on their efforts. Mr. Moschetti stated residents will have to pay a lot of money to have landscapers take away leaves, or to purchase bags. Mr. Moschetti also asked about shared services. Councilman Gennaro stated the Borough is very involved in shared services, such as, but not limited to: Wastewater Treatment Plant, Board of Health, Assessor, mobile police computers, cooperative purchasing, equipment sharing, Board of Ed, voluntary personnel for EMS, DARE officers and are looking at other shared services.

Maxine Hirsch, 11 Colonial Way - Mrs. Hirsh stated she is not happy with the proposed layoffs and asked why the Council will not consider paying only half of the pension cost this year to avoid layoffs. Councilman Gennaro stated this will push the tax burden down the road onto the taxpayers and interest will have to be paid at about 8% or more.

Tony Shipani, 49 Grant Avenue - Mr. Shipani asked what the savings would be if leaf collection was discontinued. Councilman Cucco explained. Mr. Shipani stated purchasing bags or utilizing landscapers will cost the taxpayers even more and stated he felt bags could be messy if the weather is rainy.

Michael Hand, 23 West George Street, Iselin, New Providence Police Officer - Mr. Hand stated he is a landscaper and asked Council how the numbers were derived. Mr. Hand stated he feels the budget problems are being blamed on employee salaries and pensions.

Joe Machiaverna, 146 Knollwood Drive - Mr. Machiaverna stated he feels the discontinuation of leaf vacuuming will cause landscaping charges to double and are already expensive. Mr. Machiaverna asked what the Borough has for health insurance.

Mayor Thoms stated the Oxford group. Mr. Machiaverna suggested employees pay a higher deductible. Mayor Thoms stated the terms of health insurance are subject to the union contracts.

Russell Kyzima, 14 Gordon Place - Mr. Kyzima asked what options residents have in place of leaf vacuuming. Mayor Thoms stated homeowners can bag leaves or place in regular trash containers. Pickup will be once a week in conjunction with the garden waste pickup schedule. Mr. Kyzima stated leaves fall in the street by his home that come from town trees and questioned who will be responsible to bag those leaves. Council President MacDermott stated this policy can be re-examined next year.

Silvia Sassaroli, 41 Second Street - Ms. Sassaroli stated she feels bagging leaves is large task and always appreciated that the town provided leaf pickup.

Larry Corsi, 28 Eighth Street - Mr. Corsi stated he has been bagging leaves for many years and has a mulcher attached to his lawnmower.

Joe Masucci, 50 Princeton Drive - Mr. Masucci stated leaves in the street cover up the catch basins and ultimately water backs up into his yard. Leaf vacuuming helped to prevent this. Councilman Gennaro suggested he call Public Works Manager Johnston on this issue.

Margie Gummell, 45 Alden Road - Ms. Gummell asked if the budget was on the website. Mayor Thoms stated once it is adopted, it will be available on the website, but hard copies are available tonight for anyone. Ms. Gummell asked if Councilman Hern's proposal was available. Councilman Hern stated this was an informal proposal.

There being no one else wishing to speak, Mayor Thoms entertained a motion to close the hearing. Council President MacDermott moved the public hearing be closed. Seconded by Councilman Gennaro and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Carried unanimously on roll call.

Councilman Gennaro moved the adoption of this budget be postponed pending review of the budget by the Division of Local Government Services and possible amendment. Seconded by Councilman Cucco and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Carried unanimously on roll call.

### SID Budget

1. Resolution 2009-185 "Resolution Adopting The 2009 Authority Budget Resolution - New Providence Special Improvement District - Fiscal Year: From January 1, 2009 To December 31, 2009"

Title read in full by the Borough Clerk.

Mayor Thoms declared a public hearing for Resolution 2009-185. There being no one wishing to speak, the public hearing was declared closed.

Councilman Galluccio moved passage of Resolution 2009-195 "Resolution Adopting The 2009 Authority Budget Resolution - New Providence Special Improvement District - Fiscal Year: From January 1, 2009 To December 31, 2009". Seconded by Councilman Cucco and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Carried unanimously on roll call.

### Hearing of Ordinances

1. Ordinance 2009-7

"An Ordinance Amending And Supplementing Chapter 298 Of The Code Of The Borough Of New Providence, Lot Grading Plans"

Title read in full by the Borough Clerk.

Mayor Thoms declared a public hearing for Ordinance 2009-7. There being no one wishing to speak, the public hearing was declared closed.

Councilman Gennaro stated there is a proposed amendment to this ordinance that will be introduced later this meeting, and recommended this ordinance not be adopted.

2. Ordinance 2009-8

"An Ordinance Amending And Supplementing Chapter 79 Of The Code Of The Borough Of New Providence Entitled 'Police Department' "

Title read in full by the Borough Clerk.

Mayor Thoms declared a public hearing for Ordinance 2009-8.

Daniel Henn, New Providence Police Officer - Corporal Henn asked why this ordinance is being amended to be so specific. Mayor Thoms stated it identifies each position within the Police Department. Corporal Henn stated it does not mention maximum

ranges between positions, and stated the law allows for a broader ordinance. Mayor Thoms stated this is a workable ordinance for a Police Department of this size, and can be amended in the future.

Michael Hand, New Providence Police Officer - Officer Hand asked if the governing body feels 24 officers are sufficient. Mayor Thoms stated Council feels satisfied this is a sufficient number at this time, but cannot predict what future needs may be.

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

Councilman Galluccio moved final passage of Ordinance 2009-8 "An Ordinance Amending And Supplementing Chapter 79 Of The Code Of The Borough Of New Providence Entitled 'Police Department'". Seconded by Council President MacDermott, and on roll call: Council President MacDermott, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Councilman Hern voted "no". Carried on roll call.

### Approval of Minutes

Minutes of May 26, 2009 Borough Council meeting deferred until next meeting.

Councilman Cucco moved the minutes of the June 8, 2009 Borough Council meeting be approved as submitted. Seconded by Councilman Galluccio and unanimously approved.

Councilman Gennaro asked for correction on the June 15, 2009 Borough Council meeting minutes under discussion items. Amount of fee Cap for the Borough Engineer should be \$8,000.00, not \$80,000.00 in connection with Professional Service Proposal for Division Avenue sidewalk improvements. Additionally, under the lot grading ordinance, Councilman Gennaro asked to change the word "will" to "should". Councilman Cucco moved the minutes of the June 15, 2009 Borough Council meeting be approved as amended. Seconded by Councilman Gennaro and unanimously approved.

### Communications

1. Ron Opperthausen, June 5, 2009. RE: Leaf Vacuuming. No action required.
2. Senator Joe Pennacchio, June 10, 2009. RE: Transparency In Government Act. No action required.

3. New Providence Fire Department, June 11, 2009. RE: Junior Memberships. Mayor Thoms announced the appointments of Adam M. Iacovelli, Thomas M. Kreder, Drew G. Esker and Kevin M. Mocecraft as Junior Members of the New Providence Fire Department.
4. New Providence Community Pool, June 12, 2009. RE: Meeting Minutes. No action required.
5. The City Of Summit, June 12, 2009. RE: Emergency Assistance. Mayor Thoms thanked Public Works Manager Jim Johnston for his efforts in assisting the City of Summit during a critical situation with a sanitary sewer project.
6. Indigo Gymnastics Center, June 16, 2009. RE: Board Of Adjustment Public Hearing - 705 Central Avenue. No action required.
7. Morris-Union Jointure Commission Board of Education, June 16, 2009. RE: Police Assistance. Mayor Thoms stated MUJC commended Corporal Daniel Henn for his efforts during their carnival.
8. Oakwood Park Correspondence: No action required.  

Matt Palmer	Jim Webber
Martin Ammenwerth	Geraldine Levine
Elvira Feoli	Kevin Barrett
Jen Apicella	Michael Ferlise
Cornelius J. Keyser	Clara Delmonte
Julie Steinberg	

### Council Committee Business

#### Councilman Cucco

1. Resolution 2009-167      “Resolution Approving The Filing Of Application For A Sharing Available Resources Efficiently Program Grant With The City Of Summit For Wastewater Treatment Plant Operations”  
  

Councilman Cucco stated this is to study, develop and implement shared services.
2. Authorization To Bid - Rehabilitation Of The Final Clarifier At The Wastewater Treatment Plant. Councilman Cucco stated this is for repairs to the clarifier structure.

#### Councilman Gennaro

1. Resolution 2009-168 "Resolution Refunding Tax Title Lien Redemption"

Councilman Gennaro stated the homeowners have requested redemption of this lien and all monies due have been paid to the Borough of New Providence.

2. Resolution 2009-169 "Resolution Authorizing The Cancellation Of Prior Years' Grant Funds Receivable And Unexpendable Reserves"

Councilman Gennaro stated certain grant programs authorized in prior year budgets have been completed and the Chief Financial Officer recommends cancelling the balances.

3. Resolution 2009-170 "Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Land Surveying For The Maple Street And Brookside Drive Improvement Project"

Councilman Gennaro stated this is for road improvements to Maple Street and Brookside Drive.

4. Resolution 2009-171 "Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Land Surveying For The Division Avenue Sidewalk Improvement Project"

Councilman Gennaro stated this is for road improvements to Division Avenue sidewalks.

5. Resolution 2009-172 "Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$197,818.44"

Councilman Gennaro stated this is routine paying of bills.

6. Introduction Of Ordinance 2009-9 "An Ordinance Amending And Supplementing Chapter 298 Of The Code Of The Borough Of New Providence, Lot Grading Plans"

Councilman Gennaro stated this will cap the total amount charged for the review fee. Public hearing will be scheduled for July 13, 2009 Borough Council meeting.

Council President MacDermott

1. Resolution 2009-173 “Resolution Advancing Scott Downton To Step C In The Public Works Department Of The Borough Of New Providence”

Council President MacDermott stated this is recommended by the Department Head.

2. Resolution 2009-174 “Resolution Advancing Joseph Infante To Step C In The Public Works Department Of The Borough Of New Providence”

Council President MacDermott stated this is recommended by the Department Head.

3. Resolution 2009-175 “Resolution Advancing Carl Perks To Maximum Step In The Public Works Department Of The Borough Of New Providence”

Council President MacDermott stated this is recommended by the Department Head.

4. Resolution 2009-176 “Resolution Advancing Brian Frew To Step G In The Public Works Department Of The Borough Of New Providence”

Council President MacDermott stated this is recommended by the Department Head.

5. Resolution 2009-177 “Salary Resolution”

Council President MacDermott stated this is for Recreation part-time seasonal employees, with no increases and salaries reduced from last year. Salaries come out of the Recreation Trust Fund.

#### Mayor Thoms

1. Resolution 2009-178 “Resolution Relative To Issuance Of Plenary Retail Distribution License To Providence Liquors, Inc., A Corporation”

Mayor Thoms stated liquor licenses are renewed every year, and requested the Clerk contact the owner because part of his application is incomplete.

2. Resolution 2009-179 “Resolution Relative To Issuance Of Plenary Retail Distribution License To Towne Deli And Liquors”

Mayor Thoms stated liquor licenses are renewed every year.

3. Resolution 2009-180 "Resolution Relative To Issuance Of Plenary Retail Distribution License To Dunn, Gibbons & Dunn"

Mayor Thoms stated liquor licenses are renewed every year.

4. Resolution 2009-181 "Resolution Authorizing The Hold Harmless And Indemnification Agreement For Road Closure Between The Borough Of New Providence And Union County"

Mayor Thoms stated this is to close South Street from Gales Drive To Springfield Avenue for the fireworks.

#### Councilman Vyzas

1. Resolution 2009-182 "Resolution Authorizing Return Of Escrow Funds To Josephine Campano"

Councilman Vyzas stated the Borough Engineer advises all required fees and expenses have been paid and recommends release of escrow funds.

2. Resolution 2009-183 "Resolution Authorizing Return Of Escrow Funds To Murray Hill Veterinary Associates, LLC"

Councilman Vyzas stated the Borough Engineer advises all required fees and expenses have been paid and recommends release of escrow funds.

#### Council Committee Reports

Councilman Gennaro - operations normal.

Councilman Galluccio:

1. represented Council at the June 14, 2009 Flag Day ceremony at the American Legion. The ceremony was very moving.

Councilman Cucco - operations normal.

Councilman Vyzas:

1. Planning Board approved the application of the A&P for the sign and modified site plan approval.

Councilman Hern:

1. Board of Health continues to raise awareness regarding H1 and N1 viruses.

Council President MacDermott - operations normal.

Mayor Thoms:

1. New business in town, Hot Cuts had their grand opening.
2. Fireworks will be on July 3<sup>rd</sup> at 9:30 pm in the Downtown area. Thanks to Investor Savings Bank, in conjunction with the NP Business & Professional Association, as sponsors.

### Public Comments

Mayor Thoms declared a public hearing of citizens.

Larry Corsi, 28 Eighth Street - Mr. Corsi asked what kind of sign will be installed at the Village Shopping Center. Councilman Vyzas stated the application was for the placement of the sign, not the design. Mr. Corsi stated he heard work will begin in 90 days. Mayor Thoms stated plans have not yet been submitted.

Michael Hand, 23 West George Street, Iselin - Mr. Hand asked how much surplus is projected in the 2009 budget and if excess surplus from prior years roll over, such as surplus from the sale of 705 Central Avenue. Mayor Thoms stated these monies are kept aside to be used for potential tax appeals. If there are none, then it will be used for capital purchases or unusual or emergency purposes. Mr. Hand asked if the monies can be used to offset the layoffs in the Public Works Department. Councilman Gennaro stated this can be done, but once the money is spent, there is no replacement for the following year. Mr. Hand asked if \$100,000.00 would be enough to eliminate layoffs. Council President MacDermott said no.

Sam Alvine, 68 Ardsley Court - Mr. Alvine asked how many people are registered voters in New Providence. Borough Clerk Barry stated approximately 7,500. Mr. Alvine asked if instead of a referendum, will Council accept signed petitions regarding the Oakwood Park issue. Mayor Thoms stated residents can always submit petitions. Mr. Alvine asked if New Providence can stop contributions to Union County's Open Space Trust Fund. Mayor Thoms stated no. Council President MacDermott stated Oakwood Park is green acres property. Mr. Alvine asked about lighting at the park. Mayor Thoms stated Union County does not light fields in residential areas, but the Borough can decide to do so. Council President MacDermott stated Council is not in favor of lighting Oakwood Park. Mr. Alvine asked if this will be put on the ballot as a referendum. Mayor Thoms stated no. Mayor Thoms stated plans or contracts have not been confirmed. Mr. Alvine questioned turf fields. Mayor Thoms stated extensive studies have been done.

Brian Flanagan, 157 Grant Avenue - Mr. Flanagan stated he is impressed with the public turnout. Mr. Flanagan commented on convening a committee, referendum, potential sports facility, turfing, parking and traffic, the ice skating and fishing pond. Mr.

Flanagan stated he is concerned that New Providence has less than 3% of votes for Union County, and what may happen when the contract expires and different freeholders are in office. Mr. Flanagan expressed concerns about the reverter clause.

Brian Madden, 324 Charnwood Road - 11 year old Brian stated he likes sports and likes to play with his friends at Oakwood Park and would be happy if Union County builds the park.

Sean Carroll, 20 Kline Place - Mr. Carroll stated he is the PAL President and supports the Union County project. Mr. Carroll complimented Council on their efforts. Mr. Carroll stated concerns about the disrepair of the shack, maximum use of the park, drainage and turf problems, layoffs in Public Works which will affect maintenance of the park, fertilizer for natural grass and parking.

Janice Dwyer, 28 Woodbine Circle - Ms. Dwyer urged Council to put issue to a referendum vote.

Joe Narciso, 136 Woodbine Circle - Mr. Narciso stated he is not against upgrading the park, but wants to see this put to a referendum vote and stated he is having a difficult time selling his house. Mr. Narciso stated he feels selling the park will change its green acres status.

Martin Gillow, 51 Crescent Drive - Mr. Gillow stated he appreciates Council's efforts, and feels this will keep kids interested in sports. Mr. Gillow stated he is in favor of this project, and spoke with County representatives who are equally in favor.

Linda Kress, 125 The Fellsway - Ms. Kress asked if the pond will be eliminated if the County takes over and feels this would not be a positive move. Ms. Kress stated she is in favor of putting to a referendum vote.

Bill Hart, 25 Newcomb Drive - Mr. Hart thanked Council for their efforts and agrees the park needs an upgrade. Mr. Hart asked Council to reconsider bonding the project.

Mary Hartman, 81 Commonwealth Avenue - Ms. Hartman asked what will happen to those people who want to ice skate, or special needs kids. Ms. Hartman stated she is not in favor of turf fields because of health hazards. Ms. Hartman suggested fundraising and to put this issue to a referendum vote.

Michael Orsley, 44 Crescent Drive - Mr. Orsley stated he feels the park is in disrepair and parking is an issue.

Patrick Toner, 31 Sagamore Drive - Mr. Toner thanked Mayor and Council for their efforts and stated he feels a lot of time and study went into this project, which can be an enormous achievement.

Virginia Gifford, 47 Edgewood Avenue - Ms. Gifford stated she feels the park is in poor shape and parking will always be an issue. Ms. Gifford urged Council to put this to a referendum vote.

J.R. Bale, 17 Wesley Court - Mr. Bale stated he does not live in the park neighborhood, but feels that many people all over town have negative feelings regarding this issue. Mr. Bale urged Council to create some alternate plans.

Jean Naclerio, 96 Commonwealth Avenue - Ms. Naclerio stated she coaches various activities and advocates children. Mr. Naclerio suggested fundraising may be a good alternative.

Chris Boyman, 175 Woodbine Circle - Mr. Boyman stated he feels the park is useless if sports cannot be played there. Mr. Boyman expressed concern over parking and feels this will hurt the residents who live near the park.

Margaret Taylor, 45 Alden Road - Ms. Taylor asked if the public can view the memorandum of understanding before it is signed. Mayor Thoms stated once it is signed, it will be placed on the website with plenty of notice. Ms. Taylor asked why Council will not put this to a referendum vote. Mayor Thoms stated the members of Council are elected by the public to make decisions, and there is no legal requirement to do so.

Lanie Maurer, 224 Pine Way - Ms. Maurer stated this is an issue of ownership and feels there will be future implications. Ms. Maurer urged Council to put to a referendum vote.

Kerry Lee, 178 Woodbine Circle - Mr. Lee thanked Mayor and Council for their efforts, and stated he was a member of the Recreation Master Plan Committee. Mr. Lee stated he supports the idea of forming a committee and expressed concerns that this will be a year-round facility. Mr. Lee stated he is not in favor of losing the skating pond.

Gavin MacFarland, 6 Woodbine Circle - Mr. MacFarland urged Council not to eliminate the skating pond, and expressed concerns over vandalism in the park and other possible safety issues.

Patrick Zambri, 3 Schindler Place - Mr. Zambri asked if the memorandum of understanding was available. Mayor Thoms stated it is still in negotiation, but certain aspects of it are highlighted on the website. Mr. Zambri urged Council not to vote on this during the summer months.

David Maurer, 224 Pine Way - Mr. Maurer stated he disagrees with the Mayor's comments regarding why Council does not feel the need to put this to a referendum vote. Mr. Maurer stated he feels there is nothing in the context of green acres to say property cannot be changed. Mr. Maurer asked how long the memorandum of understanding will be posted on the website, and asked for a 21-day notification. Mr. Maurer recommended mass communication notice to residents.

Eric Ryder, 48 Commonwealth Avenue - Mr. Ryder expressed concerns regarding parking. Mr. Ryder stated he lived in towns where parks were run by the County with no problems.

Jonathan Bigham, 161 Passaic Street - Mr. Bigham stated he is opposed to this project and feels the big issue is control. Mr. Bigham urged Council to put this to a referendum vote.

Maria Ludwig, 25 Woodbine Circle - Ms. Ludwig asked if anyone other than Council has seen the memorandum of understanding. Mayor Thoms stated the only other person is Borough Administrator Marvin. Ms. Ludwig urged Council to form a committee, and to put this to a referendum vote.

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)

Council President MacDermott moved passage of items 1 through 19 on the consent agenda. Seconded by Councilman Cucco and on roll call: Council President MacDermott, Councilman Hern, Councilman Gennaro, Councilman Cucco, Councilman Galluccio, Councilman Vyzas voted "aye". Carried unanimously on roll call.

1. Resolution 2009-167 "Resolution Approving The Filing Of Application For A Sharing Available Resources Efficiently Program Grant With The City Of Summit For Wastewater Treatment Operations"
2. Resolution 2009-168 "Resolution Refunding Tax Title Lien Redemption"
3. Resolution 2009-169 "Resolution Authorizing The Cancellation Of Prior Years' Grant Funds Receivable And Unexpendable Reserves"
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10. Resolution 2009-176 “Resolution Advancing Brian Frew To Step G In The Public Works Department Of The Borough Of New Providence”
11. Resolution 2009-177 “Salary Resolution”
12. Resolution 2009-178 “Resolution Relative To Issuance Of Plenary Retail Distribution License To Providence Liquors, Inc., A Corporation”
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14. Resolution 2009-180 “Resolution Relative To Issuance Of Plenary Retail Distribution License To Dunn, Gibbons & Dunn”
15. Resolution 2009-181 “Resolution Authorizing The Hold Harmless And Indemnification Agreement For Road Closure Between The Borough Of New Providence And Union County”
16. Resolution 2009-182 “Resolution Authorizing Return Of Escrow Funds To Josephine Campano”
17. Resolution 2009-183 “Resolution Authorizing Return Of Escrow Funds To Murray Hill Veterinary Associates, LLC”
18. Introduction Of Ordinance 2009-9 “An Ordinance Amending And Supplementing Chapter 298 Of The Code Of The Borough Of New Providence, Lot Grading Plans”

19. Authorization To Bid: Rehabilitation Of The Final Clarifier At The WWTP.

Adjournment

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

Respectfully submitted,

Wendi B. Barry  
Borough Clerk

These minutes have not yet been officially approved.