

New Providence, New Jersey
October 26, 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, October 26, 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 Galluccio, Councilman Gennaro, Councilman Vyzas

Entered After Roll Call: Councilman Cucco

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

PUBLIC HEARING OF ORDINANCE:

1. Ordinance 2009-15 "An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Supplementing Chapter 109 Of The Code Of The Borough Of New Providence Entitled "Alcoholic Beverages"

Title read in full by the Borough Clerk.

Mayor Thoms declared a public hearing for Ordinance 2009-15.

Tracy Beckerman – 45 Pine Court. Spoke on behalf of the Municipal Alliance Committee in support of the Ordinance.

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

Council President MacDermott moved adoption of Ordinance 2009-15, on second reading. Seconded by Councilman Galluccio.

Councilman Hern requested discussion on Ordinance 2009-15. Councilman Hern moved to amend the definition of juvenile to include anyone under the age of 21 years. There being no second, the motion failed. Councilman Hern stated, while his supports the ordinance, would be voting no, because he feels it should be stronger.

Councilman Vyzas stated he is also concerned with underage drinking but would be voting no, due to a concern with a person's right to privacy.

Council President MacDermott stated that this ordinance does not change that underage drinking is illegal.

Councilman Galluccio stated that this ordinance is a good first step.

Roll Call Vote: Councilman Gennaro, Councilman Galluccio, Councilman Cucco and Council President MacDermott voted "aye". Councilman Hern and Councilman Vyzas voted "nay". Carried on Roll Call.

COMMUNICATIONS:

1. Frances M. Blessing, October 8, 2009. Re: Borough Seal. Mayor Thoms stated that Council is sensitive to the comments received and will look to find a reasonable solution.
2. Eileen F. Cosgrove, October 8, 2009. Re: Green Acres Trees. Mayor Thoms stated that the trees in question are scheduled to be removed this week.
3. Faith Lutheran Church, October 8, 2009. Re: Planning Board Application. No action required.
4. Robert Ward, October 8, 2009. Re: Mountain Avenue Zoning. No action required.
5. The City of Summit, October 8, 2009. Re: Development Regulations. No action required.
6. Comcast, October 9, 2009. Re: Acceptance or Ordinance. No action required.
7. Bill's Citgo, October 9, 2009. Re: Notice of Site Investigation/Remediation, Bill's Citgo. No action required.

8. Morris-Union Jointure Commission Board of Education, October 12, 2009. Re: Roofing Renovation Project. Borough Administrator to advise school the starting time is unreasonable for a residential neighborhood and that they should look for other accommodations.
9. Maureen Norton, October 13, 2009. Re: Borough Seal. See communication #1.
10. State of New Jersey, Department of Transportation, October 14, 2009. Re: Fiscal Year 2010 Municipal Aid Program Award. No action required.
11. New Providence Community Pool, October 15, 2009. Re: Meeting Minutes. No action required.
12. Greg Koleto, October 20, 2009. Re: 41 Division Avenue Open Space. Council will take under advisement.
13. Erno Grunstien, M.D., October 21, 2009. Re: Board of Adjustment Public Hearing – 571 Central Avenue. No action required.
14. New Jersey Legislature, 21st District, October 20, 2009. RE: Fiscal Year 2010 Transportation Trust Fund Municipal Aid Formula Program. No action required. Council President MacDermott asked if South Street portion will be included in next program.
15. PSEG. RE: Public Notice. No action required.
16. John A. Bale, October 21, 2009. RE: Borough Seal. See communication #1.
17. Leaf Collection: No action required.

Robert Szemes	Don Miller
Diane & Harold Snyder	Asha Sukumaran
Debbie Picorale	Tom Pate
Andrew Kress	Robert Beswick
Lee Evans	Margaret Bowden
18. Union County: No action required.
 Resolution 2009-975 Pancreatic Cancer Awareness Month.

COUNCIL COMMITTEE BUSINESS:

Councilman Galluccio

1. Resolution 2009-311 “Resolution Approving Purchase Order #37687 For Matthew Bellace In The Amount Of \$2,100.00”

Councilman Galluccio presented Resolution 2009-311 approving PO 37687 for peer leadership services.

Councilman Gennaro

1. Resolution 2009-312 “Resolution Approving Purchase Order #37706 For Peter Leib Electrical In The Amount Of \$2,220.00”

Councilman Gennaro presented Resolution 2009-312 approving PO 37706 for electrical work associated with Academy Street lighting.

2. Resolution 2009-313 “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Land Surveying Services For The Downtown Streetscape Project Phase 2”

Councilman Gennaro requested this resolution be deferred.

3. Resolution 2009-314 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$292,339.90”

Councilman Gennaro presented Resolution 2009-314 approving the Bills Payable list.

4. Resolution 2009-319 “Resolution Approving Partial Payment #5 To Wojchik Electric, Inc., In The Amount Of \$5,544.16 For The Project Commonly Known As “Lighting System Upgrades And Occupancy Sensor Installation”

Councilman Gennaro presented Resolution 2009-319 approving payment to Wojdhik Electric.

5. Resolution 2009-320 “Resolution Approving Change Order #1 For Top Line Construction Corporation In The Deduct Amount Of \$296.78, For The Project Commonly Known As ‘Roadway Improvements Livingston Avenue (Section 2)’ “

Councilman Gennaro presented Resolution 2009-320 approving Change Order #1 for Top Line Construction.

6. Resolution 2009-321 “Resolution Approving Partial Payment #1 To Top Line Construction Corporation, In The Amount Of \$160,860.82 For The Project Commonly Known As “Roadway Improvements Livingston Avenue (Section2)”

Councilman Gennaro presented Resolution 2009-321 approving payment to Top Line Construction.

Mayor Thoms

1. Re-establishment of School Post and Appointment Of School Crossing Guard.

Mayor Thoms reviewed the Public Safety request to re-establish a school crossing post at Springfield Avenue and Magnolia Drive. Mayor Thoms announced the appointment of Nancy Hayes as a substitute Crossing Guard.

2. Resolution 2009-315 “Resolution Approving Purchase Order # 37689 For Warnock Fleet & Leasing, Inc., In The Amount Of \$24,700.35”

Mayor Thoms presented Resolution 2009-315 for the purchase of a new police car.

3. Raffle Request: RA #873, Knights of Columbus.

Mayor Thoms moved approval of raffle RA-873 for the Knights of Columbus.

Councilman Vyzas

1. Resolution 2009-316 “Resolution Authorizing Return Of Escrow Funds To Roger Lalancette”

Councilman Vyzas presented Resolution 2009-316 approving the return of Board of Adjustment escrow funds.

Councilman Cucco

1. Resolution 2009-317 “Resolution Approving Purchase Order # 37728 For TS Ltd Truck Body & Equipment Co., In The Amount Of \$5,000.00”

Councilman Cucco presented Resolution 2009-317 for emergency repairs to truck #17.

2. Resolution 2009-318 “Resolution Approving Purchase Order # 37734 For Applied Analytics, Inc., In The Amount Of \$2,780.00”

Councilman Cucco presented Resolution 200-318 approving the purchase of meters for the wastewater treatment plant.

BOROUGH ADMINISTRATOR'S REPORT.

1. Sewer Use Fee:

a) Nova Management Letter.

Borough Administrator reviewed request from Nova Management that the language of the sewer user ordinance be amended so that a lien would not be placed upon the property owner in the event of non-payment. Borough Attorney Woodward advised that the lien is usually attached to the property owner but that he would research the request.

b) Tables For Two Letter

Borough Administrator Marvin presented request of Tables for Two for a waiver of the sewer fee since they prepare only sandwiches and do not do full food preparation. Council discussed, agreeing more information would be needed before rendering a decision. Council concurred to waive the late fee while considering the request.

2. Standard Operating Procedures.

Borough Administrator advised the standard operating procedures distributed in the packets would be presented for Council approval at the next Council Meeting. Council requested changes to the SOP addressing internal investigations.

3. Leaf Collection.

Borough Administrator reported a little over 800 permits have been issued. Permits will continue to be issued.

4. Cable TV Advisory Committee.

Borough Administrator advised the committee is continuing to review proposals for digital broadcast servers.

5. Website.

Borough Administrator reported that several website site providers are being considered to host the Borough's website.

COUNCIL COMMITTEE REPORTS.

Councilman Gennaro – Operations Normal

Councilman Galluccio – Operations Normal.

Councilman Cucco reported on the following item:

- 1) Leaf program is going well.

Councilman Vyzas reported on the following item:

- 1) Planning Board is hearing application of the Borough to subdivide Park Place property.

Councilman Hern reported on the following item:

- 1) New Providence High School Marching Band won State Championship for second year.

Council President MacDermott reported on the following items:

- 1) Thanked Borough Administrator for the preparation of the Standard Operating Procedures.
- 2) Cell Phone policy reviewed and requested reimbursements be on the next agenda.
- 3) Business and Professional Association is working on a contract to have the directory printed.
- 4) Diversity Committee working on final recommendations.
- 5) Sustainability Committee is looking for new members.

Mayor Thoms reported on the following items:

- 1) Downtown had fall festival this past weekend.
- 2) Halloween festivities will be Friday October 30th at 4:00 PM.
- 3) Work continues on downtown shopping center.

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.

Maryanne Alvine – 68 Ardsley Court. Spoke regarding Oakwood Park and the benefits of county government.

There being no one else wishing to speak the public comment 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)

Councilman Gennaro moved approval of the following items on the consent agenda, items 1 – 4, and 6 – 13, item 5 removed. 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. Re-establishment of School Post and Appointment Of School Crossing Guard.
2. Raffle Request: RA #873, Knights of Columbus.
3. Resolution 2009-311 “Resolution Approving Purchase Order #37687 For Matthew Bellace In The Amount Of \$2,100.00”
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5. Resolution 2009-313 “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Land Surveying Services For The Downtown Streetscape Project Phase 2”

Removed from consent agenda.

6. Resolution 2009-314 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$292,339.90”
7. Resolution 2009-315 “Resolution Approving Purchase Order # For Warnock Fleet & Leasing, Inc., In The Amount Of \$24,700.35”
8. Resolution 2009-316 “Resolution Authorizing Return Of Escrow Funds To Roger Lalancette”
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12. Resolution 2009-320 “Resolution Approving Change Order #1 For Top Line Construction Corporation In The Deduct Amount Of \$296.78, For The Project Commonly Known As ‘Roadway Improvements Livingston Avenue (Section 2)’ “
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ADJOURNMENT.

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

Respectfully submitted,

Wendi B. Barry, Borough Clerk

These minutes have not yet been approved.