

New Providence, New Jersey
November 30, 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, November 30, 2009. Mayor John A. Thoms called the meeting to order.

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

Entered After Roll Call: Council President MacDermott

Absent: None

Also Present: Borough Administrator Marvin, Borough Clerk Barry, Borough Engineer Hipolit

Pledge of Allegiance

Mayor Thoms led the Pledge of Allegiance.

Executive Session

1. Resolution 2009-18a "Resolution Establishing November 30, 2009 As The Date, And 7:00 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"

Councilman Cucco moved passage of Resolution 2009-18a "Resolution Establishing November 30, 2009 As The Date, And 7:00 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, Councilman Hern, Councilman Vyzas voted "aye". Carried unanimously on roll call.

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

Re-Opening Of Meeting

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

Present On Roll Call: Mayor Thoms, Councilman Gennaro, Councilman Galluccio, Councilman Cucco, Council President MacDermott, Councilman Hern, Councilman Vyzas

Absent: None

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

Pledge of Allegiance

Previously done.

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.

Mayor Thoms stated the ordinance regarding the sale of Oakwood Park to Union County would not be considered by Council at this meeting.

APPROVAL OF MINUTES:

Councilman Cucco, moved the minutes of the November 9, 2009 Council Meeting be approved as submitted. Seconded by Councilman Galluccio. Council President MacDermott and Councilman Gennaro abstained from discussion and vote.

Councilman Galluccio moved the minutes of the November 19, 2009 Council meeting be approved as submitted. Seconded by Councilman Cucco and unanimously approved.

COMMUNICATIONS:

1. New Providence Community Pool, October 20, 2009. Re: Meeting Minutes. No action required
2. 21st Legislative District, November 18, 2009. Re: Recycling Grant. No action required.
3. City of Summit, November 18, 2009. Re: Development Regulation Ordinance Affirmative Marketing of Affordable Units. No action required.

4. Robert Ward, November 21, 2009. Re: Borough Seal. No action required.
5. Public Service Electric & Gas, November 24, 2009. Re: Public Notice. No action required.
6. Municipalities:

Borough of Metuchen	Open Public Records Act. Council requested a resolution be prepared.
Borough of Fanwood	COAH. No action required

COUNCIL COMMITTEE BUSINESS:

Councilman Cucco

1. Authorization to Advertise for Professional Cleaning Services.

Council authorized the advertising for professional cleaning services.
2. Resolution 2009-331 “Resolution Authorizing Shared Service Agreement Between The Borough Of New Providence, The Borough Of Chatham And The City Of Summit”

Council requested this resolution be removed from the consent agenda. Borough Attorney Woodard to correct contract language and have final contract for council consideration at the January 28th Council meeting.
3. Resolution 2009-332 “Resolution Approving Purchase Order # 37842 For Denville Line Painting, Inc., In The Amount Of \$2,600.00, Under Morris County Co-Op Contract #36”

Councilman Cucco presented Resolution 2009-332 approving purchase order for Denville Line Painting Inc, for line painting on various borough streets.

Councilman Galluccio

1. Resolution 2009-333 “Resolution Approving Purchase Order # 37851 For Alfred’s Sport Shop, In The Amount Of \$4,029.00”

Councilman Galluccio presented Resolution 2009-333 approving purchase order for Alfred’s Sport Shop for sporting equipment.
2. Introduction of Ordinance 2009-18 “An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey Authorizing The Sale Of Certain Municipally Owned Premises Known As Oakwood Park And The Riverfront

Property, Identified As Block 76, Lot 35.02, Block 85,
Lots 32 & 34, And Block 90, Lot 14

Removed from agenda.

Councilman Gennaro

1. Resolution 2009-334 “Resolution Approving Change Order #2 For Wojchik Electric, Inc. In The Amount Of \$1,406.75, For The Project Commonly Known As ‘Lighting System Upgrade And Occupancy Sensor Installation’ “

Councilman Gennaro presented Resolution 2009-334 approving change order for lighting system changes to t he gymnasium.

2. Resolution 2009-335 “Resolution Approving Change Order #3 For Wojchik Electric, Inc. In The Amount Of \$1,595.44, For The Project Commonly Known As ‘Lighting System Upgrade And Occupancy Sensor Installation’ “

Councilman Gennaro presented Resolution 2009-335 approving change order for additional light sensors in bathrooms and the 3rd floor conference room.

3. Resolution 2009-336 “Resolution Authorizing Payment Of The Attached Bills Payable List In The Amount Of \$1,028,490.53”

Councilman Gennaro presented Resolution 2009-336 approving the bills payable list.

4. Resolution 2009-337 “Resolution Providing For The Insertion Of Any Special Item Of Revenue In The 2009 Budget Pursuant Of N.J.S. 40a:4-87 Chapter 159, P.L. 1948”

Councilman Gennaro presented Resolution 2009-337 approving the insertion of \$41,350.00 in the budget for the leaf collection program.

5. Resolution 2009-338 “Transfer Resolution”

Councilman Gennaro presented Resolution 2009-338 approving budgetary transfers.

6. Resolution 2009-339 “Resolution Authorizing Cancellation Of Taxes Receivable And Refunding Overpayment Of Taxes”

Councilman Gennaro presented Resolution 2009-339 authorizing the cancellation of taxes for a total veteran disability deduction.

7. Resolution 2009-340 "Resolution Refunding Or Applying Overpayment Of Taxes To Certain Property Owners"

Councilman Gennaro presented Resolution 2009-340 approving refunds for overpayment of taxes.

8. Resolution 2009-341 "Resolution Authorizing The Cancellation Of Grant Funds Receivable"

Councilman Gennaro presented Resolution 2009-341 authorizing the cancellation of grant funds receivable.

Councilman Hern

9. Resolution 2009-342 "Resolution Approving Purchase Order # 37937 For HB Communications, Inc., In The Amount Of \$13,187.00"

Councilman Hern presented Resolution 2009-342 approving the purchase of digital servers for NP-TV cable broadcasting.

10. Resolution 2009-343 "Resolution Authorizing Agreement Between The Borough Of New Providence And Electric Commerce Link, Inc. For Website Hosting And Management"

Councilman Hern presented Resolution 2009-343 approving agreement with Electric Commerce Link, Inc. for web hosting services.

Councilwoman MacDermott

1. Resolution 2009-344 "Resolution Adopting Standard Operating Procedure 101-09-001 – 'Conducting Internal Investigations' "

Council President MacDermott presented Resolution 2009-344 approving standard operating procedures for conducting internal Operating procedures.

2. Introduction of Ordinance 2009-19 "An Ordinance Amending Chapter 147 Of The Code of The Borough Of New Providence Entitled" Fees And Licenses""

Council President MacDermott presented Ordinance 2009-19 updating Borough fees, on first reading with the public hearing scheduled for December 14, 2009 at 8:00 PM.

Mayor Thoms

1. Floral Avenue Traffic

Mayor Thoms reported on the following proposed changes to the traffic pattern on Floral Ave:

- 1) Installation of double yellow line down center of road.
- 2) Installation of curve ahead sign.

2. Resolution 2009-345 “Resolution Approving Purchase Order # 37932 For Lenovo (United States) Inc., In The Amount Of \$6,339.20, Under State Contract #70263”

Mayor Thoms presented Resolution 2009-345 approving purchase order for the purchase of computers for police patrol vehicles.

3. Resolution 2009-346 “Resolution Approving Purchase Order # 37925 For Triangle Communications, In The Amount Of \$2,268.54, Under Morris County Co-Op 41”

Mayor Thoms presented Resolution 2009-346 approving the installation of a mobile console in the new police patrol vehicle.

4. Resolution 2009-347 “Resolution Approving Purchase Order # 37879 For L-3 Communications, In The Amount Of \$2,695.00”

Mayor Thoms presented Resolution 2009-347 approving purchase order for the service agreement for the mobile computers in the police patrol vehicles.

5. Resolution 2009-348 “Resolution Approving Purchase Order # 37857 For CT Corp, In The Amount Of \$2,400.00”

Mayor Thoms presented Resolution 2009-348 approving purchase order for the maintenance agreement for the voice recorder in the Police Department.

6. Resolution 2009-349 “Resolution Approving Purchase Order # 37835 For Guard Line Fire & Safety Inc., In The Amount Of \$49,364.00, Under Morris County Co-Op Contract #40”

Mayor Thoms presented Resolution 2009-349 approving purchase of turnout gear for the Fire Department.

7. Resolution 2009-350 “Resolution Approving Purchase Order # 37958 For L-3 Communications, In The Amount Of \$5,640.00”

Mayor Thoms presented Resolution 2009-350 approving purchase order for a video camera for the new patrol vehicle.

Councilman Vyzas

1. Zoning Ordinance, Commercial Vehicles – Planning Board Update.

Councilman Vyzas presented the following comments from the Planning Board regarding the proposed ordinance change regarding recreation and commercial vehicles.

1. Bulk limits for commercial vehicles as stated in B1 should be applied to recreational vehicles as well.
2. A simplified permitting process should be created to allow continued use of presently-owned commercial vehicles without a variance, until such time as the vehicle is sold, transferred or scrapped.
3. Enforcement based on the number of wheels may be difficult to enforce without knowing how many commercial vehicles would be affected by the provision.

Council requested the proposed changes be posted on the borough’s home page, and notice of public hearing be noticed for December 14, 2009 at 8:00 PM.

BOROUGH ADMINISTRATOR’S REPORT.

1. Vacation Carry Over Request.

Borough Administrator Marvin presented request of Donna Sarna to carry 3 vacation days to 2010. Council approved.

Administrator Marvin reported on the following items:

- 1) All lamps posts have been installed on Academy Street.
- 2) 1035 permits have been issued for leaf collection, totaling approximately 1/3 of the residential properties in the Borough.

COUNCIL COMMITTEE REPORTS.

Councilman Gennaro reported on the following items:

- 1) Negotiations have commenced with the Public Works Union.
- 2) Met with Auditors reviewing the 2008 audit and recommendations.

Councilman Galluccio reported on the following items:

- 1) Thanked Police and EMS Departments for fast response to a recent family call for medical assistance.
- 2) Municipal Alliance is looking for additional members.

Councilman Cucco reported on the following items:

- 1) Leaf program is moving along. To date the program has cost \$75,000.
- 2) Requested the following bids be entered into the bid book:

Cleaning Services:	No bids received.	
Recycling Contract:	Great Northern (3 yrs)	\$ 283,509.36
	Great Northern (5 yrs)	\$ 482,279.76
Grass Cutting Contract:	Donofrio	\$200,504.00
	Custom Care	\$344,565.00
	LTI	\$351,550.00
	Andy Matt, Inc.	\$613,780.00

Council President MacDermott reported on the following items:

- 1) Working with Borough Attorney on the diversity recommendations for Council approval.
- 2) Thank the New Providence Business and Professional Association for sponsoring the borough holiday party.

Councilman Hern – Operations Normal.

Councilman Vyzas – Operations Normal.

Mayor Thoms reported on the following items:

- 1) Christmas Walk was held last Friday at earlier time and was met with success.
- 2) Mobilization began today at the A&P construction site. Completion date it targeted for august 1st 2010.

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.

Nick Perillo, Commander Veterans of Foreign Wars Post 190 – thanked Council for participation in the dedication ceremony of the Vietnam War Memorial. Mr. Perillo read several letters and messages which were received. Mr. Perillo presented Mayor Thoms with a veteran’s certificate.

Joan McCullough – Newcomb Drive – Asked Councilman Hern to propose a new ordinance encompassing revised plans for the sale and modifications of Oakwood Park.

There being no further comments this 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 Cucco moved approval of items 1, 3 – 21, and 23 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 on Roll Call.

1. Authorization to Advertise for Professional Cleaning Services.
2. Resolution 2009-331 “Resolution Authorizing Shared Service Agreement Between The Borough Of New Providence, The Borough Of Chatham And The City Of Summit”

Removed from consent agenda.
3. Resolution 2009-332 “Resolution Approving Purchase Order # 37842 For Denville Line Painting, Inc., In The Amount Of \$2,600.00, Under Morris County Co-Op Contract #36”
4. Resolution 2009-333 “Resolution Approving Purchase Order # 37851 For Alfred’s Sport Shop, In The Amount Of \$4,029.00”
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6. Resolution 2009-335 “Resolution Approving Change Order #3 For Wojchik Electric, Inc. In The Amount Of \$1,595.44, For The Project Commonly Known As ‘Lighting System Upgrade And Occupancy Sensor Installation’ “
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12. Resolution 2009-341 "Resolution Authorizing The Cancellation Of Grant Funds Receivable"
13. Resolution 2009-342 "Resolution Approving Purchase Order # 37937 For HB Communications, Inc., In The Amount Of \$13,187.00"
14. Resolution 2009-343 "Resolution Authorizing Agreement Between The Borough Of New Providence And Electric Commerce Link, Inc. For Website Hosting And Management"
15. Resolution 2009-344 "Resolution Adopting Standard Operating Procedure 101-09-001 – 'Conducting Internal Investigations' "
16. Resolution 2009-345 "Resolution Approving Purchase Order # 37932 For Lenovo (United States) Inc., In The Amount Of \$6,339.20, Under State Contract #70263"
17. Resolution 2009-346 "Resolution Approving Purchase Order # 37925 For Triangle Communications, In The Amount Of \$2,268.54, Under Morris County Co-Op 41"
18. Resolution 2009-347 "Resolution Approving Purchase Order # 37879 For L-3 Communications, In The Amount Of \$2,695.00"
19. Resolution 2009-348 "Resolution Approving Purchase Order # 37857 For CT Corp, In The Amount Of \$2,400.00"
20. Resolution 2009-349 "Resolution Approving Purchase Order # 37835 For Guard Line Fire & Safety Inc., In The Amount Of \$49,364.00, Under Morris County Co-Op Contract #40"

21. Resolution 2009-350 "Resolution Approving Purchase Order # 37958 For L-3 Communications, In The Amount Of \$5,640.00"
22. Introduction of Ordinance 2009-18 "An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey Authorizing The Sale Of Certain Municipally Owned Premises Known As Oakwood Park And The Riverfront Property, Identified As Block 76, Lot 35.02, Block 85, Lots 32 & 34, And Block 90, Lot 14

Removed from consent agenda.

23. Introduction of Ordinance 2009-19 "An Ordinance Amending Chapter 147 Of The Code Of The Borough Of New Providence Entitled 'Fees And Licenses' "

ADJOURNMENT.

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

Respectfully submitted,

Wendi B. Barry, Borough Clerk

These minutes have not yet been approved.