

Borough Council Minutes
New Providence, New Jersey
February 12, 2018

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 12, 2018 at 7:00 pm at the Municipal Center. Mayor Morgan called the meeting to order.

Present on Roll Call: Mayor Morgan, Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, Councilman Robinson

Entered After Roll Call: None

Absent: None

Also Present: Administrator Marvin, Borough Clerk Barry, Deputy Borough Clerk Brinkofski, Attorney Rizzo

PLEDGE OF ALLEGIANCE.

Mayor Morgan led the Pledge of Allegiance.

PUBLIC NOTICE:

Mayor Morgan 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.

APPROVAL OF MINUTES:

December 18, 2017

Councilman Kapner moved the minutes of the December 18th council meeting be approved as submitted, seconded by Council President Muñoz and unanimously approved.

January 4, 2018 Adjourned Meeting

Councilman Madden moved the minutes of the January 4th adjourned meeting be approved as submitted, seconded by Council President Muñoz and unanimously approved.

January 4, 2018 Re-Organization Meeting

Council President Muñoz moved the minutes of the January 4th Re-Organization meeting be approved as submitted, seconded by Councilwoman Geoffroy and unanimously approved.

CORRESPONDENCE:

1. Lindabury, McCormick, Estabrook & Cooper, P.C., January 18, 2018. Re: Purchase of Liquor License. Council discussed correspondence stating the Borough Administrator and the Borough Attorney have been in contact with the interested party and they would discuss with council. Council members discussed waiting another 6 months to see if the current licensees renew their consumption license. No action was taken.
2. Comcast of New Jersey, January 18, 2018. RE: Annual Franchise Fees. Council discussed contract negotiations. Borough Clerk Barry stated the current contract expires in 2019. No action was taken.
3. Alexis M. Enderle, January 22, 2018. Re: Appointment of New County Manager. No action required.
4. Maser Consulting, January 23, 2018. Re: Freshwater Wetlands Application, Grove Field. No action required.
5. Neglia Engineering Associates, January 24, 2018. Re: NJDEP Freshwater Wetlands General Permit 10A, Bridge Replacement at Passaic Street, County Road 647. Mayor Morgan stated this is a 2019 project that will result in a minor road closure. No action required.
6. Verizon, January 25, 2018. Annual Franchise Fee. No action required.
7. Union County Board of Chosen Freeholders, January 25, 2018. Re: Ordinance 792-2018, Salary Ordinance. No action required.
8. Public Service Electric & Gas, January 31, 2018. Re – 2018 Paving Projects. No action required.
9. Valerie Conley, January 31, 2018. Re: Elkwood Avenue Parking. Mayor Morgan discussed correspondence stating there was a resolution before the Planning Board with regard to this subject. He suggested referring back to the Planning Board and setting up a meeting to discuss.
10. Joe Eberle, February 2, 2018. Re: Solicitors and Canvassers. Council discussed correspondence stating the issue had been discussed previously and the Borough Attorney found court cases which allow canvassing until 9pm. Administrator Marvin stated other surrounding municipalities have similar ordinances saying canvassing/soliciting is permitted until 9pm. He stated some municipalities such as Long Hill have “Do not knock” registries if the Council wanted to go this route. He also suggested that residents could display a “No Soliciting” sign on their home. Council referred the matter to the Borough Attorney to look into further.

COUNCIL BUSINESS:

Community Activities: Councilman Madden, Councilwoman Geoffroy, Councilman Robinson

1. Resolution 2018-057 Salary Resolution

Councilman Madden presented Resolution 2018-057 approving salaries for t-ball and softball staff in the Community Activities Department.

2. Resolution 2018-058 Resolution Approving Requisition Number 1800301 For Ben Shaffer & Assoc. Inc., In An Amount Not To Exceed \$24,546.50, State Contract T0103

Councilman Madden presented Resolution 2018-058 approving requisition 1800301 for Ben Shaffer & Assoc. Inc. in an amount not to exceed \$24,546.50, state contract T0103. He stated this is for the purchase of bleachers at Oakwood Park.

Finance: Councilman Gennaro, Councilwoman Geoffroy

1. Resolution 2018-059 Resolution Refunding Or Applying Overpayment Of Taxes To Certain Property Owners

Councilman Gennaro presented Resolution 2018-059 refunding or applying overpayment of taxes to certain property owners. He stated this resolution refunds 85 duplicate tax payments to Corelogic Tax Service due to the large number of prepayments in December 2017.

2. Resolution 2018-060 Resolution Authorizing Emergency, Temporary Appropriation

Councilman Gennaro presented Resolution 2018-060 authorizing emergency, temporary appropriation. He stated this is needed prior to the budget adoption to pay certain expenditures.

3. Resolution 2018-061 Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$8,675,898.17

Councilman Gennaro presented Resolution 2018-061 authorizing payment of the bills payable list in the amount of \$8,675,898.17. He stated the largest items include payment of \$7 million to the Board of Education, refund of duplicate tax payments, insurance payments, and payment for the court room renovation project.

4. 2018 Municipal Budget

Councilman Gennaro stated he met with the Finance Committee and interim CFO Angelo to discuss the municipal budget. He stated items discussed included upcoming contract negotiations, and an increase in assessed values and revenue. He also discussed the increase in pensions and stated they are

adding \$25,000 to the reserve for a Borough-wide revaluation as well as the reserve for tax appeals. He stated the proposed municipal tax increase is 1.61% which includes the library and municipal open space. He stated this amounts to an increase of \$46.19 on the average assessed home of \$282,000. He added the school tax increase will be 0.58%, with Union County at 2.69%, which amounts to an overall increase of 1.26%. He stated they plan to introduce the municipal budget the second meeting in March, and adopt at the second meeting in April.

Legal and Regulatory: Council President Muñoz, Councilman Gennaro, Councilman Kapner

1. Resolution 2018-062 Resolution Of The Borough Of New Providence Amending Rules And Order Of Business Of The Borough Council

Council President Muñoz presented Resolution 2018-062 amending rules and order of business of the Borough Council. He stated there are 12 different forms of government in NJ with New Providence having a Borough form of government. He explained the Mayor only votes when there is tie vote amongst the other members of Council. He stated this resolution allows for 3 council members to attend board and committee meetings which would prevent the Mayor from attending due to a violation of the Open Public Meetings Act. Mayor Morgan expressed his feelings on the matter stating the Mayor is the ex-officio of every committee and also the executive branch of the Borough. He suggested a public referendum since he strongly disagreed with Council's decision to keep him out of attending committee meetings.

Planning Board: Mayor Morgan, Councilman Kapner

1. Downtown Ordinance – Recommendation

Councilman Kapner discussed the proposed downtown ordinance that was drafted by the Planning Board. He stated it is a 56 page document that is available on the Borough website for review. He explained the purpose of the ordinance is to bring rules and design standards in line with the Downtown Master Plan. Councilman Gennaro asked about the changes to parking in the downtown with regard to 1 space per 250 ft versus 1 space per 500 ft. Councilman Kapner stated that is still being negotiated and studies are still being done with regard to this. He stated he needs permission from council to move forward with the recommendations (with the exception of the 1 space per 500ft) so it can be put into ordinance form. Mayor Morgan also discussed a possible traffic light on South Street at Gales Drive to help with traffic flow in and out of the shopping center stating he would speak with Joe Graziano from Union County.

Planning & Development: Councilman Madden, Council President Muñoz

1. Resolution 2018-063 Resolution Approving Partial Payment # 1 For Fine Construction, Inc., In The Amount Of \$125,100.00 For The Project Commonly Known As "Municipal Court Renovations

Councilman Madden presented Resolution 2018-063 approving partial payment #1 for Fine Construction, Inc., in the amount of \$125,100 for the project commonly known as “Municipal Court Renovations”.

Public Works: Councilman Kapner, Councilwoman Geoffroy, Councilman Robinson

1. Resolution 2018-064 Resolution Approving The Submission Of 2017 Recycling Grant Tonnage Application

Councilman Kapner presented Resolution 2018-064 approving the submission of 2017 Recycling Grant Tonnage application.

2. Resolution 2018-065 Resolution Approving Requisition For T Slack Environmental Services, In An Amount Not To Exceed \$14,004.22, State Contract No. A42266

Councilman Kapner presented Resolution 2018-065 approving requisition for T Slack Environmental Services in an amount not to exceed \$14,004.22. He stated this is for the purchase of equipment and software associated with the gas pumps at the DPW. He stated the current system is no longer operational and non-repairable.

DISCUSSION ITEMS:

1. Union Avenue Traffic Calming.

Mayor Morgan stated at the last council meeting, residents from Union Avenue expressed safety concerns about the bend at Kline Blvd and Union Ave. He stated they spoke with Chief Buccelli and Traffic Officer Drown about installing warning arrows at this location as well as changing the street light to a brighter LED light. He stated they will see if this helps the situation and if not they will look into other measures.

COUNCIL COMMITTEE REPORTS.

Mayor Morgan – reported on the following:

- 1) BPA meeting – new businesses coming into the Borough such as a couple insurance companies and a dental office.
- 2) Parking Meeting – very productive.
- 3) Girl Scout Tour of Borough Hall – they will be contacting Administrator Marvin regarding a Borough cleanup.
- 4) Mayor’s meeting – discussed retirement system PFRS, 2% arbitration cap, marijuana legislation, and charitable contributions.
- 5) Mayor’s Breakfast – met with surrounding Mayor’s from Summit and Berkeley Heights. Hosted by the Suburban Chamber of Commerce.
- 6) Chat with the Mayor – thanked residents for coming.
- 7) Diversity Committee Chinese New Year celebration – thanked Sunil Abrol.
- 8) Union County St. Patrick’s Day Parade March 10th.

Councilman Robinson – operations normal; nothing to report

Council President Muñoz – reported on the following:

- 1) Mayor’s Breakfast – discussed shared services with regard to transfer station.
- 2) Diversity Committee meeting – attended January 25th with Councilwoman Geoffroy.
- 3) Sustainability Committee meeting rescheduled due to inclement weather.
- 4) Good Scout Award Dinner – March 7th – will honor Armand Galluccio, Mike Hand, David Helsabeck, and Nora Murphy.

Councilman Gennaro – operations normal; nothing to report

Councilman Kapner – operations normal; nothing to report

Councilwoman Geoffroy – reported on the following:

- 1) Municipal Alliance Vaping Session – found it very informative and stated the video is up on the Borough website.
- 2) BOE Superintendent Forum – discussed harassment and bullying and class size. She stated the next meeting will discuss scheduling.
- 3) Diversity Committee Chinese New Year Celebration – thanked Sunil Abrol and other members of the Diversity Committee.

Councilman Madden – reported on the following:

- 1) Municipal Alliance Vaping session – thanked Chief Buccelli and police chiefs from Scotch Plains and Fanwood for attending.
- 2) NJ Transit Commuter Meeting – survey on Borough website for commuters.
- 3) Portable Skating rink – issue with the pitch of the basketball courts and water runoff. They are looking into a new location for next year such as the Oakwood Park parking lot.

BOROUGH ADMINISTRATOR REPORT.

Administrator Marvin reported on the following:

- 1) Court Room Renovations – he stated the construction is right on schedule with about 1/3 of the work completed so far.
- 2) TransOptions – met with representatives from TransOptions. He stated they are working on a pedestrian safety campaign and will be taking surveys. He stated they are also looking to do a press conference in April before a council meeting.
- 3) LED lighting – JCP&L would be updating lights at certain intersections with new LED lighting.

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 Morgan opened the meeting for public comment.

Sunil Abrol – Diversity Committee

Mr. Abrol stated he was very disappointed that the Mayor would not be able to attend the Diversity Committee meetings based on the Resolution that was discussed earlier in the meeting.

Peggy Hagen – 21 Division Ave

Ms. Hagen asked council to discuss the reasons behind adding a third member to the council committees and excluding the Mayor. Several other members in attendance also replied they wanted to know the specific reasons for this change. Councilman Gennaro responded they had received complaints from employees with regard to harassment and felt standard operating procedures were not being followed. Further discussion was made between members of the public and members of council with regard to this topic.

John Everitt – 1756E Springfield Ave

Mr. Everitt asked Administrator Marvin who he reports to. Mr. Marvin responded he reports to Mayor and Council as a body.

Armand Galluccio – former councilman

Mr. Galluccio thanked the boy scouts for honoring him for the Good Scout Award. He also stated he was on council for 9 years and feels they should continue to keep the Mayor on the committees. Councilwoman Geoffroy stated the resolution does not say that 3 members always need to be present but “up to” 3 members at the discretion of the Council President.

Louise Wheeler – CAAB

Ms. Wheeler stated as a member of the Community Activities Advisory Board she does not feel it is necessary to have 3 members of Council and encouraged them to reconsider allowing the Mayor to attend.

There being no one else wishing to speak 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 Kapner moved items 1, 2, 4, 5, and 7-9 of the Consent Agenda, seconded by Councilwoman Geoffroy and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted “aye”. Carried on Roll Call.

Councilman Madden moved item 3 of the consent agenda, seconded by Councilwoman Geoffroy and on Roll Call: Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted “aye”. Council President Muñoz abstained. Carried on Roll Call.

Councilwoman Muñoz moved item 6 of the consent agenda, seconded by Councilman Madden and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted “aye”. Councilman Kapner abstained. Carried on Roll Call.

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EXECUTIVE SESSION.

Resolution 2018-01a "Resolution Establishing February 12, 2018 As The Date, And 8:35 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 Negotiation Matters Involving Affordable Housing At Which Time The Public Will Be Excluded"

Title read in full by Borough Clerk Barry.

Councilman Kapner moved passage of Resolution 2018-01a, seconded by Council President Muñoz and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted "aye". Carried on Roll Call.

On motion by Councilman Madden seconded by Councilman Kapner the meeting was re-opened.

ADJOURNMENT.

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

Respectfully submitted,

Wendi B. Barry
Borough Clerk

These minutes have not yet been officially approved.

Minutes approved at the March 26, 2018 meeting of the Borough Council, as submitted.