

Borough Council Minutes  
New Providence, New Jersey  
March 26, 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, March 26, 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.

**HEARING ON ORDINANCES:**

Ordinance 2018-01                      An Ordinance Creating The Position Of Police Chaplain For New Providence Police Department

Title read in full by Borough Clerk Barry.

Mayor Morgan opened the public hearing on Ordinance 2018-01. There being no one wishing to speak the hearing was closed.

Council President Muñoz moved the adoption of Ordinance 2018-01, seconded by Councilman 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.

**APPOINTMENTS:**

Jody Nelson – Community Activities Advisory Board

Mayor Morgan announced the appointment Jody Nelson to the Community Activities Advisory Board. Councilman Madden moved to concur in the appointment, seconded by Council President Muñoz and unanimously approved.

### **APPROVAL OF MINUTES:**

January 22, 2018

Council President Muñoz moved the minutes of the January 22, 2018 Council Meeting be approved as submitted, seconded by Councilwoman Geoffroy and unanimously approved.

February 12, 2018

Council President Muñoz moved the minutes of the February 12, 2018 Council Meeting be approved as submitted, seconded by Councilwoman Geoffroy and unanimously approved.

### **CORRESPONDENCE:**

1. New Jersey Marijuana Retailers Association, March 1, 2018. Re: NJ Legalizing Marijuana for Recreational Use. No action required.
2. Union County Freeholders, March 1, 2018. Re: 2018 Recycling Enhancement Grant. Council Madden stated he spoke with Joanne from Union County and she wants to come speak at a Council Meeting.
3. Union County Board of Chosen Freeholders, March 8, 2018. Re: Ordinance 793-2018, 2018 Parks and Recreation Fees. No action required.
4. Union County Freeholders, March 9, 2018. Re: Level the Playing Field Grant Program Award. No action required.
5. New Providence Fire Department, March 14, 2018. Re: Junior Memberships, Alexander Pereira and Christopher Oh. Mayor Morgan thanked them for their membership.
6. Jersey Central Power & Light, March 15, 2018. RE: Public Hearing Increase in Remediation and Adjustment Clause. No action required.
7. Greg Schraft, March 16, 2018. RE: Board of Adjustment Public Hearing, 146 Hickson Drive. No action required.
8. Helen Zumda, March 19, 2018. Re: Noise and Privacy Issues – Berkeley Aquatic Club. Administrator Marvin stated he and Keith Lynch would be meeting with the owner, Jim Wood, the following day to discuss.

## **COUNCIL BUSINESS:**

**Administration:** Councilman Robinson, Councilman Kapner, Councilman Gennaro

1. Resolution 2018-083      Resolution Appointing Douglas Marvin As Deputy Borough Clerk Of The Borough Of New Providence, County Of Union And State Of New Jersey

Councilman Robinson presented Resolution 2018-083 appointing Douglas Marvin as Deputy Borough Clerk. He stated the Clerk and Deputy Clerk would be on vacation for the next council meeting, therefore Doug would be appointed temporarily for 30 days.

**Community Activities:** Councilman Madden, Councilwoman Geoffroy, Councilman Robinson

1. Resolution 2018-084      Salary Resolution

Councilman Madden presented Resolution 2018-084 approving salaries for spring sports staff in the Community Activities Department.

**Finance:** Councilman Gennaro, Councilwoman Geoffroy

1. Resolution 2018-085      Resolution Approving The Filing Of Petitions Of Appeal By The Borough Tax Assessor On 2018 Property Assessments Of Class 4C Properties In The Borough Of New Providence

Councilman Gennaro presented Resolution 2018-085 approving the filing of petitions of appeal by the Borough Tax Assessor on 2018 property assessments of Class 4C properties in the Borough of New Providence. He stated the assessor is filing a petition to increase the assessments on 2 properties.

2. Resolution 2018-086      Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$422,196.52

Councilman Gennaro presented Resolution 2018-086 authorizing payment of the bills payable list in the amount of \$422,196.52. He stated the largest items are payments for the court room renovation, shared dispatch, and snow removal.

3. Resolution 2018-087      Transfer Resolution Appropriation Reserve

Councilman Gennaro presented Resolution 2018-087 "Transfer Resolution Appropriation Reserve". He stated this transfers \$125,000 into the snow removal reserve.

4. Introduction of 2018 Municipal Budget

Introduction of Ordinance 2018-02      An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Amending Chapter 70 Of The Code Of The Borough Of New Providence Entitled "Open Space Trust Fund" To Increase Levy To .007 Cent Per One Hundred Dollars Of Assessed Value

Councilman Gennaro presented the introduction of Ordinance 2018-02 “An Ordinance Of The Borough Of New Providence, County Of Union, State Of New Jersey, Amending Chapter 70 Of The Code Of The Borough Of New Providence Entitled “Open Space Trust Fund” To Increase Levy To .007 Cent Per One Hundred Dollars Of Assessed Value”. He stated this increases the open space levy from .006 to .007 cent per \$100.

Introduction of Ordinance 2018-03                      Calendar Year 2018 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)

Councilman Gennaro presented the Introduction of Ordinance 2018-03 “Calendar Year 2018 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)”. He stated they are allowed to increase taxes by 3.5% but if it is less it can go into a cap bank.

Resolution 2018-088                      Resolution Approving Introduction Of 2018 Municipal Operating Budget And Establish Hearing Date

Councilman Gennaro presented Resolution 2018-088 approving the introduction of 2018 Municipal Operating Budget and establishing a hearing date. He stated the hearing date is scheduled for April 23<sup>rd</sup>. He added the tax increase over last year will amount to 1.9% which is slightly higher than previously discussed since they decided to add funding for a school safety officer.

Resolution 2018-089                      Governing Body Certification Of Compliance With The United States Equal Employment Opportunity Commission’s “Enforcement Guidance On The Consideration Of Arrest And Conviction Records In Employment Decisions Under Title Vii Of The Civil Rights Act Of 1964

Councilman Gennaro presented Resolution 2018-089 “Governing Body Certification Of Compliance With The United States Equal Employment Opportunity Commission’s “Enforcement Guidance On The Consideration Of Arrest And Conviction Records In Employment Decisions Under Title Vii Of The Civil Rights Act Of 1964”. He stated the Borough Labor attorney reviewed the Borough’s employment application and Administrator Marvin assured Council they are in compliance.

5. Introduction of 2018 Downtown Improvement District Budget

Resolution 2018-090                      Resolution Approving Introduction And Establish Special Improvement District (Sid) 2018 Budget Hearing Date

Councilman Gennaro presented Resolution 2018-090 approving the introduction of the 2018 Downtown Improvement District Budget. He stated the hearing is scheduled for April 23<sup>rd</sup>.

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

1. Resolution 2018-091 Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey Setting The Date And Time For The Hearings Concerning The Sale Of A Retail Consumption License And Approves The Attached General Information And Instruction To Make Application For A Retail Consumption License

Council President Muñoz presented Resolution 2018-091 “Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey Setting The Date And Time For The Hearings Concerning The Sale Of A Retail Consumption License And Approves The Attached General Information And Instruction To Make Application For A Retail Consumption License”. He stated the hearing date is scheduled for June 19<sup>th</sup> at 7pm. Councilman Robinson questioned a section in the instructions with regard to the applicant having 5 minutes if they are called upon by Council to provide additional information. He suggested they change the timeframe to 20 minutes. Council concurred they would change the wording in the instructions to read 20 minutes.

2. Resolution 2018-092 Resolution Authorizing Agreement Between The Borough Of New Providence And Solar Landscape For Installation Of Rooftop Solar Array At 705 Central Avenue, Summit Speech School

Council President Muñoz presented Resolution 2018-092 authorizing agreement between the Borough of New Providence and Solar Landscape for installation of rooftop solar array at 705 Central Avenue, Summit Speech School. He stated the Borough Attorney has reviewed the agreement. Mayor Morgan asked Administrator Marvin to get an estimate on how much they would be saving with the solar panels.

**Planning & Development:** Councilman Madden, Council President Muñoz

1. Resolution 2018-093 Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Professional Environmental Consulting Services Regarding Emergency Diesel Generators

Councilman Madden presented Resolution 2018-093 accepting the proposal of Maser Consulting, P.A. for professional engineering and professional environmental consulting services regarding emergency diesel generators. He stated this is required by the DEP due to the size of the generators.

2. Resolution 2018-094 Resolution Approving Change Orders #2 And #3 For Fine Construction, In The Amounts Of \$4,002.00 And \$3,031.40 For The Municipal Court Renovation Project

Councilman Madden presented Resolution 2018-094 approving change orders #2 and #3 for Fine Construction, in the amounts of \$4,002.00 and \$3,031.40 for the Municipal Court Renovation Project. He stated this is related to finishing

work and counter work in the municipal court office.

3. Resolution 2018-095                      Resolution Approving Partial Payment # 2 For Fine Construction, Inc., In The Amount Of \$103,500.00 For The Project Commonly Known As “Municipal Court Renovations”

Councilman Madden presented Resolution 2018-095 approving partial payment #2 for Fine Construction, Inc. in the amount of \$103,500.00 for the project commonly known as “Municipal Court Renovations”.

**Public Safety:** Mayor Morgan, Councilman Kapner, Council President Muñoz

1. Limousine License                      Ilhom Ibragimov

Mayor Morgan presented limousine license request from Ilhom Ibragimov.

**Public Works:** Councilman Kapner, Councilwoman Geoffroy, Councilman Robinson

1. Resolution 2018-096                      Resolution Approving Purchase Order 18-00488 For M.J. Pepe & Sons, Inc., In An Amount Not To Exceed \$9,000.00 For Emergency Snow Removal

Councilman Kapner presented Resolution 2018-096 approving purchase order 18-00488 for M.J. Pepe & Sons, Inc. in an amount not to exceed \$9,000.00 for emergency snow removal.

Resolution 2018-097                      Resolution Approving Contract Between The Borough Of New Providence And S. Rotundi And Sons, Inc. For January 1, 2018 - December 31, 2018 For Grass And Garden Waste Collection

Councilman Kapner presented Resolution 2018-097 approving contract between the Borough of New Providence and S. Rotundi and Sons, Inc. for January 1, 2018 – December 31, 2018 for grass and garden waste collection. He stated they are extending the current contract at the same rate.

Resolution 2018-098                      Resolution Approving Change Order #1 For American Asphalt & Milling Services, In The Amount Of \$29,180.93 For The Elkwood Avenue Roadway Improvements Project

Councilman Kapner presented Resolution 2018-098 approving change order #1 for American Asphalt & Milling Services in the amount of \$29,180.93 for the Elkwood Avenue Roadway Improvements Project. He stated this extends the work from Wellings Road to Clinton Avenue.

## **DISCUSSION ITEMS:**

Mayor Morgan discussed the cleanup options for residents with regard to fallen limbs and branches. He stated detailed information has been posted on the Borough website. He added the regular brush pick up starts April 2<sup>nd</sup>.

## **COUNCIL COMMITTEE REPORTS.**

### **Mayor Morgan – reported on the following:**

- 1) National Council for Home Safety & Security – New Providence ranked #58 safest in America. He thanked the public safety personnel for all their hard work.
- 2) Town Hall School Safety Meeting – well attended and good feedback from the community. Police Chief and School Superintendent working together on a plan. Borough and Board of Education will finance together.
- 3) Juice House grand opening next week
- 4) Boy Scouts Pinewood Derby – thanked Don Burkitt for the invite
- 5) Lion's Club Easter Egg Hunt – moved to March 31<sup>st</sup>

### **Councilman Robinson – reported on the following:**

- 1) Board of Health meeting scheduled in March was cancelled due to the snow storm.

### **Council President Muñoz – reported on the following:**

- 1) March 14<sup>th</sup> Meals on Wheels – attended with Chief Buccelli and chiefs from Summit and Mountainside
- 2) School Safety Meeting – very well attended and great suggestions from residents

### **Gennaro – operations normal; nothing to report**

### **Councilman Kapner – reported on the following:**

- 1) Sustainability Committee – considering holding a Freecycle event – will put survey on Borough website and facebook page.
- 2) Planning Board – approved Sproutlings expansion and carried the 33 Countryside sub-division application to May 1<sup>st</sup>.
- 3) Suburban Chamber of Commerce dinner on March 21<sup>st</sup> was cancelled.

### **Councilwoman Geoffroy – reported on the following:**

- 1) School Safety Meeting March 20<sup>th</sup> – very well attended and felt it was very beneficial
- 2) Community Activities offering STEAM classes this year at the high school (Science, Technology, Engineering, Art, Math) - registration is ongoing.
- 3) Board of Education – will be holding a class on April 24<sup>th</sup> at 7pm for college age students

### **Councilman Madden – reported on the following:**

- 1) Community Activities Department - Summer registration underway – over 2,000 people already registered.
- 2) Reminded residents that all grass fields are closed until further notice
- 3) Level Field Grant – will be used toward the Harmony Park Project
- 4) Planning & Development – stated he has received complaints about pot holes. He encouraged residents to report potholes via the Borough website and be patient since patching is dependent on weather. Stated they are looking at road resurfacing and will be assessing for milling and paving. He also discussed the safe routes to school project and the addition of sidewalks.

## **BOROUGH ADMINISTRATOR REPORT.**

### **Administrator Marvin reported on the following:**

- 1) Court Room Renovations - hopes they will be done by end of April

- 2) Passaic Street Bridge - to be replaced by Union County – will be closed approximately 6-9 months. As more information becomes available it will be on the Borough website. Councilman Gennaro asked about traffic studies and detour plans and asked Administrator Marvin to get insight from the Police and Public Works Department.
- 3) Elkwood Avenue will be paved from Passaic Street to Clinton Avenue starting April 2<sup>nd</sup> weather permitting. Should take approximately 2 weeks.
- 4) Senior Health Fair - May 16<sup>th</sup> at the DeCorso Center
- 5) PSEG will be milling and paving the week of April 16<sup>th</sup> – sections of Springfield Avenue, Maple Street, and Tall Oaks Drive.
- 6) Livingston Avenue to be paved in the fall – Maser Consulting is working on bid specs.
- 7) Union County will be paving South Street from Passaic Street to Glenside. Will also be adding striping to the intersection of Woodland Road and will be replacing all parallel spaces in the downtown.
- 8) Girl Scouts Clean Up Day April 28<sup>th</sup>
- 9) NJ American Water is currently working on Union Avenue to replace valves and will repave when they are finished. Mayor Morgan also asked about possible work on Springfield Avenue.

## **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.

### **Bryon Linnehan – 5 Surrey Lane**

Mr. Linnehan asked how he could go about volunteering his time. Mayor Morgan directed him to the volunteer application on the Borough website. He also commented on the School Safety Meeting and thanked Mayor and Council for being involved.

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 Muñoz moved items 1-18 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 19 of the consent agenda, seconded by Council President Muñoz and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Gennaro, and Councilman Robinson voted “aye”. Councilman Kapner abstained. Carried on Roll Call.

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7. Resolution 2018-087 Transfer Resolution Appropriation Reserve
8. Resolution 2018-088 Resolution Approving Introduction Of 2018 Municipal Operating Budget And Establish Hearing Date
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10. Resolution 2018-090 Resolution Approving Introduction And Establish Special Improvement District (Sid) 2018 Budget Hearing Date
11. Resolution 2018- 091 Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey Setting The Date And Time For The Hearings Concerning The Sale Of A Retail Consumption License And Approves The Attached General Information And Instruction To Make Application For A Retail Consumption License
12. Resolution 2018-092 Resolution Authorizing Agreement Between The Borough Of New Providence And Solar Landscape For Installation Of Rooftop Solar Array At 705 Central

Avenue, Summit Speech School

13. Resolution 2018-093 Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Professional Environmental Consulting Services Regarding Emergency Diesel Generators
14. Resolution 2018-094 Resolution Approving Change Orders #2 And #3 For Fine Construction, In The Amounts Of \$4,002.00 And \$3,031.40 For The Municipal Court Renovation Project
15. Resolution 2018-095 Resolution Approving Partial Payment # 2 For Fine Construction, Inc., In The Amount Of \$103,500.00 For The Project Commonly Known As "Municipal Court Renovations"
16. Resolution 2018-096 Resolution Approving Purchase Order 18-00488 For M.J. Pepe & Sons, Inc., In An Amount Not To Exceed \$9,000.00 For Emergency Snow Removal
17. Resolution 2018-097 Resolution Approving Contract Between The Borough Of New Providence And S. Rotundi And Sons, Inc. For January 1, 2018 - December 31, 2018 For Grass And Garden Waste Collection
18. Resolution 2018-098 Resolution Approving Change Order #1 For American Asphalt & Milling Services, In The Amount Of \$ 29,180.93 For The Elkwood Avenue Roadway Improvements Project
19. Limousine License Ilhom Ibragimov

**ADJOURNMENT.**

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

Respectfully submitted,

Wendi B. Barry  
Borough Clerk

These minutes have not yet been officially approved.

*Minutes approved at the May 7, 2018 meeting of the Borough Council, as submitted.*