

Borough Council Minutes  
New Providence, New Jersey  
June 11, 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, June 11, 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, 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.

**APPOINTMENTS:**

1. Resolution 2018-148 Resolution Appointing Michael D'Elia As Class II Special Police Officer In The Police Department Of The Borough Of New Providence

Title read by Borough Clerk Barry. Councilman Madden made a motion to appoint Michael D'Elia as Class II Special Police Officer, seconded by Councilman Kapner and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted "aye". Motion Carried on Roll Call.

Mayor Morgan administered the oath of office to Special Police Officer D'Elia.

2. Resolution 2018-149 Resolution Appointing Daniel P. Lorimor As Class II Special Police Officer In The Police Department Of The Borough Of New Providence

Title read by Borough Clerk Barry. Councilman

Madden made a motion to appoint Daniel P. Lorimor as Class II Special Police Officer, 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”. Motion Carried on Roll Call.

Mayor Morgan Administered the oath of office to Special Police Officer Lorimor.

3. Resolution 2018-150 Resolution Appointing Stephen N. Scaturro As Class II Special Police Officer In The Police Department Of The Borough Of New Providence

Title read by Borough Clerk Barry. Councilman Madden made a motion to appoint Stephen N. Scaturro as Class II Special Police Officer, seconded by Councilwoman Geoffroy and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted “aye”. Motion Carried on Roll Call.

Mayor Morgan administered the oath of office to Special Police Officer Scaturro.

### **APPROVAL OF MINUTES:**

April 23, 2018

Councilwoman Geoffroy moved the minutes of the April 23, 2018 Council Meeting be approved as submitted, seconded by Councilman Muñoz and unanimously approved.

May 7, 2018

Council President Muñoz moved the minutes of the May 7, 2018 Council Meeting be approved as submitted, seconded by Councilman Madden and unanimously approved.

### **CORRESPONDENCE:**

1. Union County Board of Chosen Freeholders, May 17, 2018. Resolution of Support and Appreciation to the Sandy Hook Promise. No action required.
2. Hans Nahata, May 20, 2018. Re: Board of Adjustment Public Hearing, 791 Central Avenue. No action required.
3. State of New Jersey, Department of Environmental Protection, May 21, 2018. Re: Recycling Contamination Problem. Councilwoman Geoffroy asked about the changes to recycling collection and asked what sort of notification has been sent to the residents. Administrator Marvin stated the information is on the Borough website and a newsletter would be going out shortly to every household with the new information. He stated some specific changes are no plastic bags, no

shredded paper, no dirty pizza boxes or dirty containers. Council also discussed items that could be brought to public works such as heavy plastic, metal and appliances. Council members asked about the increased tonnage with garbage due to these changes and asked Administrator Marvin to keep track monthly. Administrator Marvin also discussed the recycling contract expiring soon and stated he anticipates the cost going up significantly.

4. Kurt Thraen, May 22, 2018. Re: Mountain Avenue Traffic Ordinance. No action required.
5. Untied Brewing Company, May 23, 2018. Re: Planning Board Public Hearing, 140 Spring Street. No action required.
6. American Legion Post 433, May 23, 2018. Re: Legion's Flag Retirement Ceremony. Mayor Morgan encouraged all to attend.
7. Township of Berkeley Heights May 29, 2018. Re: Township of Berkeley Heights Planning Board Public Hearing, 29 Park Avenue. No action required.
8. First Community Development Corporation of New Jersey, May 30, 2018. Re: Cease of Building Services Operations. No action required.
9. Union County Open Space Trust Fund, June 1, 2018. Re: 2018 Kids Recreation Trust Fund Grant. Mayor Morgan confirmed with Administrator Marvin that they were on top of this.
10. Union County Open Space Trust Fund, June 1, 2018. Re: 2018 Greening Union County. Mayor Morgan confirmed with Administrator Marvin that they were on top of this.
11. Tri-County Radio Association, Inc., June 1, 2018. Re: Field Day 2018. No action required.
12. Township of Chatham, June 1, 2018. Re: Repealing Section 30-34A "Referral to Tree Protection Committee". No action required.
13. Pat Bisogno, June 4, 2018. Re: Use of the High School Track Facility and Community Pool parking lot. Mayor Morgan stated she would need to request permission from the Community Pool Board. Councilman Madden stated he sent a response already.
14. Jeanne Pate, June 6, 2018. Re: Livestreaming of Council Meetings. Council members discussed correspondence, specifically with regard to accepting phone calls from the public at a meeting that is being livestreamed. Councilman Gennaro expressed concerns that someone could call in and mask their identity and did not feel comfortable allowing that.

## **COUNCIL BUSINESS:**

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

1. Resolution 2018-151      A Resolution Authorizing The Mayor And Municipal  
**DEFERRED**                      Clerk Of The Municipality Of New Providence To  
Execute An Agreement With The County Of Union To  
Modify The Cooperative Agreement Dated June 2014,  
As Amended July 2017

Councilman Madden presented Resolution 2018-151 authorizing the Mayor and Municipal Clerk to execute necessary paperwork for the Community Development Block Grant Program. Councilman Gennaro stated the agreement was not attached to the agenda and therefore felt it should not be voted on. Council agreed they would defer to the next council meeting.

2. Resolution 2018-152      Salary Resolution

Councilman Madden presented Resolution 2018-152 approving salaries for summer program instructors in the Community Activities Department.

### **Finance:** Councilman Gennaro, Councilwoman Geoffroy

1. Resolution 2018-153      Resolution Authorizing Payment Of The Attached Bills  
Payable Lists, In The Amount Of \$621,999.51

Councilman Gennaro presented Resolution 2018-153 authorizing payment of the bills payable list in the amount of \$621,999.51. He stated the largest items are payment to the Garden State Municipal Joint Insurance Fund and partial payment to Dakota for Oakwood Park.

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

1. Resolution 2018-154      Resolution Authorizing Memorandum Of Agreement  
**DEFERRED**                      And Easement Agreement With Respect To 39  
Clinton Avenue, Block 63, Lots 7 And 8

Council President Muñoz presented Resolution 2018-154 authorizing memorandum of agreement and easement agreement with respect to 39 Clinton Avenue, Block 63, Lots 7 and 8. Attorney Rizzo stated there was a lack of information given to him, but he drafted an agreement earlier that day. He stated it was not ready to go on the agenda since he was in court all day. Council concurred they would defer to the next council agenda when they had time to review the agreement.

2. Resolution 2018-155      Resolution Relative To Issuance Of Plenary Retail  
Consumption License To Murray Hill Inn License  
Services, LLC

Council President Muñoz presented Resolution 2018-155 relative to issuance of Plenary Retail Consumption License to Murray Hill Inn License Services, LLC.

3. Resolution 2018-156 Resolution Relative To Issuance Of Plenary Retail Distribution License To Providence Liquors, Inc., A Corporation.

Council President Muñoz presented Resolution 2018-156 relative to issuance of Plenary Retail Distribution License to Providence Liquors, Inc., A. Corporation.

4. Introduction of Ordinance 2018-06 An Ordinance Amending Chapter 201 Of The Code Of The Borough Of New Providence Entitled "Peddling And Soliciting"

Council President Muñoz presented Introduction of Ordinance 2018-06 "An Ordinance Amending Chapter 201 Of The Code Of The Borough Of New Providence Entitled 'Peddling And Soliciting'". He stated this firms up language with regard to police approval/denial of peddling/soliciting applications.

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

1. Resolution 2018-157 Resolution Authorizing Return Of Maintenance Bond In The Amount Of \$20,666.45 755 Central Avenue, LLC

Councilman Madden presented Resolution 2018-157 authorizing return of Maintenance Bond in the amount of \$20,666.45 for 755 Central Avenue, LLC. He stated this is regarding the maintenance bond for Sproutlings Day care and has been reviewed by Keith Lynch who authorized the release.

2. Resolution 2018-158 Resolution Authorizing Return Of Cash Maintenance Bond In The Amount Of \$115,791.97 To BAC Center Of Excellence, LLC

Councilman Madden presented Resolution 2018-158 authorizing return of cash maintenance bond in the amount of \$115,791.97 to BAC Center of Excellence, LLC. He stated this is regarding the maintenance bond for Berkeley Aquatic and has been reviewed by Keith Lynch who authorized the release.

3. Introduction of Ordinance 2018-07 An Ordinance Updating The Performance And Maintenance Guarantee Sections Of The Borough's Subdivision Of Land And Site Plan Review Chapter Of The Borough Code To Comply With Statutory Updates To The Municipal Land Use Law

Councilman Madden presented Introduction of Ordinance 2018-07 "Updating The Performance And Maintenance Guarantee Sections Of The Borough's Subdivision Of Land And Site Plan Review Chapter Of The Borough Code To Comply With Statutory Updates To The Municipal Land Use Law". He stated they received guidance from Attorney Rizzo with regard to this and the redline version was reviewed by members of Council.

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

1. Authorization to Bid – 2018 Sidewalk Program

Councilman Kapner presented the authorization to bid 2018 Sidewalk Program. He stated this is for the replacement of 3,000 feet of miscellaneous sidewalk repair, and the addition of missing sidewalk on Floral Avenue, Central Avenue, and Union Avenue.

2. Resolution 2018-159                      Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering, Survey And Construction Services Regarding The 2018 Sidewalk Program

Councilman Kapner presented Resolution 2018-159 accepting the proposal of Maser Consulting, P.A. for professional engineering, survey and construction services regarding the 2018 Sidewalk Program. Administrator Marvin stated they had set aside \$150,000 in the capital fund for sidewalks and also received a \$55,000 Union County Infrastructure Grant which would be used toward this project. He also discussed the Safe Routes to School Grant application and other areas in need of sidewalks such as Fairview Avenue, Division Avenue and Mountain Avenue which would be options for next year.

**Recreational Capital Improvement:** Councilman Madden, Councilman Robinson, Council President Muñoz

1. Resolution 2018-160                      Resolution Approving Change Order #18 For Dakota Excavating Contractors, Inc., In The Reduction Amount Of \$34,703.10 For The Oakwood Park Athletic Field Renovation Project

Councilman Madden presented Resolution 2018-160 approving change order #18 for Dakota Excavating Contractors, Inc. in the reduction amount of \$34,703.10 for the Oakwood Park Athletic Field Renovation Project. He stated they used a lesser quantity of supplies than originally anticipated.

2. Resolution 2018-161                      Resolution Approving Partial Payment #6 (Final) For Dakota Excavating Contractor, Inc. In The Amount Of \$66,251.32 For The Project Commonly Known As "Oakwood Park Improvement Project"

Councilman Madden presented Resolution 2018-161 approving partial payment #6 for Dakota Excavating Contractor, Inc. in the amount of \$66,251.32 for the project commonly known as "Oakwood Park Improvement Project". He stated the work has been completed and applauded Dakota for their work.

**DISCUSSION ITEMS:**

Waste Water Report

Councilman Gennaro stepped down prior to discussion due to a possible conflict of interest.

Administrator Marvin briefed Council with regard to the sewer agreement with the City of Summit to pump sewage through Summit to the Union/Essex jointure. He stated for years there has been an issue with odor from the sewer in a certain area of Summit. Therefore Summit has engaged an engineering firm to handle this issue. He stated the firm has suggested introducing a chemical through the wastewater flow that will eliminate the hydrogen sulfide odors. He stated they do not have much of a choice with regard to doing this but he wanted to make Council aware of the costs associated. He stated the cost would be approximately \$16,000 for the summer and going forward could be roughly \$50,000 per year to address the issue. Administrator Marvin also discussed leasing the pumps versus purchasing. Council suggested leasing for a year to see if the issue is resolved. They also wanted to see reports from the company or have them come in to give a presentation. Administrator Marvin stated he would ask a representative to come to the next council meeting along with the WWTP operator, Tony Carnevale.

## **COUNCIL COMMITTEE REPORTS.**

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

- 1) School Resource Officer, Mike Carlino, started on June 1<sup>st</sup> at the High School/Middle School. Class III officers would start in September at the elementary schools.
- 2) Memorial Day parade – well attended and thanked Bernadette Cuccaro for her efforts.
- 3) Bronze medal winners for Special Olympics – congratulated Steph and James
- 4) Moe's Bistro grand opening of new bar
- 5) New Providence Dentistry - 571 Central Avenue grand opening
- 6) Public Art Committee along with the Community Activities Department and Public Works Department displayed art sculpture "Coral" at Borough Hall in memory of Marjan Saniee.
- 7) Planning Board – application by Untied Brewery – craft beers and tasting room
- 8) Bulk Pick-up underway – encouraged residents to put away any valuables that they do not want taken from their property.
- 9) Relay for Life held in Berkeley Heights with surrounding towns

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

- 1) Municipal Alliance – Save a Life program – Dan Henn worked with the Board of Education to administer this program which was meant to show the risks of underage drinking.
- 2) \$286,128 received from FEMA for a number of natural disasters that hit the Borough – funds used to repair storm water outfalls and Clearwater Detention Basin. Thanked Jim Johnston and Chief Buccelli for applying for these grants. He stated another grant is underway for the generator as well.

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

- 1) Sports Fair was postponed due to inclement weather
- 2) Basketball tournament that weekend
- 3) Thanked the Community Activities Department for scheduling baseball tournament with Chatham and thanked the volunteer coaches - Green team 7<sup>th</sup> & 8<sup>th</sup> grade won the championship.

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

- 1) Planning Board meeting June 12<sup>th</sup> – continuation of Countryside application

**Councilman Gennaro – reported on the following:**

- 1) Congratulated the high school sports teams

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

- 1) Sharing Network 5k – great turnout
- 2) Sustainability Committee – June 6<sup>th</sup> discussed plastic bag recycling
- 3) Safe Routes to School – Cecile Seth put together information with map of walking paths to school and alternative drop off points. She is also looking for input from Borough on where new sidewalks can be installed.

**Councilman Robinson – operations normal; nothing to report**

**BOROUGH ADMINISTRATOR REPORT.**

**Administrator Marvin reported on the following:**

- 1) Borough phones – phones were down all day due to a fiber-optic line that was cut in Ohio, but was restored as of 4:30pm. He stated the good news was it did not affect the dispatch center phone lines.
- 2) Shared court now operational in New Providence – held first court session last week. Chief Buccelli spoke with the Public Safety Committee with regard to court security.
- 3) Harmony Park – Level the Playing Field Grant – spoke with resident Jeff Grob who is a landscape architect and was involved with the development of Centennial Park. He stated Mr. Grob is currently working on another park with musical instruments and has agreed to help with the mission of installing them at Veteran's Park.
- 4) Recycling changes – will be putting out as much information to the residents as possible and will be speaking with the Union County recycling coordinator.

**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.

**Jeannie Pate – 160 Woodbine Circle**

Ms. Pate asked about paper recycling. Administrator Marvin stated shredded paper would no longer be accepted by the recycling company. She also discussed plastic bag recycling stating she saw on a community forum that Berkeley Heights has Trex Recycling bins. Administrator Marvin stated he would reach out to the Berkeley Heights Administrator regarding this.

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 Madden moved items 1, 3, 4, and 6-14, 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.

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14. Introduction of  
Ordinance 2018-07

An Ordinance Updating The Performance And Maintenance Guarantee Sections Of The Borough's Subdivision Of Land And Site Plan Review Chapter Of The Borough Code To Comply With Statutory Updates To The Municipal Land Use

#### **EXECUTIVE SESSION.**

Resolution 2018-4a

Resolution Establishing June 11, 2018 As The Date, And 8:05 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 Personnel Matters At Which Time The Public Will Be Excluded

Title read by Borough

Council Madden moved passage of Resolution 2018-4a, seconded by Council President Muñoz and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, 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 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 July 16, 2018 meeting of the Borough Council, as submitted.*