

Borough Council Minutes  
New Providence, New Jersey  
August 13, 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, August 13, 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, Deputy Clerk Brinkofski, Attorney Kunzman

**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.

**PUBLIC HEARNGS:**

1. 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.

Title read in full by Deputy Borough Clerk Brinkofski.

Mayor Morgan opened the public hearing on Ordinance 2018-07. He stated this revises the performance and maintenance guarantee sections. Councilman Gennaro discussed wording with regard to sanitary sewers and septic systems saying they should list treatment works to pump stations as well. Council members discussed adopting as written and speaking with Borough Attorney Rizzo to amend the wording in that section. There being no one from the public wishing to speak the public hearing was closed.

Councilman Madden moved the adoption of Ordinance 2018-07, 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.

2. Ordinance 2018-08

An Ordinance Authorizing The Acquisition Of Property Known As Block 372, Lot 13 Of The Borough Of New Providence

Title read in full by Deputy Borough Clerk Brinkofski.

Mayor Morgan opened the public hearing on Ordinance 2018-08. He stated this is regarding the “Tea lot” that is being donated to the Borough. There being no one wishing to speak the hearing was closed.

Councilman Madden moved the adoption of Ordinance 2018-08, 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.

## **PRESENTATIONS:**

1. JoAnn Gemenden, Bureau Chief, U.C. Bureau of Recycling & Planning

Ms. Gemenden addressed Mayor and Council and discussed the new app called “recycle coach” which was funded by the State of NJ. She explained the app can be used by residents to view their curbside collection days, county recycling days, hazardous waste collection days, leaf collection, as well as guides them on what can and cannot be recycled. She stated they are trying to educate all of the municipalities about proper recycling and contamination that is caused from bagging recyclables and certain items such as styrofoam. She also stated the county is working on a new recycling guide that should be out by the end of the year. She stated they also gave a recycling grant to New Providence for the purchase of recycling bins to be placed around the Borough. Council discussed the high cost of recycling and Ms. Gemenden said she was working with Administrator Marvin trying to come up with a solution. Mayor Morgan thanked Ms. Gemenden for attending the meeting and working with the Borough on its recycling efforts.

2. Erickson Living – Designating Area in Need of Redevelopment – PILOT (Payments in Lieu of Taxes)

Attorney Glenn Pantel of Drinker, Biddle, Reath LLP addressed Mayor and Council. He stated he was representing Lantern Hill and wanted to discuss their

ideas on a PILOT program for the property adjacent to Lantern Hill that they are looking to acquire and redevelop. He stated they are looking for Council to authorize further discussions on the subject. He expressed his beliefs that the Borough would benefit from a PILOT program since 95% of the payment would be retained by the municipality. Mayor Morgan stated they would need to speak with their professionals to learn more about PILOT payments and asked Administrator Marvin to keep in touch with Attorney Pantel.

#### **APPOINTMENTS:**

1. Municipal Alliance - Kareena Kullar

Mayor Morgan asked for a motion to appoint Kareena Kullar to the Municipal Alliance. Councilman Madden made a motion, seconded by Councilwoman Geoffroy and unanimously approved.

#### **APPROVAL OF MINUTES:**

June 25, 2018

Councilwoman Geoffroy moved the minutes of the June 25, 2018 council meeting be approved as submitted, seconded by Councilman Gennaro and unanimously approved. Councilman Madden and Council President Muñoz abstained since they were absent from the June 25<sup>th</sup> meeting.

#### **CORRESPONDENCE:**

1. New Providence Fire Department, June 13, 2018. Re: Membership Vignali. No action required.
2. Township of Woodbridge, July 2018. Re: 2018 New Jersey Senior Olympics. No action required.
3. Union County Freeholders, July 12, 2018. Re: Concurring Resolution, Mountain Avenue Speed Limit. Mayor Morgan stated the county agreed to reduce the speed limit to 35mph on Mountain Ave between Glenside Ave and Division Avenue.
4. County of Union, Department of Engineering, July 18, 2018. Re: Leaf Composting Facility. No action required.
5. Township of Berkeley Heights Planning Board, July 20, 2018. Re: Planning Board Public Hearing, 600 Mountain Avenue. No action required.
6. Unwind Yoga & Wellness Center, LLC, July 20, 2018. Re: Board of Adjustment Public Hearing, 1280 Springfield Avenue. No action required.
7. Jeff & Carrie Colandrea, July 23, 2018. Re: On Going Rat Problem. Councilman Robinson stated the Board of Health is aware of the issue and Administrator Marvin has spoken with Mrs. Collandrea on several occasions.

8. City of Summit, July 23, 2018. Re: Development Regulation Ordinance. No action required.
9. State of New Jersey, Department of Transportation, July 24, 2018. Re: NJDOT Fiscal Year 2019 State Aid Programs. No action required.
10. Borough of Garwood, July 24, 2018. Re: Resolution in Opposition to Forced Local Government Mergers and Consolidations. No action required.
11. Union County Utilities Authority, July 25, 2018. Re: Special SWAC Meeting Regarding Class D Recycling Facility located in Linden. No action required.
12. Yimin Sun, July 30, 2018. Re: Board of Adjustment Public Hearing, 151 Pearl Street. No action required.
13. Faith Lutheran Church, August 2, 2018. Re: 2018 CROP Walk. Council concurred they would grant permission to the Faith Lutheran Church to host the annual CROP Walk. Administrator Marvin stated he would reach out to them and let them know it was approved.
14. Public Service Electric & Gas, August 3, 2018. Re: Public Notices. No action required.

## **COUNCIL BUSINESS:**

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

1. Resolution 2018-209                      Resolution Authorizing The Application For “Kids Recreation Trust Fund” Grant For The Borough Of New Providence

Councilman Madden presented Resolution 2018-209 authorizing the application for “Kids Recreation Trust Fund” grant for the Borough of New Providence. He stated previously they had received a “Level the Playing Field” grant to be used for Harmony Park, and this application is to expand the park and make it more welcoming.

2. Resolution 2018-210                      Salary Resolution

Councilman Madden presented Resolution 2018-210 approving salaries for part-time instructors in the Community Activities Department.

3. Resolution 2018-211                      Resolution Amending Resolution 2018-066 “Resolution Awarding Contract To Broadway Elite Tours, Dba Passaic Valley Coach, 71 River Road, Chatham, N.J. 07928 For Bus Transportation Services For Community Activities And Senior Programs” Adopted February 2, 2018

Councilman Madden presented Resolution 2018-211 amending Resolution 2018-066 “Resolution Awarding Contract To Broadway Elite Tours, Dba Passaic Valley

Coach, 71 River Road, Chatham, N.J. 07928 For Bus Transportation Services For Community Activities And Senior Programs” Adopted February 2, 2018. He stated they added an extra week of Teen Venture Camp and therefore needed to amend the contract amount.

4. Authorization to Solicit RFP: After School Programs and Camps

Councilman Madden presented the authorization to solicit RFP’s for after school programs and camps. He stated they would like to test the market to see what type of proposals they receive. Mayor Morgan stated when he held “Chat with the Mayor” he received suggestions for STEM programs in the Recreation Department.

**Finance:** Councilman Gennaro, Councilwoman Geoffroy

1. Resolution 2018-212 Resolution Approving Corrective Action Plan Required As Part Of The Annual Audit

Councilman Gennaro presented Resolution 2018-212 approving Corrective Action Plan as required as part of the annual audit. He stated the Finance Committee met with the auditor prior to the meeting and explained the one item needing corrective action. He stated there were certain fees in the construction system that were out of date and did not match the fee ordinance. He stated the fees have now been updated in the system.

2. Resolution 2018-213 Resolution Certifying Annual Audit

Councilman Gennaro presented Resolution 2018-213 certifying the annual audit. He stated all members of Council reviewed and signed off on the audit report.

3. Resolution 2018-214 Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$ 8,810,413.33

Councilman Gennaro presented Resolution 2018-214 authorizing payment of the bills payable list in the amount of \$8,810,413.33. He stated the largest items are payment to the Board of Education for \$7.7 million and a bond payment of \$367,625.

4. Resolution 2018-215 Resolution Authorizing Cancellation Of Taxes Receivable

Councilman Gennaro presented Resolution 2018-215 authorizing cancellation of taxes receivable. He stated this is for the property located at 4 Spruce Street that is being acquired by the Borough.

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

1. Authorization to Solicit RFP: Solar Project

Council President Muñoz presented the authorization to solicit RFP’s for the Solar Project at Summit Speech School. He stated Summit Speech School is



supplementing Chapter 79 of the Code of the Borough of New Providence entitled "Police Department". He stated this amends the chapter to include duties of class I, II, and III special officers.

3. Resolution 2018-219      Resolution Accepting The Proposal Of Maser Consulting, P.A. For Grant Application And Consulting Services Regarding Safe Routes To School Grant Application.

Mayor Morgan presented Resolution 2018-219 accepting the proposal of Maser Consulting, P.A. for grant application and consulting services regarding Safe Routes to School Grant application.

4. Resolution 2018-220      "Authorizing The Borough Of New Providence Safe Routes To School Project And The Application For Safe Routes To School Funding To Make Infrastructure Improvements That Will Improve The Walking Environment For Students."

Mayor Morgan presented Resolution 2018-220 authorizing the Borough of New Providence Safe Routes to School Project and the application for Safe Routes to School Grant application.

5. Resolution 2018-221      Resolution Approving Purchase Requisitions R1801550 And R1801551 For NJ Fire Equipment Company, In An Amount Not To Exceed \$33,039.40, For Thermal Imaging Cameras

Mayor Morgan presented Resolution 2018-221 approving purchase requisitions R1801550 and R1801551 for NJ Fire Equipment Company, in an amount not to exceed \$33,039.40 for thermal imaging cameras.

6. Resolution 2018-222      Resolution Approving Purchase Requisitions R1801549 For Municipal Emergency Service Inc, In An Amount Not To Exceed \$9,796.88, For Fire Department Portable Fans

Mayor Morgan presented Resolution 2018-222 approving purchase requisitions R1801549 for Municipal Emergency Service Inc in an amount not to exceed \$9,796.88 for Fire Department portable fans.

7. Resolution 2018 -223      Resolution Approving Purchases For Emergency Radio Communication System Upgrades For New Providence Public Safety Organizations, Requisitions R1801626 And R1801627 In The Amount Of \$532,000.

Mayor Morgan presented Resolution 2018-223 approving purchases for emergency radio communication system upgrades for New Providence public safety organizations, requisitions R1801626 and R1801627 in the amount of \$532,000.

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

1. Resolution 2018-224            Resolution Approving Requisition Number R1801482 For DFFLM, LLC, In An Amount Not To Exceed \$38,531.75, Morris County Coop Contract #15

Councilman Kapner presented Resolution 2018-224 approving requisition number R1801482 for DFFLM, LLC in an amount not to exceed \$38,531.75, Morris County Coop contract #15.

2. Resolution 2018-225            “Resolution Approving Change Order #2 For American Asphalt & Milling Services, In The Deduction Amount Of \$ 370.09 For The Elkwood Avenue Roadway Improvements Project”

Councilman Kapner presented Resolution 2018-225 approving change order #2 for American Asphalt & Milling Services in the deduction amount of \$370.09 for the Elkwood Avenue Roadway Improvements Project.

3. Resolution 2018-226            Resolution Approving Partial Payment # 2 (Final) For American Asphalt And Milling Services, In The Amount Of \$12,588.15 For The Project Commonly Known As “Elkwood Avenue Improvements”

Councilman Kapner presented Resolution 2018-226 approving partial payment #2 (Final) for American Asphalt and Milling Services, in the amount of \$12,588.15 for the project commonly known as “Elkwood Avenue Improvements”.

4. Resolution 2018-227            Resolution Authorizing The Application For “Greening Union County 2018” Grant For The Borough Of New Providence

Councilman Kapner presented Resolution 2018-227 authorizing the application for “Greening Union County 2018” grant for the Borough of New Providence.

**DISCUSSION ITEMS:**

1. The ARC of Union County – Grant Request for Affordable Community Housing for Individuals with Intellectual Disabilities.

Administrator Marvin discussed request from the ARC of Union County for housing. Council members discussed a possible donation towards housing and also discussed the possibility of purchasing the house on First Street next to veteran’s park. Mr. Marvin stated he would follow up with them and get more information as to what they are specifically looking for.

## **COUNCIL COMMITTEE REPORTS.**

Mayor Morgan - reported on the following:

- 1) Summer Concerts – thanked the sponsors, Al Elefante, the Community Activities Department, and all those who donated food.
- 2) National Night Out – thanked police, fire, ems
- 3) New Providence Pioneer Football fundraiser – Wounded Warrior Project
- 4) Excel Basketball Graduation
- 5) NJ Transit – spoke with Assemblywoman Muñoz who asked for community input.
- 6) “Real Deal” article regarding house values – New Providence rated #1
- 7) Mountain Avenue police traffic study – 85% of vehicles followed the speed limit
- 8) Chase Bank grand opening

Councilman Madden – reported on the following:

- 1) Passaic River DeSnagging - Contacted Amy Wagner from Union County who will be meeting with Joe Graziano will get back to him.
- 2) New recording system in council chambers should be ready for September 11<sup>th</sup> meeting.
- 3) DeCorso Center kitchen renovation to begin first week of September.

Councilwoman Geoffroy – reported on the following:

- 1) Diversity Committee - National Night Out – worked with Leslie Hall to create a family tree for the families in New Providence. She stated the finished product will be displayed outside the Recreation Department.

Councilman Kapner – reported on the following:

- 1) Summer Concerts – thanked sponsors and business community and encouraged residents to shop local.
- 2) Sustainability Committee – meeting August 22<sup>nd</sup>. Freecycle event scheduled for September 29<sup>th</sup>.

Councilman Gennaro – reported on the following:

- 1) Budget Planning for 2019 – union negotiations and recycling contracts may affect budget, however based on projections from the CFO it seems things should be manageable and they should be within the 2% cap. Councilman Robinson asked which members of Council would be responsible for handling union negotiations. Councilman Gennaro recommended himself, the Mayor, and Councilwoman Geoffroy. Council unanimously approved that Mayor Morgan, Councilman Gennaro, and Councilwoman Geoffroy, along with the Borough labor attorney would handle union negotiations.
- 2) Affordable Housing Negotiations continue.

Council President Muñoz – reported on the following:

- 1) Attended Boy Scout Camp Sabattis – Troop 1 and Troop 63
- 2) Eagle Scout – Paul Seth
- 3) Shared Dispatch meeting August 14th

Councilman Robinson – operations normal; nothing to report

## **BOROUGH ADMINISTRATOR REPORT.**

Administrator Marvin reported on the following:

- 1) Harmony Park – meeting with Jeff Grob next Monday to look at Harmony Park Project to discuss ideas. He stated Mr. Grob is working on a similar project in another community.

## **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.

Ira Krauss – 183 Grant Avenue

- 1) PILOT Program – stated he has several concerns with regard to this topic and how it would affect the Board of Ed, and volunteered to be part of the committee if they choose to discuss further.

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 1-19 & 21-23 of the Consent Agenda, seconded by Councilman Kapner and on Roll Call: Council President Muñoz, Councilman Madden, Councilwoman Geoffroy, Councilman Kapner, Councilman Gennaro, and Councilman Robinson voted “aye”. Carried on Roll Call.

1. Resolution 2018-209 Resolution Authorizing The Application For “Kids Recreation Trust Fund” Grant For The Borough Of New Providence
2. Resolution 2018-210 Salary Resolution
3. Resolution 2018-211 Resolution Amending Resolution 2018-066 “Resolution Awarding Contract To Broadway Elite Tours, Dba Passaic Valley Coach, 71 River Road, Chatham, N.J. 07928 For Bus Transportation Services For Community Activities And Senior Programs” Adopted February 2, 2018
4. Resolution 2018-212 Resolution Approving Corrective Action Plan Required As Part Of The Annual Audit
5. Resolution 2018-213 Resolution Certifying Annual Audit
6. Resolution 2018-214 Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$ 8,810,413.33

7. Resolution 2018-215 Resolution Authorizing Cancellation Of Taxes Receivable
8. Resolution 2018-216 Resolution Employing, Seasonal Help In The Public Works Department Of The Borough Of New Providence
9. Resolution 2018-217 Resolution Appointing Dr. Richard Nelson, MD As Borough Physician For The Borough Of New Providence, County Of Union And State Of New Jersey.
10. Resolution 2018-218 Resolution Authorizing Release Of Cash Maintenance Bond In The Amount Of \$24,443.55 To Investors Bank
11. Resolution 2018-219 Resolution Accepting The Proposal Of Maser Consulting, P.A. For Grant Application And Consulting Services Regarding Safe Routes To School Grant Application.
12. Resolution 2018-220 "Authorizing The Borough Of New Providence Safe Routes To School Project And The Application For Safe Routes To School Funding To Make Infrastructure Improvements That Will Improve The Walking Environment For Students."
13. Resolution 2018-221 Resolution Approving Purchase Requisitions R1801550 And R1801551 For NJ Fire Equipment Company, In An Amount Not To Exceed \$33,039.40, For Thermal Imaging Cameras
14. Resolution 2018-222 Resolution Approving Purchase Requisitions R1801549 For Municipal Emergency Service Inc, In An Amount Not To Exceed \$9,796.88, For Fire Department Portable Fans
15. Resolution 2018 -223 Resolution Approving Purchases For Emergency Radio Communication System Upgrades For New Providence Public Safety Organizations, Requisitions R1801626 And R1801627 In The Amount Of \$532,000.
16. Resolution 2018-224 Resolution Approving Requisition Number R1801482 For DFFLM, LLC, In An Amount Not To Exceed \$38,531.75, Morris County Coop Contract #15
17. Resolution 2018-225 "Resolution Approving Change Order #2 For American Asphalt & Milling Services, In The Deduction Amount Of \$ 370.09 For The Elkwood Avenue Roadway Improvements Project"

18. Resolution 2018-226 Resolution Approving Partial Payment # 2 (Final) For American Asphalt And Milling Services, In The Amount Of \$12,588.15 For The Project Commonly Known As "Elkwood Avenue Improvements"
19. Resolution 2018-227 Resolution Authorizing The Application For "Greening Union County 2018" Grant For The Borough Of New Providence
- ~~20. Authorization to Solicit RFP: Solar Project~~  
TABLED
21. Authorization to Solicit RFP: After School Programs and Camps
22. Raffle Requests: NPHS Bandwagon RA1101  
NPHS Bandwagon RA1102
23. Introduction of Ordinance 2018-09 "An Ordinance Amending And Supplementing Chapter 79 Of The Code Of The Borough Of New Providence Entitled 'Police Department'"

#### **EXECUTIVE SESSION.**

1. Resolution 2018-6a Resolution Establishing August 13, 2018 As The Date, And 8:30Pm 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 Deputy Borough Clerk Brinkofski.

Councilman Madden moved passage of Resolution 2018-6a, seconded by Councilman Kapner 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 Councilwoman Geoffroy the meeting was re-opened.

**ADJOURNMENT.**

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

Respectfully submitted,

Denise Brinkofski  
Deputy Borough Clerk

These minutes have not yet been officially approved.

*Minutes approved at the October 9, 2018 meeting of the Borough Council, as submitted.*