

Borough Council Minutes
New Providence, New Jersey
August 13, 2012

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 at 7:00 PM at the Municipal Center. Mayor J. Brooke Hern called the meeting to order.

Present on Roll Call: Mayor Hern, Councilman Lesnewich, Councilman Cucco, Councilman Muñoz, Councilman Robinson

Absent: Council President Gennaro, Councilman Galluccio

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

PLEDGE OF ALLEGIANCE:

Mayor Hern led the Pledge of Allegiance.

PUBLIC NOTICE:

Mayor Hern 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:

July 23, 2012

Councilman Lesnewich proposed the following amendment to the July 23, 2012 minutes:

- 1) Loan discussion – Ken DeRoberts spoke about savings to the Borough to not take the loan and look elsewhere.

Councilman Muñoz moved the minutes of the July 23, 2012 Council Meeting be approved as amended, seconded by Councilman Cucco and unanimously approved.

PRESENTATION:

Garden Stone Donation Angel Walker
 Kiana Mellogno

Mayor Hern invited residents Angel Walker and Kiana Mellogno to address council regarding their garden stone donation. Angel spoke about their project and stated part of the proceeds collected from selling the stones will be donated to St. Hubert's Animal Shelter. The Mayor thanked them for their donation and applauded them for donating funds to the shelter.

CORRESPONDENCE:

1. State of New Jersey, Division of Rate Counsel, July 18, 2012. Re: Comcast, Consent Motion for Extension of Time. No action required.
2. State of New Jersey, Council on Affordable Housing, July 24, 2012. Re: Municipal Affordable Housing Trust Fund Current Balance.

Administrator Marvin stated Attorney Woodward would address council later in the meeting regarding subject.

3. Public Service Electric and Gas, July 24, 2012. Re: Notice of Public Hearing Rate Changes. No action required.
4. State of New Jersey, Division of Rate Counsel, July 25, 2012. Re: Comcast, Motion to Dismiss. No action required.
5. Township of Berkeley Heights, July 27, 2012. Re: Zoning Ordinance. No action required.
6. County of Union: No action required.

Ordinance 2012-737	District Solid Waste Management Plan
Ordinance 2012-738	Administrative Code

7. Municipalities: No action required.

Township of Hillside	Jessica Lunsford Act
City of Linden	Jessica Lunsford Act

COUNCIL BUSINESS:

Administration:

1. Resolution 2012-223 "Resolution Approving Purchase Order #44321 For General Code Publishers Corp., In The Amount Of \$2,912.00"

Councilman Lesnewich presented Resolution 2012-223 approving purchase order #44321 for General Code Publishers Corp., in the amount of \$2,912.00.

Board of Health:

1. Resolution 2012-224 "Resolution Authorizing Agreement Between The
DEFERRED Borough Of New Providence And The Town Of
Westfield For Professional Health Services"

Finance:

1. Resolution 2012-225 "Resolution Authorizing Payment Of The Attached Bills Payable List, In The Amount Of \$11,523,349.12.

Councilman Cucco presented Resolution 2012-225 authorizing payment of the attached bills payable list, in the amount of \$11,523,349.12. He stated of that total, approximately \$70,000 is being paid to the library, \$6,458,123 to the Board of Education, \$3,023,551 to County of Union, and \$94,443 for County Open Space. He stated that amounts to approximately \$9,646,269 that the Borough does not have any control over.

2. Resolution 2012-226 "Resolution Refunding Tax Title Lien Redemption"

Councilman Cucco presented Resolution 2012-226 refunding tax title lien redemption.

3. Resolution 2012-227 "Resolution Providing For The Insertion Of Any Special Item Of Revenue In The 2012 Budget Pursuant Of N.J.S. 40a:4-87 Chapter 159, P.L. 1948"

Councilman Cucco presented Resolution 2012-227 providing for the insertion of any special item of revenue in the 2012 Budget pursuant of N.J.S. 40a:4-87 Chapter 159, P.L. 1948. He stated the State of NJ gave the Borough an award for drunk driving enforcement.

Legal:

1. Resolution 2012-228 Resolution Approving License Agreement with Jeffrey and Bethann Nook for the Property Located at 58 Crane Circle.

Councilman Muñoz presented Resolution 2012-228 approving license agreement with Jeffrey and Bethann Nook for the property located at 58 Crane Circle. He stated the Nooks want to build a basketball court that will slightly encroach on the Borough's drainage easement. He stated the agreement explains if the Borough needs to dig up the ground to access the drainage easement, the Borough will not be responsible for replacement of the basketball court.

Municipal Alliance:

1. Resolution 2012-229 "Resolution Approving Proposal To The Union County Division Of Planning For Grant Funds For The Municipal Alliance For The Year 2013"

Councilman Robinson presented Resolution 2012-229 approving proposal to the Union County Division of Planning for Grant Funds for the Municipal Alliance for the Year 2013. He stated this is approximately \$1,000 less than what was initially requested due to a change in funding profiles.

Recreation:

1. Resolution 2012-230 "Resolution Approving Purchase Order # 44433 to Hillside Ventures, LLC In The Amount of \$6,384."

Councilman Lesnewich presented Resolution 2012-230 approving purchase order #44433 to Hillside Ventures, LLC in the amount of \$6,384. He stated this is for summer science camp.

Planning Board:

1. Introduction of Ordinance 2012-11 "An Ordinance Of The Borough Of New Providence, County Of Union State Of New Jersey Amending The Definition Of "Personal Services Establishment" At Section 310-6 Of The Borough Code"

Mayor Hern introduced Ordinance 2012-11 amending the definition of "Personal Services Establishment" at Section 310-6 of the Borough Code. He stated this is an Ordinance modifying the Borough Code to add terms to the definition of "Personal Services Establishment". He stated it will add language after "beauty services" to also include spas, day spas, and massage as an accessory use. He added it excludes massage as a principal use.

Mayor Hern opened the Ordinance for discussion by Council. No further discussion.

Public Safety:

1. Raffle Requests: RA946 New Providence Athletic Foundation
RA947 New Providence Athletic Foundation

Mayor Hern presented Raffle Requests RA946 and RA947 for the New Providence Athletic Foundation.

2. Limousine License: Raja Express Limo

Mayor Hern presented limousine license application from Raja Express Limo.

3. Authorization to Bid Fire Engine.

Mayor Hern presented the authorization to go out to bid for a new fire engine. He stated the Fire Department has been requesting permission to purchase a new fire engine for quite some time. Administrator Marvin added the funds have already been appropriated in the 2012 budget for this purchase.

3. Resolution 2012-231 “Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey Supporting The *Drive Sober Or Get Pulled Over 2012 Statewide Crackdown*”

Councilman Cucco presented Resolution 2012-231 supporting the “Drive Sober or Get Pulled Over 2012 Statewide Crackdown”.

Public Works:

1. Resolution 2012-232 “Resolution Approving Purchase Order #44364 For Beyer Ford, In The Amount Of \$31,389.60, State Contract No. A78848”

Councilman Cucco presented Resolution 2012-232 approving Purchase Order #44364 for Beyer Ford, in the amount of \$31,389.60, State Contract No. A78848. He stated this is for the purchase of a Public Works Truck.

2. Resolution 2012-233 “Resolution Approving Purchase Order #44388 For Durst Mastergear, In The Amount Of \$5,000.00”

Councilman Cucco presented Resolution 2012-233 approving purchase order #44388 for Durst Mastergear, in the amount of \$5,000.00. He stated this is for the replacement of gears at the wastewater treatment plant.

3. Resolution 2012-234 “Resolution Approving Purchase Order #44383 For The ODB Co., In The Amount Of \$6,000.00, State Contract No. T2188”

Councilman Cucco presented Resolution 2012-234 approving purchase order #44383 for the ODB Co., in the amount of \$6,000.00, State Contract No. T2188. He stated this is for replacements parts for the leaf vacuum.

4. Resolution 2012-235 “Resolution Approving Purchase Order #44350 For Paragon Mills, Inc., In The Amount Of \$11,157.54”

Councilman Cucco presented Resolution 2012-235 approving purchase order #44350 for Paragon Mills, Inc., in the amount of \$11,157.54. He stated this is for floor work at the senior center.

5. Resolution 2012-236 “Resolution Approving Purchase Order #44406 For Woodland Builders, Inc., In The Amount Of \$15,038.17”

Councilman Cucco presented Resolution 2012-236 approving purchase order #44406 for Woodland Builders, Inc., in the amount of \$15,038.17.

6. Resolution 2012-237 “Resolution Approving Purchase Order #44426 For Asphalt Paving Systems, Inc., In The Amount Of \$95,000.00, Summit Cooperative Bid 192 SCCPS”

Councilman Cucco presented Resolution 2012-237 approving purchase order #44426 for Asphalt Paving Systems, Inc., in the amount of \$95,000.00, Summit Cooperative Bid 192 SCCPS.

7. Authorization to Bid Authorization to bid sidewalk project on Maple Street and Brookside Drive.

Councilman Cucco presented authorization to bid sidewalk project on Maple Street and Brookside Drive. He stated funds being used for this project are from a NJDOT grant in the amount \$180,000. Councilman Robinson expressed he is very pleased that this project is taking place soon and stated the project will help with the traffic control and children’s safety when walking to school.

8. Resolution 2012-238 Resolution Amending Amount of Purchase Order for Iannella General Contracting, Inc In The Amount Not To Exceed \$17,500 for Downtown Sidewalk Construction.

Councilman Cucco presented Resolution 2012-238 amending amount of purchase order for Iannella General Contracting, Inc in the amount not to exceed \$17,500 for Downtown Sidewalk Construction.

9. Resolution 2012-239 Resolution Appointing Mark Allocco as a Seasonal Employee in the Public Works Department.

Councilman Cucco presented Resolution 2012-239 appointing Mark Allocco as a seasonal employee in the Public Works Department.

10. Resolution 2012-240 Resolution Approving Purchase Order 44432 for Argent Contracting Co., Inc. for Emergency Repairs to Firehouse Air Conditioning.

Councilman Cucco presented Resolution 2012-240 approving purchase order 44432 for Argent Contracting Co., Inc. for emergency repairs to firehouse air conditioning.

COUNCIL COMMITTEE REPORTS.

Robinson - operations normal, nothing to report.

Muñoz – spoke with residents from Tall Oaks area and reported they are very pleased that the sidewalk project is going to take place.

Cucco – operations normal, nothing to report.

Lesnewich – operations normal, nothing to report

BOROUGH ADMINISTRATOR'S REPORT.

Administrator Marvin reported on the following items:

- 1) Foley Square – participated in pre-construction meeting last week on the Foley Square project. All of the buildings have been vacated. Demolition is expected to begin in September.
- 2) Sidewalk Improvements – he received an inquiry from a resident asking for a possible sidewalk installation on Floral Avenue on the South side of the street. He stated he would speak with the Borough Engineer to provide an engineer estimate on the improvements, and also ask Jim Johnston to provide a list of priorities for such improvements for future years.
- 3) Community Activities - he reported the Recreation 2012-2013 brochure is completed and posted on-line. The printed copies will be mailed to all residents next week.
- 4) Flooding – he reported the sudden severe storms of the past few weeks have created flooding issues in several areas of town, specifically Lavina Court. He stated Jim Johnston and his crews removed 10 fallen trees as well as much debris from the stream a couple of weeks ago hoping that would resolve the issue, but unfortunately the sudden rain last week caused flooding again. He stated he would be walking the area the next day with Jim Johnston to see what other solutions might be available.
- 5) Pearl Street Project – he reported the project is expected to begin on Monday, August 20th. He stated the project includes milling and paving, intersection improvements at Pearl and Union, pedestrian enhancements, and new curbing and sidewalk repairs.

Administrator Marvin to COAH – Forfeiture of Uncommitted Funds 08-11-0-12

Attorney Woodward summarized the above communication. Woodward stated the Borough received a form from COAH asking the Mayor to provide a certification regarding the Borough's affordable housing funds. He stated the Borough has collected approximately \$350,000 over the years, but has spent more than that in support of affordable housing. He added the Borough appropriated \$50,000 in the 2012 budget for affordable housing. He stated the Superior Court's recent decision was that COAH does not have the right to request this information. He stated after consulting with the other attorney involved in the litigation, the Borough will respond to the Executive Director of the Council on Affordable Housing and explain where the \$50,000 funds came from.

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 Hern opened the meeting for public comments.

Joe (full name not stated) – pedestrian crosswalk on Springfield Avenue (near Academy Street). He stated the drivers do not stop for pedestrians crossing the street even when

he activates the flashing pedestrian sign. He asked if a police officer could stand at the crosswalk. Mayor Hern stated the police patrol that area to the best of their ability and unfortunately they do not have enough staff to have someone stand there. He stated some trees are to be removed in that area which will hopefully eliminate some of the shade that disguises the pedestrians when they are standing there.

Pat Moschetti – 50 Sherwood Drive

1) Police Department Consolidation - New Providence and Berkeley Heights. Mr. Moschetti asked about the status of a shared dispatch between New Providence and Berkeley Heights, being that he read an article regarding the subject in the newspaper. The Mayor stated the Township of Berkeley Heights does not wish to participate in a shared Police Department at this time.

2) Union County Freeholder Liaison – Mr. Moschetti asked if the Council has frequent contact with the Union County Freeholders. Mayor Hern responded he has contact with the Freeholder chair and Administrator Marvin has contact with the County Manager. Mr. Moschetti stated 19 out of the 21 counties in NJ have a combined Sheriff and county staff, but Union County is one of the 2 that have separate departments. He asked Council to contact the county regarding this matter.

3) Old A&P building vacant – Mr. Moschetti asked if the Council knows of any plans to fill the vacant building. Mayor Hern stated there is a pending application before the Board of Adjustment for a fitness center.

Larry Corsi – 28 Eighth Street

1) Recycling - Asked Council if recyclables could now be co-mingled. Administrator Marvin replied the recycling company is temporarily experimenting and items should still be separated at this time.

2) Corner of Marion Avenue and South Street Development – asked Council if they knew of any reasons for delay in construction. Mayor Hern replied they have not received any correspondence regarding a delay.

3) Livingston Avenue house near Senior Center – noticed the property was being cleaned up and asked Council if they knew the status. Councilman Robinson stated after speaking with the owner he was notified the house is going to be demolished and rebuilt.

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 passage of items 2-5 and 7-23 on the consent agenda, seconded by Councilman Muñoz and on Roll Call: Councilman Lesnewich, Councilman Cucco, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on Roll Call.

Councilman Cucco moved passage of item 1 on the consent agenda, seconded by Councilman Muñoz and on Roll Call: Councilman Cucco, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on Roll Call. Councilman Lesnewich abstained from voting due to a conflict of interest.

1. Raffle Requests: RA946 New Providence Athletic Foundation
SEPARATE VOTE RA947 New Providence Athletic Foundation
2. Limousine License: Raja Express Limo
3. Authorization to Bid Fire Engine.
4. Authorization to Bid Authorization to bid sidewalk project on Maple Street and Brookside Drive.
5. Resolution 2012-223 “Resolution Approving Purchase Order #44321 For General Code Publishers Corp., In The Amount Of \$2,912.00”
6. Resolution 2012-224 DEFERRED “Resolution Authorizing Agreement Between The Borough Of New Providence And The Town Of Westfield For Professional Health Services”
7. Resolution 2012-225 “Resolution Authorizing Payment Of The Attached Bills Payable List, In The Amount Of \$11,523,349.12
8. Resolution 2012-226 “Resolution Refunding Tax Title Lien Redemption”
9. Resolution 2012-227 “Resolution Providing For The Insertion Of Any Special Item Of Revenue In The 2011 Budget Pursuant Of N.J.S. 40a:4-87 Chapter 159, P.L. 1948”
10. Resolution 2012-228 Resolution Approving License Agreement with Jeffrey and Bethann Nook for the Property Located at 58 Crane Circle.
11. Resolution 2012-229 “Resolution Approving Proposal To The Union County Division Of Planning For Grant Funds For The Municipal Alliance For The Year 2013”
12. Resolution 2012-230 “Resolution Approving Purchase Order # 44433 to Hillside Ventures, LLC In The Amount of \$6,384.”
13. Resolution 2012-231 “Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey Supporting The *Drive Sober Or Get Pulled Over 2012 Statewide Crackdown*”
14. Resolution 2012-232 “Resolution Approving Purchase Order #44364 For Beyer Ford, In The Amount Of \$31,389.60, State Contract No. A78848”

- | | | |
|-----|-----------------------------------|--|
| 15. | Resolution 2012-233 | "Resolution Approving Purchase Order #44388 For Durst Mastergear, In The Amount Of \$5,000.00" |
| 16. | Resolution 2012-234 | "Resolution Approving Purchase Order #44383 For The ODB Co., In The Amount Of \$6,000.00, State Contract No. T2188" |
| 17. | Resolution 2012-235 | "Resolution Approving Purchase Order #44350 For Paragon Mills, Inc., In The Amount Of \$11,157.54" |
| 18. | Resolution 2012-236 | "Resolution Approving Purchase Order #44406 For Woodland Builders, Inc., In The Amount Of \$15,038.17") |
| 19. | Resolution 2012-237 | "Resolution Approving Purchase Order #44426 For Asphalt Paving Systems, Inc., In The Amount Of \$95,000.00, Summit Cooperative Bid 192 SCCPS" |
| 20. | Resolution 2012-238 | Resolution Amending Amount of Purchase Order for Iannella General Contracting, Inc In The Amount Not To Exceed \$17,500 for Downtown Sidewalk Construction. |
| 21. | Resolution 2012-239 | Resolution Appointing Mark Allocco as a Seasonal Employee in the Public Works Department. |
| 22. | Resolution 2012-240 | Resolution Approving Purchase Order 44432 for Argent Contracting Co., Inc. for Emergency Repairs to Firehouse Air Conditioning. |
| 23. | Introduction of Ordinance 2012-11 | "An Ordinance Of The Borough Of New Providence, County Of Union State Of New Jersey Amending The Definition Of "Personal Services Establishment" At Section 310-6 Of The Borough Code" |

ADJOURNMENT.

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

Respectfully submitted,

Denise Gelormini, Deputy Borough Clerk

These minutes have not yet been officially approved.

Minutes approved at the Borough Council meeting of 08/27/2012 as submitted.