

Borough Council Minutes  
New Providence, New Jersey  
April 24, 2017

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, April 24, 2017 at 7:00 pm at the Municipal Center. Mayor Morgan called the meeting to order.

Present on Roll Call: Mayor Morgan, Council President Kapner,  
Councilman Madden, Councilman Galluccio,  
Councilman Gennaro, Councilman Muñoz,  
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.

**PUBLIC HEARING ON ORDINANCES:**

1. Ordinance 2017-04 "An Ordinance Amending And Supplementing Chapter 253 Of The Code Of The Borough Of New Providence Entitled "Vehicles, Abandoned And Unlicensed"

Title was read in full by the Borough Clerk.

Mayor Morgan declared a public hearing on Ordinance 2017-04. There being no one wishing to speak the hearing was declared closed.

Councilman Madden moved adoption of Ordinance 2017-04 on second reading. Seconded by Councilman Muñoz and on Roll Call: Councilman Madden, Councilman Galluccio, Council President

Kapner, Councilman Gennaro, Councilman Muñoz and Councilman Robinson voted “aye”. Carried on Roll Call.

## **RESOLUTION:**

Resolution 2017-126

“Resolution Of The Borough Of New Providence, County Of Union, State Of New Jersey, Authorizing Sale Of Service Weapon To Retiring Police Captain Wayne Maurer”

Council President Kapner moved adoption of Resolution 2017-126. Seconded by Councilman Madden and on Roll Call: Councilman Madden, Councilman Galluccio, Council President Kapner, Councilman Gennaro, Councilman Muñoz and Councilman Robinson voted “aye”. Carried on Roll Call.

## **PROCLAMATION:**

1. Captain Wayne Maurer

Mayor Morgan read and presented proclamation honoring Wayne Maurer for his 33 years of service to the residents and Borough of New Providence.

2. 2017 Arbor Day

Mayor Morgan read proclamation for Arbor Day 2017.

3. 2017 Organ Tissue Donor Month

Mayor Morgan read and presented a proclamation for 2017 Organ Tissue Donor Month. Kelly Bonventre and Peter DeSarno of the NJ Sharing Network along with volunteers Rebecca, Lily and Brian Coniglio were present to accept the proclamation.

## **APPROVAL OF MINUTES:** April 3, 2017

Councilman Galluccio moved the minutes of the April 3, 2017 Borough Council Meeting be approved as submitted. Seconded by Councilman Muñoz and unanimously approved.

## **CORRESPONDENCE:**

1. City of Rahway, February 13, 2017. Re: Resolution Regarding Equal pay for Women in the Workplace. No action required.

2. Union County Freeholders, March 30, 2017. RE: Union County Budget Resolutions, 2017-261 and 2017-264. No action required.
3. Neeraj Saxena, April 2, 2017. Re: Central Avenue Water Company Road Repairs. No action required.
4. Jen Apicella, April 2, 2017. Re: Oakwood Park Traffic Issues. No action required.
5. Lawrence DeMilio, April 2, 2017. Re: Oakwood Park Traffic Issues. No action required.
6. Township of Chatham, April 3, 2017. Re: Chatham Township Zoning Board of Adjustment Public Hearing. No action required.
7. Diane Harvey, April 3, 2017. Re: Board of Adjustment Public hearing, 118 Commonwealth Avenue. No action required.
8. Amy & John DiGregorio, April 3, 2017. Re: Re: Board of Adjustment Public hearing, 15 Clinton Avenue. No action required.
9. City of Summit, April 5, 2017. Re: Ordinance Amending the Development Regulations Ordinance – Establishing Seven New Overlay Zones. No action required.
10. Paul Van Dillen, April 7, 2017. Re: Oakwood Park Project. No action required.
13. Township of Berkeley Heights, April 10, 2017. Re: Redevelopment Plan for 450 Springfield Avenue. No action required.
14. Angela Madden, April 11, 2017. Re: New Providence Train Station Drop Off, Traffic Issue. No action required.
15. State of New Jersey, Department of Transportation, April 11, 2017. Re: Safe routes to School Program Award. No action required.
16. Wendi Porretti, April 12, 2017 Re: Oakwood and Grove Park Comments. No action required.
17. County of Union, Office of County Manager, April 13, 2017. Re: Community Development Block Grant Program. Council requested resolution be prepared for next Council agenda.

Mayor Morgan spoke regarding utility work, water mains and gas mains, going on throughout the Borough. Mayor Morgan acknowledged the frustration and inconvenience the projects have caused, stressing the infrastructure repairs are necessary and for the good of the community. Mayor Morgan asked residents to be tolerant noting the roads will be repaired once the work is completed. Mayor Morgan requested anyone with questions to go to the Borough website for the latest information on the projects.

Council discussed the process for pothole reporting and repairs.

## **COUNCIL BUSINESS:**

### **Community Activities:** Councilman Robinson, Councilman Madden

1. Resolution 2017-112      “Salary Resolution”

Councilman Robinson presented Resolution 2017-112 approving salary for costume director in the Community Activities Department.

### **Finance:** Councilman Gennaro, Council President Kapner

1. Introduction of Ordinance 2017-05      “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 .006 Cent Per One Hundred Dollars Of Assessed Value”

Councilman Gennaro presented Ordinance 2017-05 on first reading, stating this ordinance increases the open space tax levy to .006 cents per one hundred dollars of assessed value.

2. Introduction of Ordinance 2017-06      “Bond Ordinance Providing For Various Capital Improvements In And By The Borough Of New Providence, In The County Of Union, New Jersey, Appropriating \$3,089,100 Therefor And Authorizing The Issuance Of \$2,942,000 Bonds Or Notes Of The Borough To Finance Part Of The Cost Thereof”

Councilman Gennaro presented Ordinance 2017-06 on first reading, stating this ordinance provides for the 2017 capital improvement authorization as included in the 2017 municipal budget.

3. Resolution 2017-113      “Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$ \$ 685,357.81”

Councilman Gennaro presented Resolution 2017-113 approving the bills payable list with significant payments to AmeriHealth \$106,332 and VCI Emergency Vehicles \$193,897.

4. Resolution 2017-114      “Resolution Refunding Or Applying Overpayment Of Taxes To Certain Property Owners”

Councilman Gennaro presented Resolution 2017-114 which authorizes the refunding of a homestead rebate benefit to an exempt veteran in the amount of \$331.47.

5. Resolution 2017-115      “Capital Budget Amendment”

Councilman Gennaro presented Resolution 2017-115 which amends the capital budget to include the section 20 costs associated with the bond.

**Planning & Development:** Councilman Madden, Councilman Galluccio

1. Resolution 2017-116      “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Construction Administration Services Regarding Ping Wang Demolition And Site Restoration”

Councilman Madden presented Resolution 2017-116 which approves a proposal from Maser Consulting for construction administration services related to the demolition of the Ping Wang Greenhouses not to exceed \$7,500.

2. Resolution 2017-117      “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Professional Environmental Consulting Services Regarding Stormwater Outfalls”

Councilman Madden presented Resolution 2017-117 which approves a proposal from Maser Consulting to perform the state required inspections of the Borough’s 164 storm sewer outfalls in an amount not to exceed \$6,500.

3. Resolution 2017-118      “Resolution Retaining The Professional Services Of Suburban Consulting Engineers, Inc. For Professional Engineering Services For Streetscape Project Phase 2”

Councilman Madden presented Resolution 2017-118 which approves professional services of Suburban Consulting Engineers to prepare the necessary documents to separate the original streetscape project work from all of the alternate bids to expedite completion of the overall project.

Councilman Madden noted as a requirement of the grant, federal regulations require on-site inspections, at all times work is being performed, which could cost \$100,000.00. Councilman Madden requested Council have a discussion to determine if it is cost effective to accept the grant and the requirements that come with it. Council discussed the options and agreed that so long as the Borough nets out to the positive, it is still in the interest of the Borough to accept the grant.

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

1. Resolution 2017-119      “Resolution Amending Resolution 2016-183  
“Resolution Approving Purchase Order For VCI Emergency Vehicle Specialists, In An Amount Not To Exceed \$178,897.00, For Ems Ambulance, Under HGAC Co-Op Contract Am10-14”, Adopted May 23, 2016”

Mayor Morgan presented Resolution 2017-119 amending purchase order for VCI Emergency Vehicle to authorize an additional \$15,000. Mayor Morgan explained the additional funds are requested because it was determined to be in the best interest of the Borough to retain the ambulance, which had been planned for trade-in, for use in the Wastewater Treatment Department.

**Public Works:** Councilman Muñoz, Councilman Galluccio

1. Resolution 2017-120 "Resolution Employing Summer Help In The Borough Of New Providence"

Councilman Muñoz presented Resolution 2017-120 which authorizes the summer employment of four people for the Department of Public Works at a rate of \$10.00 per hour

2. Resolution 2017-121 "Resolution Approving Partial Payment # 1 For CMS Contracting, Inc., In The Amount Of \$39,592.00 For The Project Commonly Known As "Wastewater Treatment Plant Garage Project"

Councilman Muñoz presented Resolution 2017-121 which authorizes a partial payment for CMS for the Wastewater Treatment Plant Garage project.

3. Resolution 2017-122 "Resolution Approving Change Order #1 A A Berms, LLC, In The Reduced Amount Of \$ 1,309.20 For The 2016 Sidewalk Program"

Councilman Muñoz presented Resolution 2017-122 which authorizes a change order which reduces the contract by \$1,309.20 due to fewer detectable warning surfaces and less excavation and sidewalk removal.

4. Resolution 2017-123 "Resolution Approving Partial Payment # 2 (Final) For A A Berms, LLC, In The Amount Of \$51,787.85 For The Project Commonly Known As "2016 Sidewalk Program"

Councilman Muñoz presented Resolution 2017-123 which authorizes the final payment for A A Berms for the 2016 Sidewalk Program.

5. Approval to Purchase a Sanitary Sewer Main Video Camera through the NJPA

Councilman Muñoz presented a request to purchase a Sanitary Sewer Main Video Camera through the National Joint Purchasing Alliance and authorize publication of legal notice of intent to purchase.

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

1. Resolution 2017-124 "Resolution Approving Partial Payment # 2 (Final) For Musco Sports Lighting, LLC, In The Amount Of \$30,662.50 For The Project Commonly Known As "Oakwood Park Athletic Field Renovation"

Councilman Madden presented Resolution 2017-124 which approves the final payment to Musco Sports lighting for the equipment at the Oakwood Park renovation project.

**Legal and Regulatory:** Councilman Galluccio, Councilman Madden

1. Resolution 2017-125                      “Resolution Authorizing Settlement Agreement And General Release Between The Borough Of New Providence And Arriv Shah”

Councilman Galluccio presented Resolution 2017-125 which approves a settlement agreement and general release for an insurance claim. Council discussed and requested a quarterly report on pending litigation cases.

**DISCUSSION ITEMS:**

Day of Service, Love for Courtney

Mayor Morgan and Councilman Robinson presented the request of Jeannie Lawton to sponsor a “Day of Service, Love for Courtney”, in memory of her niece, on May 13th. Councilman Robinson explained the project is two part: removal and planting of shrubs in the downtown business area and then bingo with the seniors. Councilman Robinson advised Ms. Lawton has met with the Borough Administrator and Manager of Public works to plan the fundamentals of program. Council discussed the costs and it was noted the DID would be purchasing the plantings for the downtown. Council discussed the safety protocols and requested the Borough Administrator work with the Borough Attorney to prepare a volunteer waiver.

Councilman Galluccio moved approval of the project. Seconded by Councilman Muñoz and unanimously approved.

**COUNCIL COMMITTEE REPORTS.**

Councilman Robinson reported on the following items:

- 1) Saturday the Sustainability Committee will be giving out 2,000 tree saplings for Arbor Day.

Councilman Muñoz reported on the following items:

- 1) Board of Education will hold a public hearing on the budget Thursday night.

Councilman Gennaro reported on the following items:

- 1) Finance committee met to plan for the selection of a new CFO and bond rating affirmation.
- 2) Shared Dispatch usage numbers.

Council President Kapner reported on the following items:

- 1) Thanked Finance Committee.
- 2) Planning Board will meet May 2<sup>nd</sup> to hold a public hearing on the Master Plan Re-Examination.
- 3) New Providence Business and Professional Association will have the next meeting on May 11<sup>th</sup> at the New Providence Memorial Library.

Councilman Galluccio reported on the following items:

- 1) Organ Tissue Donor Month and also the need for living donors.

Councilman Madden reported on the following items:

- 1) Oakwood Park Athletic Field Renovation Project meeting.
- 2) Economic Development Committee met, Cindy Reis, Public Information Officer presented a Way Finding Sign initiative.

Mayor Morgan reported on the following items:

- 1) Attended the Historical Society Annual Dinner.
- 2) Historical Society Speaker Series.
- 3) Downtown Improvement District Annual Meeting.
- 4) New Providence named #67 of the top 100 Safest Towns in America for 2017.

## **BOROUGH ADMINISTRATOR REPORT.**

Administrator Marvin reported on the following items:

- 1) DeCorso Community Center will be hosting an "Open House" on Wednesday.
- 2) Senior Health Fair will be held May 17<sup>th</sup>.
- 3) Police Department will be holding "Take Back" program on Saturday.
- 4) Ping Wang Preconstruction meeting has been scheduled.
- 5) Community Forestry Management Plan has been approved.

Ira Krauss – Board of Education

Reported that construction has begun at the high school and middle school and that an enrollment committee has been formed to look at future enrollment projections.

## **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 comments.

Ilyse Rogozenski, 35 Hawthorne Drive.

- 1) Addressed Council regarding the Central Avenue roadwork and the street closures.
- 2) Asked Council if there has been any decision on where the new sidewalks will be installed.

Bruce Patterson, 325 Willow Avenue Garwood.

- 1) Addressed Council regarding the increase in the County surplus, suggesting some of the surplus should be returned to the municipalities to offset the costs associated with conducting a revaluation program.

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 passage of items 1 through 16 of the Consent Agenda. Seconded by Councilman Madden and on Roll Call: Councilman Madden, Councilman Galluccio, Council President Kapner, Councilman Gennarro, Councilman Muñoz and Councilman Robinson voted “aye”. Carried on Roll Call.

1. Resolution 2017-112 “Salary Resolution”
2. Resolution 2017-113 “Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$\$ 685,357.81>
3. Resolution 2017-114 “Resolution Refunding Or Applying Overpayment Of Taxes To Certain Property Owners”
4. Resolution 2017-115 “Capital Budget Amendment”
5. Resolution 2017-116 “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Construction Administration Services Regarding Ping Wang Demolition And Site Restoration”
6. Resolution 2017-117 “Resolution Accepting The Proposal Of Maser Consulting, P.A. For Professional Engineering And Professional Environmental Consulting Services Regarding Stormwater Outfalls”
7. Resolution 2017-118 “Resolution Retaining The Professional Services Of Suburban Consulting Engineers, Inc. For Professional Engineering Services For Streetscape Project Phase 2”
8. Resolution 2017-119 “Resolution Amending Resolution 2016-183  
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9. Resolution 2017-120 “Resolution Employing Summer Help In The Borough Of New Providence”
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| 11. Resolution 2017-122               | “Resolution Approving Change Order #1 A A Berms, LLC, In The Reduced Amount Of \$ 1,309.20 For The 2016 Sidewalk Program”   |
| 12. Resolution 2017-123               | “Resolution Approving Partial Payment # 2 (Final) For A A Berms, LLC, In The Amount Of \$51,787.85 For The Project Commonly Known As “2016 Sidewalk Program”  |
| 13. Resolution 2017-124               | “Resolution Approving Partial Payment # 2 (Final) For Musco Sports Lighting, LLC, In The Amount Of \$30,662.50 For The Project Commonly Known As “Oakwood Park Athletic Field Renovation”   |
| 14. Resolution 2017-125               | “Resolution Authorizing Settlement Agreement And General Release Between The Borough Of New Providence And Arriv Shah”  |
| 15. Introduction of Ordinance 2017-05 | “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 .006 Cent Per One Hundred Dollars Of Assessed Value”                          |
| 16. Introduction of Ordinance 2017-06 | “Bond Ordinance Providing For Various Capital Improvements In And By The Borough Of New Providence, In The County Of Union, New Jersey, Appropriating \$3,089,100 Therefor And Authorizing The Issuance Of \$2,942,000 Bonds Or Notes Of The Borough To Finance Part Of The Cost Thereof” |

## **ADJOURNMENT.**

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

Respectfully submitted,

Wendi B. Barry  
Borough Clerk

These minutes have not yet been officially approved.

*Minutes approved at the May 8, 2017 meeting of the Borough Council, as submitted.*