

Borough Council Minutes
New Providence, New Jersey
June 12, 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, June 12, 2017 at 7:00 pm at the Municipal Center. Mayor Morgan called the meeting to order.

Present on Roll Call: Mayor Morgan, Councilman Galluccio, Councilman Madden, Councilman Gennaro, Councilman Muñoz, Councilman Robinson

Entered After Roll Call: None

Absent: Council President Kapner

Also Present: Administrator Marvin, Borough Clerk Barry, Attorney Rizzo, Deputy Borough Clerk Brinkofski

PLEDGE OF ALLEGIANCE.

Mayor Morgan led the Pledge of Allegiance.

PUBLIC NOTICE:

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.

Mayor Morgan requested a moment of silence in memory of Marjan Nirou-Saniee, Chairman of the New Providence Public Arts Committee, who passed away last week.

FINAL HEARING OF ORDINANCES:

1. Ordinance 2017-08 "An Ordinance Of The Borough Of New Providence Amending And Supplementing § 310-6 Entitled "Definitions," § 310-7 Entitled "Districts Established," § 310-8 Entitled "Zoning Map," § 310-18a Entitled "Maximum Number Of Buildings," § 310-35 Entitled "Affordable Housing," § 310-50 Entitled "Affordable Housing Districts," § 310-10 Entitled "Schedule," To Rezone Certain Lots To The Newly Established Ah Affordable Housing And AH-AR Affordable Housing Age-Restricted Zones"

Councilman Galluccio moved to table Ordinance 2017-08, pending discussions with C.R. Bard. Seconded by Councilman Muñoz, and on Roll Call: Councilman

Madden, Councilman Galluccio, Councilman Gennaro, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on roll Call.

APPOINTMENTS:

1. Resolution 2017-144 “Resolution Appointing Theresa Gazaway To Captain In The New Providence Police Department, Borough Of New Providence, State Of New Jersey, County Of Union”

Title was read in full by the Borough Clerk

Councilman Galluccio moved adoption of Resolution 2017-144, seconded by Councilman Muñoz and on Roll Call: Councilman Madden, Councilman Galluccio, Councilman Gennaro, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on roll.

Mayor Morgan administered the Oath of Office to Captain Gazaway.

2. Resolution 2017-145 “Resolution Appointing Hector Christian Cely-Gomez As Probationary Patrolman The Police Department Of The Borough Of New Providence”

Title was read in full by the Borough Clerk

Councilman Muñoz moved adoption of Resolution 2017-145, seconded by Councilman Madden and on Roll Call: Councilman Madden, Councilman Galluccio, Councilman Gennaro, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on roll.

Mayor Morgan administered the Oath of Office to Patrolman Cely-Gomez.

3. Resolution 2017-146 “Resolution Appointing Andrew Lynch As Probationary Patrolman The Police Department Of The Borough Of New Providence”

Title was read in full by the Borough Clerk

Councilman Muñoz moved adoption of Resolution 2017-146, seconded by Councilman Madden and on Roll Call: Councilman Madden, Councilman Galluccio, Councilman Gennaro, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on roll.

Mayor Morgan administered the Oath of Office to Patrolman Lynch.

Mayor Morgan and Chief Buccelli welcomed Officer Cely-Gomez and Officer Lynch and congratulated Captain Gazaway.

4. Committee Appointments:

Mayor Morgan announced the appointment of Alexandra Loureiro and Deborah Bresalier to the Beautification Committee.

Mayor Morgan announced the appointment of Nadine Geoffroy to the Municipal Alliance Committee.

Mayor Morgan announced the appointment of Alain Au to the Library Board of Trustees for an unexpired term.

Mayor Morgan announced the appointment of Kerry Lee to the Library Board of Trustees for an unexpired term.

Councilman Galluccio moved to concur with the Mayor's appointments, seconded by Councilman Madden and unanimously approved.

CORRESPONDENCE:

1. State of New Jersey, Department of Environmental Protection, May 15, 2017. Re: Municipal Separate Storm Sewer System Permit. No action required.
2. State of New Jersey, Department of Transportation, May 17, 2017. Re: 2017 Municipal Aid Grant Award. No action required.
3. State of New Jersey, Department of Environmental Protection, May 18, 2017. Re: No Further Action Letter, 22 Madison Avenue. No action required.
4. John Joseph, Lantern Hill, May 19, 2017. Re: Drilling & Blasting Operations Phase III. No action required.
5. Union County Open Space, Recreation & Historic Preservation Trust Fund, May 22, 2017. Re: Preserve Union county 2017 Grant. No action required.
6. JP Morgan Chase Bank, May 24, 2017. Re: Planning board Public Hearing, 75 South Street. No action required.
7. Antoinette Marasco, May 24, 2017. Re: Board of Adjustment Public Hearing, 343 Charnwood Road. No action required.
8. State of New Jersey, Department of Environmental Protection, May 25, 2017. Re: Suspected Hazardous Substance Discharge Notification. No action required.
9. Union County Board of Chosen Freeholders, May 25, 2017. Re: Ordinance 783-2017, Union County Administrative Code. No action required.

10. Union County Board of Chosen Freeholders, May 25, 2017. Re: Resolution 2017-435, Permission to Close County Roads. No action required.
11. Township of Berkeley Heights, May 25, 2017. Re: Land Use Ordinances, 15-2017 and 16-2017. No action required.
12. Township of Chatham, May 26, 2017. Re: Land Development Ordinance 2017-11. No action required.
13. Pat Connolly, May 27, 2017. Re: Commending EMS Services. No action required.
14. Union County Open Space, Recreation & Historic Preservation Trust Fund, May 29, 2017. Re: 2017 Kids Recreation Trust Grant. No action required.
15. Union County Open Space, Recreation & Historic Preservation Trust Fund, May 29, 2017. Re: 2017 Greening Union County Grant. No action required.
16. Sixth Street Associates LLC, May 30, 2017. Re: Planning Board Public Hearing, 28 Sixth Street. No action required.
17. NJ Transit, May 31, 2017. Re: Amtrak Emergency Repair and Summer Renewal Work Update. No action required.
18. Larry Cohen, The Humane Society of the United States, June 2, 2017. Re: Puppy Mill Ordinance. Council requested an ordinance be prepared for the next Council agenda.
19. William & Martha Perriton, June 3, 2017. Re: Board of Adjustment Public Hearing, 67 Division Avenue. No action required.
20. Township of South Orange Village, June 5, 2017. Re: New Jersey Transit Rail Service. No action required.
21. Best Friends Animal Society, June 5, 2017. Re: Support of a Retail Pet Sales Ordinance. No action required.
22. NJ Transit, June 6, 2017. Re: Meeting with Local Officials. Council noted that for the period of July 5th through September 5th there will be no mid-town direct train on the Gladstone Line.
23. State of New Jersey, Department of Environmental Protection, June 6, 2017. Re: 2017 Clean Communities Grants. No action required.
24. Richard Mondato, June 6, 2017. Re: Hometown Hero Banner Project. Mayor Morgan reported he heard about a family who traveled from out of state to see the banner of their father.
25. Eric Waters, June 6, 2017. Re: NJ Transit Meeting with Local Officials. No action required.

26. Borough of Fanwood, June 6, 2017. Re: Resolution Supporting Paris Climate Accord. No action required.

COUNCIL BUSINESS:

Administration: Council President Kapner, Councilman Robinson

1. Resolution 2017-147 “Resolution Appointing Mayor Al Morgan As The New Providence Member Of The Board Of Directors For The 705 Central Avenue Condominium Association With Administrator Douglas Marvin As An Alternate Member”

Councilman Robinson presented Resolution 2017-147 which appoints the Mayor as a member of the 705 Central Avenue Condominium Association, Board of Directors.

Community Activities: Councilman Robinson, Councilman Madden

1. Resolution 2017-148 “Salary Resolution”

Councilman Robinson presented Resolution 2017-148 which authorizes the employment of various camp counselors, tennis court attendants and other instructors for summer camp programs.

Finance: Councilman Gennaro, Council President Kapner

1. Introduction of Ordinance 2017-10 “An Ordinance Amending Chapter 147 Of The Code Of The Borough Of New Providence Entitled ”Fees And Licenses””

Councilman Gennaro presented Ordinance 2017-10 which updates the Fee Ordinance, incorporating the modifications requested by Council.

2. Resolution 2017-149 “Resolution Providing For The Insertion Of Any Special Item Of Revenue In The 2016 Budget Pursuant Of N.J.S. 40a:4-87 Chapter 159, P.L. 1948 – Clean Communities Grant”

Councilman Gennaro presented Resolution 2017-149 which inserts the Clean Communities Grant of \$24,714.38 into the 2017 municipal budget.

3. Resolution 2017-150 “Resolution Authorizing Payment Of The Attached Bills Payable Lists, In The Amount Of \$ 522,208.18”

Councilman Gennaro presented Resolution 2017-150 approving the bills payable list with notable payments to: AmeriHealth \$106,729, - Library \$71,143, -CMS Construction (WWTP garage), \$53,410, - Suburban Disposal (April & May) \$62,166.

Legal and Regulatory: Councilman Galluccio, Councilman Madden

Councilman Galluccio stated the following resolutions address the annual renewal of liquor licenses.

1. Resolution 2017-151 “Resolution Relative To Issuance Of Plenary Retail Consumption License To Bistro 73 New Providence LLC”

Councilman Galluccio presented Resolution 2017-151 approving renewal of liquor license for Bistro 73.

2. Resolution 2017-152 “Resolution Relative To Issuance Of Plenary Retail Distribution License To Providence Liquors, Inc., A Corporation”

Councilman Galluccio presented Resolution 2017-152 approving renewal of liquor license for Providence Liquors Inc.

3. Resolution 2017-153 “Resolution Relative To Issuance Of Plenary Retail Consumption License To Porto Heli Inc, A Corporation”

Councilman Galluccio presented Resolution 2017-153 approving renewal of liquor license for Porto Heli, Inc.

4. Resolution 2017-154 “Resolution Relative To Issuance Of Plenary Retail Distribution License To Wine Outlet LLC”

Councilman Galluccio presented Resolution 2017-154 approving renewal of liquor license for Wine Outlet, LLC.

Personnel: Councilman Robinson, Councilman Gennaro

1. Resolution 2017-155 “Resolution Accepting Written Employment Resignation From Nicholas Fuentes, Youth Programs Coordinator In The Community Activities Department Of The Borough Of New Providence”

Councilman Robinson presented resolution accepting the resignation of Nicholas Fuentes, Youth Programs Coordinator.

2. Resolution 2017-156 “Resolution Authorizing Agreement Between The Borough Of New Providence And Brown And Brown Benefit Advisors For Public Employee Trust Services”

Councilman Robinson presented Resolution 2017-156 approving Employee Trust Agreement for employee health services. There was discussion by Council regarding the automatic renewal clause in the agreement. Council requested this resolution be removed from the agenda, pending attorney revisions.

3. Resolution 2017-157 “Resolution Accepting Written Employment Resignation From Cheryl Bartlett As A Part-Time Administrative Assistant For The Planning And Development Department Of The Borough Of New Providence”

Councilman Robinson presented Resolution 2017-157 accepting the resignation of Cheryl Bartlett, part-time Administrative Assistant.

Planning & Development: Councilman Madden, Councilman Galluccio

1. Resolution 2017-158 “Resolution Approving Change Order #3 For Hutton Construction LLC, In The Deduct Amount Of \$31,984.71 For The Project Commonly Known As “Clearwater Detention Basin Diversion Channel Repairs”

Councilman Madden presented Resolution 2017-158 which approves change order # 4, for Hutton Construction, in the deduction amount of \$31,984.71 which is due to less material being required to complete the project.

2. Resolution 2017-159 “Resolution Approving Partial Payment # 4 (Final) For Hutton Construction, LLC, In The Amount Of \$5,718.75 For The Project Commonly Known As “Clearwater Detention Basin Diversion Channel Repairs”

Councilman Madden presented Resolution 2017-159 which approves the final payment to Hutton Construction for the Clearwater Detention Basin Project.

3. Resolution 2017-160 “Resolution Approving Partial Payment # 2 For CMS Contracting, Inc., In The Amount Of \$53,410.00 For The Project Commonly Known As “Wastewater Treatment Plant Garage Project”

Councilman Madden presented Resolution 2017-160 authorizing a partial payment to CMS Contracting for the Wastewater Treatment Plant Garage.

4. Resolution 2017-161 “Resolution Accepting Bids And Awarding Contract To A A Berms, LLC, For The 2017 Sidewalk Program, In The Amount Of \$88,005.40”

Councilman Madden presented Resolution 2017-161 accepting bids and awarding the contract to AA Berms for the 2017 Sidewalk Project.

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

1. Introduction of Ordinance 2017-11 “An Ordinance Amending And Supplementing Chapter 257 Of The Code Of The Borough Of New Providence Entitled ‘Vehicles And Traffic’”

Mayor Morgan presented Ordinance 2017-11 which provides for “Block the Box” regulations.

2. Resolution 2017-162 “Resolution Appointing Michael Scuorzo To Patrolman Step One In The Police Department Of The Borough Of New Providence”

Mayor Morgan presented Resolution 2017-162 advancing Patrolman Scuorzo to Step I in the Police Department.

3. Resolution 2017-163 “Resolution Appointing David Rodriquez To Patrolman Step Three In The Police Department Of The Borough Of New Providence”

Mayor Morgan presented Resolution 2017-163 advancing Patrolman Rodriques to Step 3 in the Police Department.

Public Works: Councilman Muñoz, Councilman Galluccio

1. Resolution 2017-164 “Resolution Approving Purchase Order 17-00883 For TRV Mechanical Heating And Air, In An Amount Not To Exceed \$11,622.73”

Councilman Muñoz presented Resolution 2017-164 approving purchase order to replace the AC unit at the DeCorso Center.

Councilman Muñoz presented Resolutions 2017-165 through 2017-169 which are step advancements for the following employees: Mark Allocco to Step F, Nisim Sahar to Step D, Kenneth Diaz to Step D, Brian Morgan to Step G and David Waeschle to Step F.

2. Resolution 2017-165 “Resolution Advancing Dave Waeschle To Step F In The Public Works Department Of The Borough Of New Providence”
3. Resolution 2017-166 “Resolution Advancing Mark Allocco To Step F In The Public Works Department Of The Borough Of New Providence”
4. Resolution 2017-167 “Resolution Advancing Nisim Sahar To Step D In The Public Works Department Of The Borough Of New Providence”
5. Resolution 2017-168 “Resolution Advancing Kenneth Diaz To Step D, Third Plant Operator In The Public Works Department Of The Borough Of New Providence”
6. Resolution 2017-169 “Resolution Advancing Brian Morgan To Step G, Third Plant Operator In The Public Works Department Of The Borough Of New Providence”

Senior Services: Councilman Galluccio, Councilman Gennaro

1. Resolution 2017-170 “Resolution Authorizing Agreement Between The Borough Of New Providence And Sage Eldercare, Inc., In The Amount Of \$17,745.00”

Councilman Galluccio presented Resolution 2017-170 approving the annual contract renewal with SAGE Eldercare.

DISCUSSION ITEMS:

1. Old Borough Hall Lease – Lassus Wherley Associates, P.C.

Borough Administrator Marvin reported Clare Wherley, Lassus Wherley Associates, P.C, called to advised that her 5 year lease extension will expire at the end of 2017 and she is reviewing her options. Administrator Marvin advised Ms. Wherley expressed an interest in purchasing the building or renewing her lease. Mr. Marvin noted that the Borough Attorney’s memo addressing the two options was previous distributed with the agenda.

Council discussed the options noting what a great tenant Lassus Wherley Associates, P.C. has been and how well they have maintained the property. After discussion by Council it was the concurrence of Council to retain ownership of the property and continue to lease the property.

Council authorized the advertising for a part-time Youth Programs Coordinator In The Community Activities Department.

COUNCIL COMMITTEE REPORTS.

Councilman Madden reported on the following items:

- 1) Municipal Alliance – Every 15 Minutes production.
- 2) Municipal Alliance – partnered with the Community Pool and held a 3 on 3 basketball tournament for 7th and 8th graders.
- 3) Ping Wang Project – gas line has been capped off, will now be able to go ahead with the demolition and testing.
- 4) Recreation Capital Review Committee:
 - a) The 2017 Kids Recreation Trust Grant and applying for Grove Terrace project.
 - b) Oakwood Park upperfield targeted to be completed by July 31st.
 - c) Oakwood Park lower discussed placement of bleachers to keep spectators of the field.
 - d) Postponed making decisions regarding traffic and parking at Oakwood Park until the next committee meeting.
 - e) Discussed possible relocation of the playground at Oakwood Park.

Councilman Galluccio – Operations normal nothing to report.

Councilman Gennaro – Operations normal nothing to report.

Councilman Muñoz – Operations normal nothing to report.

Councilman Robinson reported on the following items:

- 1) Sustainability Committee:
 - a) met and discussed ways to get the word out on how people can donate to charities or an exchange programs rather than put stuff out for clean-up.
 - b) Sustainability Committee would like to look at an educational program addressing the use of pesticides on lawns.
 - c) Janet Dorman project coordinator for the NP Victory Garden Project, has placed 21 planters downtown growing fruits and vegetables for local soup kitchens.

Mayor Morgan reported on the following:

- 1) Fire Department held a “Wet Down” to christen the new truck and also honored Mickey Allocco for 65 years of service to the Department.
- 2) Attended Freeholders meeting and received the 2017 Infrastructure Grant award and the 2017 Union County Senior Focus Grant award.
- 3) Attended the 5K race hosted by the Sharing Network.
- 4) Attended the 75th Anniversary of Our Lady of Peace Church and presented a proclamation.
- 5) American Legion will host a flag retirement ceremony on June 14th.
- 6) New business in town located within Strawberry Fields, Raw Delicious.
- 7) Attended Mayor’s Round Table where the following items were addressed:
 - a) Union County Acting Prosecutor Grace Park spoke regarding opioid abuse.
 - b) Discussion regarding the creation of a Union County Veterans Council.
 - c) Union County providing tax map services.

BOROUGH ADMINISTRATOR REPORT.

Borough Administrator Marvin reported on the following items:

- 1) Sharing Network is planning to hold the 2018 5K on June the 3rd.
- 2) Suburban Consulting has revised the Downtown Streetscape plans and have submitted them to the DOT for comments.
- 3) Mountain Avenue Traffic concerns:
 - a) Have been in touch with Union County and as part of the repaving of Mountain Avenue they will be delineating the travel lanes with white striping.
 - b) Spoke with Rob Walton, JCP&L, who advised they will replace existing street lights with LED lights at no charge to the Borough. It was further noted that Council may want to consider for this section of Mountain Avenue.
 - c) Spoke Joe Graziano, Union County, who is not opposed to having a consistent speed on Mountain Avenue in the area of concern.
- 4) Infrastructure work going on in New Providence over the summer which will include gas main replacement, water main replacement and our own paving projects.

Ira Krauss – Board of Education

- 1) Had a fire outside of A.W. Roberts School want to thank the Fire Department and the Police Department for the quick response. JCP & L responded along with representatives of the solar panel company and were able to adapt the power so that school did not have to be canceled. Solar company will be repairing all the damage.
- 2) New Providence School District was nationally recognized as a School District of Character, one of only seven districts nationwide to receive the award.

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.

Jeff Morton – 322 Pond Road, Freehold N.J. Mr. Morton addressed Council regarding pet stores, sale of animals, along with the new Jersey regulations and licensing requirements of breeders and pet stores. Mr. Morton urged Council not to move ahead with the “Puppy Mill Ordinance” suggesting there is a political agenda.

Cindy Hall, Furrylicious Whitehouse, N.J. Ms. Hall addressed Council regarding the state regulations that control humane pet breeding. Ms. Hall stated the ordinance Council has been asked to adopted would prohibit pet owners from purchasing a dog which is a good fit for them and would put pet stores and pet boutiques out of business. Ms. Hall requested council not act on the proposed ordinance.

Gus Gallinnot – 53 Charnwood Road. Mr. Gallinnott asked Council about the removal of a tree behind his home in the Passaic River, which fell During “Sandy”. Mayor Morgan advised the tree will be removed, however, the Public Works Manager is working on a date for the contractor to be in down to do all the tree removal work.

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 approval of items 1-9 and 11-26 on the Consent Agenda, seconded by Councilman Galluccio and on Roll Call: Councilman Madden, Councilman Galluccio, Councilman Gennaro, Councilman Muñoz, and Councilman Robinson voted “aye”. Carried on roll Call.

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| 25. | Introduction of Ordinance 2017-10 | "An Ordinance Amending Chapter 147 Of The Code Of The Borough Of New Providence Entitled "Fees And Licenses"" |
| 26. | Introduction of Ordinance 2017-11 | "An Ordinance Amending And Supplementing Chapter 257 Of The Code Of The Borough Of New Providence Entitled 'Vehicles And Traffic'" |

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 June 26, 2017 meeting of the Borough Council, as submitted.