

**MINUTES OF REGULAR
MEETING OF COMMON
COUNCIL HELD TUESDAY,
APRIL 15, 1997, CITY HALL,
512 SPRINGFIELD AVENUE,
SUMMIT, NEW JERSEY.**

(Distributed: 4/25/97)
(Approved : 5/20/97)

The meeting was called to order by Council President Clark at
8:00 P.M.

President Clark then read the following notice:

“Adequate notice of this meeting has been provided by the City Clerk in the preparation of the Council Annual Meeting Notice, dated January 6, 1997, which set forth the date, time, and place of this meeting and by properly posting such notice and forwarding the notice to those designated newspapers and the persons requesting meeting notices. Please be further advised that this is a NO SMOKING building and that the FIRE EXITS are to my RIGHT your left, and at the BACK OF THE ROOM.

Please be further advised that the City has an Assistive Listening System for the hearing impaired. We have three (3) assistive hearing devices. If anyone needs them, please raise your hand and the device will be brought to you. Please return them to the City Clerk or leave them with the Police Dispatcher.”

Present on Roll Call: President Clark, Councilmembers Dill, Hatfield, Martin, Muñoz, Ogden and Rosen. Also present were Mayor Long and staff members Angelo, Burkholder, Chandross, Cotter, Hughes, Lewis, Osmun, and Schneller.

Absent: Mr. Townley.

Minutes of this meeting are recorded on Cassette Tapes #97-24, Section, 0205-End, and #97-25, Section 0000-3539.

Brownies Anam Raheem, Mary Cummings, and Megan Osmulski, Troop #779 from Washington School then led the flag salute.

PRESENTATIONS

Letter of Appreciation to Howard Taylor -Mayor Long read the letter and presented it along with a gift commending Howie on his being the longest serving employee for the City.

REPORTS

Mayor:

Pedestrian Safety Proclamation - Advised that May will be the month.

President:

Our House Check - Advised of its \$1,550.00 donation in lieu of taxes which is done every year and thanked and congratulated it on this effort.

City Administrator:

Firehouse - Things are continuing to move.

71 Summit Avenue - Does not have much hope to receive the Transportation grant and the State Historic Preservation money has many conditions which the City probably will not meet.

Library - It is less than \$200,000.00 from its goal and specification changes can realize construction savings in the amount of about \$300,000.00 by transferring key services to trailers during construction. He was not sure if the \$300,000.00 was built into the estimate.

ORDINANCE(S) FOR HEARING

President Clark called for a hearing on the following ordinance(s) which was (were) read by title by Clerk Hughes:

SAFETY

#2304

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING SPECIAL TRAFFIC CONDITIONS AND THE CONTROL AND USE OF PARKING METERS ON CERTAIN STREETS AND OTHER PUBLIC PLACES IN THE CITY OF SUMMIT AND APPROVING PENALTIES FOR VIOLATION THEREOF," passed May 3, 1988, as amended and supplemented. (*Long term rates and expanding permit area.*)

This is a continuation of the hearing which was adjourned on March 18, 1997.

Councilmember Muñoz advised that there was several issues related to parking that needed to be continued to be addressed with the hopes of dealing with the whole parking issue and solutions to it. Therefore, recommended the ordinance be withdrawn.

Councilmember Hatfield felt the fee raises should take place for all of the long-term lots pointing out that the Parking Advisory Committee recommended a \$1 a day increase. If only income of the increase was realized for the rest of the year, she said there would be an additional \$72,000.00 received which could be reserved for building the garage.

Joe Steiner, as SDI and Chamber of Commerce President, said that the additional revenue could also be used to finance people movers and other interim changes expenses.

No one else wished to be heard and the hearing was declared closed.

#2307

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING SPECIAL TRAFFIC CONDITIONS AND THE CONTROL AND USE OF PARKING METERS ON CERTAIN STREETS AND OTHER PUBLIC PLACES IN THE CITY OF SUMMIT AND APPROVING PENALTIES FOR VIOLATION THEREOF," passed May 3, 1988, as amended and supplemented. (*Crescent Avenue; Library and Sampson lot rates.*)

Proof of publication of introduction of the ordinance, published in the Summit Herald on March 22, 1997, was attached to the ordinance.

Councilmember Muñoz suggested for the same reasons as mentioned above for ordinance #2304 that this ordinance be withdrawn and advised that it unfortunately also included the Crescent Avenue changes which would be introduced at another meeting.

No one else wished to be heard and the hearing was declared closed.

WORKS

#2311

BOND ORDINANCE PROVIDING FOR IMPROVEMENT OF THE SANITARY SEWER COLLECTION SYSTEM IN THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE CITY FOR FINANCING SUCH APPROPRIATION.

Proof of publication of introduction of the ordinance, published in the Summit Herald on April 5, 1997 was attached to the ordinance.

No one wished to be heard and the hearing was declared closed.

BUILDINGS & GROUNDS

#2308

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE TO ESTABLISH THE 1987 DEVELOPMENT REGULATIONS ORDINANCE, SUPERSEDING THE EXISTING ZONING AND SUBDIVISION ORDINANCES IN ACCORDANCE WITH MUNICIPAL LAND USE LAW, CHAPTER 291, LAWS OF NEW JERSEY 1975, AS AMENDED", passed December 15, 1987, as amended and supplemented. (*Theater Signs*).

Proof of publication of introduction of the ordinance, published in the Summit Herald on March 22, 1997, was attached to the ordinance.

No one wished to be heard and the hearing was declared closed.

BUDGET HEARING

FINANCE

1997 SID Budget

No one wished to be heard.

Summary of 1997 General Revenues and Appropriations including
Municipal and School Purposes

Councilmember Rosen thanked all the Department Heads, especially the City Treasurer and City Administrator, for all the work done to put the budget together and commented that government should finance its operations out of current income and in good economic times, such as these, it was not prudent to draw down on the reserves.

Councilmember Martin said she was not in favor of a zero tax increase and applauded the Finance Committee's commitment to look at cost savings throughout the year.

Councilmember Hatfield stated that the Budget will provide some good and new services and that she did not support the use of surplus as a revenue.

Gil Owren, 52 Bellevue Avenue, commented as follows:

1. Felt that next year's tax increase will be about six cents.
2. Asked if as much discussion time had been spent on savings as it had been on surplus.
3. Felt the use of surplus was very dangerous.
4. Commented on the \$50,000.00 for the Centennial celebration advising that Chatham is producing funds on a monthly basis to fund this activity.

President Clark commented as follows:

1. The same amount of time had not been used for discussion on savings as was on surplus but that subject would be dealt with throughout the year.
2. Surpluses have been kept at 6.5% of the free balance and drawing down on the surplus is to keep it at around that level.
3. The Insurance Advisory Board felt that the existing surplus of 1.35 million could be lowered to \$750,000.00 or \$500,000.00. He spoke of various other surpluses when all total equal \$11 to \$12 million dollars.
4. Throughout the year there are various savings which crop up all the time.
5. Did not feel that using the surplus this year would present any dangers.

Owren said he rather see the savings realized during the year used for unforeseen projects and not for normal operating expenses.

Walter Rauscher, 12 Chestnut Avenue, had a number of questions as to the facts and figures in the Open Line. He applauded the ideas to have an intense examination of the Budget and that it be done before the Budget is adopted.

President Clark advised that the Open Line figures were rounded off and suggested that Mr. Rauscher talk with Reagan Burkholder to review the Budget numbers.

Councilmember Dill commented that the Committees scrutinize their particular budgets very well each year, in the last few years much money has been spent on upgrading 15-20 year old equipment, and he hoped that the City had caught up with the need for such expenditures.

Mayor Long stated that we get what we pay for and said he wished the Federal, State, and County governments were as responsible regarding their budgets and approaches to them as is the City of Summit. He challenged the Council to review all expenses and advised that the Finance Committee is meeting three times a month with the idea of reviewing all the line items in the budget.

Burkholder concurred with Councilmember Dill's comment regarding the departments scrutinizing the budgets and reminded the Council that it and the community made decisions regarding the services which are to be provided.

Councilmember Dill reminded everyone that the citizens had asked for more police officers.

Schneller, as requested by Councilmember Dill, commented on the State Police Audit of the police records because of the drastic decrease in petty theft and that the State Police felt that those numbers were not plausible, but that after the audit, they were fully confirmed.

ORDINANCE(S) FOR FINAL CONSIDERATION

Chairman Muñoz of the Safety Committee, introduced the following ordinances which were individually read by title by Clerk Hughes for final passage and on motion, duly seconded and on roll call, unanimously rejected:

SAFETY

#2304

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING SPECIAL TRAFFIC CONDITIONS AND THE CONTROL AND USE OF PARKING METERS ON CERTAIN STREETS AND OTHER PUBLIC PLACES IN THE CITY OF SUMMIT AND APPROVING PENALTIES FOR VIOLATION THEREOF," passed May 3, 1988, as amended and supplemented. (*Long term rates and expanding permit area.*)

#2307

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING SPECIAL TRAFFIC CONDITIONS AND THE CONTROL AND USE OF PARKING METERS ON CERTAIN STREETS AND OTHER PUBLIC PLACES IN THE CITY OF SUMMIT AND APPROVING PENALTIES FOR VIOLATION THEREOF," passed May 3, 1988, as amended and supplemented. (*Crescent Avenue; Library and Sampson lot rates.*)

ORDINANCE(S) FOR FINAL CONSIDERATION

The Chairman of the various Committee(s), introduced the following ordinance(s) which was (were) individually read by title by Clerk Hughes for final passage and on motion, duly seconded and on roll call, unanimously adopted or adopted by the following vote:

WORKS

#2311

BOND ORDINANCE PROVIDING FOR IMPROVEMENT OF THE SANITARY SEWER COLLECTION SYSTEM IN THE CITY OF SUMMIT, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE CITY FOR FINANCING SUCH APPROPRIATION.

Ayes: President Clark, Councilmembers Dill, Hatfield, Martin, Muñoz, Ogden, and Rosen.

Nays: None.

BUILDINGS & GROUNDS

#2308

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED: "AN ORDINANCE TO ESTABLISH THE 1987 DEVELOPMENT REGULATIONS ORDINANCE, SUPERSEDING THE EXISTING ZONING AND SUBDIVISION ORDINANCES IN ACCORDANCE WITH MUNICIPAL LAND USE LAW, CHAPTER 291, LAWS OF NEW JERSEY 1975, AS AMENDED", passed December 15, 1987, as amended and supplemented. (*Theater Signs*).

PUBLIC COMMENTS

Fred Wallach, 55 Tanglewood Drive, had comments regarding parking as follows:

1. Requested the Council be open minded regarding the public's financing of the garage.
2. Parking is a service such as other services provided by the City and cost for using same should not be treated as a user fee.
3. Fees could be increased but should not be to cover all the parking expenses.
4. Parking is a benefit to all the residents as are many other services.
5. Referenced the Saturday morning meeting and the "reaching of a consensus for the need of 250 spaces" pointing to the fact that the need was not backed by demographics and expressed concern that the City was not addressing the demand problem.
6. No one talked about the bulk of the garage or the need for same.

President Clark responded as follows:

1. He was trying to get a general sense of the Council since the City needs to talk to NJ Transit.

2. There seems to be a mandate from the City for more parking.
3. Hoped for more detailed information from the Parking Advisory Committee.
4. Input had been established over the last six years including the Kearny I and Kearny II Committees.
5. The number of spaces needed for shoppers and commuters range from 250 to 1,100 spaces short but the exact number needed is still unknown.
6. The City is not married to anyone figure.
7. The bulk needs to be analyzed after the number of spaces to be built is determined.

RESOLUTIONS

(Resolutions which were not on the agenda, may appear in the minutes not in the actual order in which they were addressed at the meeting, but they will appear under the proper committee heading after those which were on the agenda.)

The Chairman of the various committees, or the Council member as indicated, then read the following resolutions by title and gave appropriate explanation of same. Public comments on the resolutions, which required detailed or extensively technical answers, and the Council responses, if any, are recorded below after each committee presentation. Upon motion of the respective Committee Chairman, each Committee's resolutions were adopted unanimously or by the vote indicated.

LAW

27403 - Person-to-Person Transfer Plenary Retail Consumption
License - DIR Corp. t/a Beacon Hill Tavern & Restaurant

BUILDINGS & GROUNDS

27404 - Award Bid - 2 Walnut Street Renovations

27405 - Accept Playground Equipment for Mabie Playground -
Junior League

Burkholder, in answering a question from President Clark, advised that everything including product guarantees transfers to the City.

WELFARE

27406 - Execute Social Services Contracts CD Year XXII - \$25,100.00

FINANCE

27407 - Adopt Summary of General Revenues and Appropriations -
Special Improvement District - \$109,000.00

Ayes: President Clark, Councilmembers Dill, Hatfield, Martin,
Muñoz, Ogden and Rosen.

Nays: None.

27408 - Concur 2997 Board of School Estimate Certification of
required funds - \$25,168,208.00

Ayes: President Clark, Councilmembers Dill, Hatfield, Martin,
Muñoz, Ogden and Rosen.

Nays: None.

27409 - Summary of 1997 General Revenues and Appropriations
including Municipal and School Purposes - \$52,130,819.36

Ayes: President Clark, Councilmembers Dill, Muñoz, and Ogden

Nays: Councilmembers Hatfield, Martin and Rosen.

27410 - Certify Meeting Budget Requirements

27411 - Request Joint Insurance Fund Extend Coverage to Reeves-
Reed Arboretum, Inc.

ITEMS FOR DISCUSSION, ACTION, OR REFERRAL

(Discussion points given below only deal with matters on which action was taken or recommended or a position was established.)

SAFETY

Letters requesting Mountain Avenue Sidewalks - Councilmember Muñoz commented on the letters and petitions received regarding the subject as follows:

1. The area has a difficult terrain and that some areas of Mountain Avenue have sidewalks.

2. Referenced McCann's memo as to what needed to be done.
3. Recommended a field survey.
4. Wanted to hear from all the residents regarding this issue.

Councilmember Dill commented this would be one of the toughest sidewalk projects ever undertaken and that certain property owners would lose property and possibly parking areas in the driveways. He said the engineering department needs at least three months to come up with accurate cost recommendations and property loss descriptions and recommended authorization be given to the engineers to move ahead on the project and that thereafter all the residents be notified of the facts and figures.

Lewis advised that it would be a difficult but not impossible project, referenced the 50% cost factor regarding sidewalks installed for school children safety, said a number of lots would be tremendously affected and the sidewalks would probably cost two to three times more than normal projects.

Councilmember Dill commented that under Appendix M (50% City participation in sidewalk cost) that the homeowners would have to pay for regrading of the driveway, where as under normal situations, the City pays for regrading of the driveway and while homeowners pay for the total assessed cost of the sidewalks.

Paula Schaffer, 193 Mountain Avenue, commented on the importance for having sidewalks as follows:

1. Traffic volume and particularly at rush hour.
2. Excessive speed.
3. Narrow street makes pedestrian traffic difficult.
4. There are three blind curves.
5. Within the town's right-of-way there are extremely difficult terrain situations or ground coverings which force pedestrian into the street.
6. Properties on her side of the street have backyard fences which prohibit children from cutting through and on the other side of the street the parents drive the children to school.

Diana Salazar, 220 Mountain Avenue, commented as follows:

1. Children cannot walk on her side of the street.

2. She drives her children to school.
3. Has a video showing the safety conditions.

President Clark agreed that there was a safety problem and asked if all children are driven to school.

Lori Colin, 190 Morris Avenue, commented as follows:

1. Her sons go up to Druid to use the sidewalk there.
2. Maybe sidewalks are not needed on both sides.
3. A couple of enormous trees would have to come down.

Peter Schaffer, 193 Mountain Avenue, questioned the right-of-way issue referencing the curbs installed about two years ago and that they were told at that time the County owned the right-of-way and, therefore, why would easements be necessary.

President Clark advised that if a City of Summit sidewalk was on the property an easement would be necessary.

Lewis commented that right-of-ways and roadbeds are different.

Kim Reynolds, 36 Plymouth Road, supported the sidewalk effort and urged that the total intersection (Mountain, Devon, Plymouth) be made safer.

There was discussion as to the amount of work needed to come up with some figures, the fact that the engineering department has many projects on its plate which cannot be deferred, the fact that there have been many children on this street on and off for many years with President Clark advising that it seemed that the sense of the Council was to study the project enough to get more information to make a better decision regarding the direction to take but not provide a full engineering study.

Frank letter re Hobart and Whittredge and Summit and DeForest Intersections - Councilmember Muñoz advised a request would go to the State for a four-way stop sign at Hobart and Whittredge and that the Summit and DeForest intersection has some new controls which will hopefully eliminate the problems at it.

Schneller advised that a request would also be pursued regarding a light which maybe should be pedestrian activated.

Burkholder said he was still awaiting a response from the County regarding a light at this intersection and hoped that such a project could be approved and piggybacked with the Springfield Avenue light improvements. He commented that a light would cost about \$60,000.00.

Councilmember Ogden suggested that a traffic calming effort of building out the curb to prevent parking in front of the Medical Group would force people to use the lot and that would be cheaper than a light.

WORKS

Improvement to Springfield and Morris Intersection - Councilmember Dill explained the changes with Lewis showing a drawing and he commented on the problems which might occur which would, therefore, force traffic elsewhere. He recommended rethinking the approach because of the changes in traffic patterns which it would most likely force.

Burkholder advised the design was based on a traffic study over a three year period.

Schneller commented that the improvements were part of a County Corridor Plan with the ultimate end of the design to permit re-timing of the lights from a remote site to regulate traffic. He supported the design.

The Councilmembers provided their opinion on this issue and President Clark suggested that the project move forward with Rosen's comment that the Safety Committee, Police Department, and Community Services be satisfied that all the questions have been answered.

Dave Trindell, 27 Lewis Avenue, spoke of the traffic backing up issue reminding the Council that a traffic engineer's role is to improve traffic flow and that changes to the intersection will change traffic patterns elsewhere. He suggested that the question should be raised relative to more cars on the road in the "crunch time" and how best to address it.

Councilmember Dill expressed concern that the memo did not have the map or diagram with it.

Letter re Linden Place Water Problem - Councilmember Dill advised that Community Services has checked out the Oak Knoll property and everything is appropriate. The Works Committee did not support catch basins since surface is dirt and water would not flow without re-grading. He suggested re-grading the roadway giving it a crown and then install the catch basins, but commented there was not much more that could be done with an unimproved road.

Lewis advised that crowning work was scheduled to be done in the Spring with an equipment and driver rental cost of \$400 to \$500 and for the grading machine and Public Works to do the rest.

BUILDINGS & GROUNDS

Village Green Signage - After considerable discussion as to the pros and cons of recognition plaques or signs and the agreement of the Junior League to have a bigger sign on which it would acknowledge the banks who contributed to the lighting in the Village Green, it was agreed that the Chairman of the Buildings and Grounds and Welfare Committee would develop a policy regarding acknowledgment pavers.

WELFARE

ComCast Renewal - President Clark urged the Cable Advisory Committee to provide feedback to the Council.

David Hawksworth, TV-36 Liaison to the Advisory Committee, advised that the City needs to issue a notice 45 days prior to the hearing on the Franchise renewal.

Hughes commented that the Office of Cable Television needs to review the proposed ordinance after the Franchise renewal hearing and before introduction.

CONSENT AGENDA

(Comments listed below, if any, are only on matters needing clarification or removed from Consent Agenda.)

The following resolutions were unanimously adopted on motion of Council member Ogden:

SAFETY

27412 - Authorize Auction of Abandoned Vehicles

27413 - Grant Raffles License - Rotary Club of Summit and New Providence - Off-Premise 50/50 - 6/14/97

WORKS

27414 - Refund Road Opening Deposit - V.A. Spatz & Sons, Inc. - \$500

FINANCE

27415 - Overpayment of 1997 Taxes - \$1,071.98

27416 - Authorize Refund for Tax Sale Certificate - \$11,774.73

27417 - Authorize Conference Attendance - GFOA - Angelo

27418 - Payment of Bills - \$241,791.65

NEW BUSINESS - No one wished to be heard.

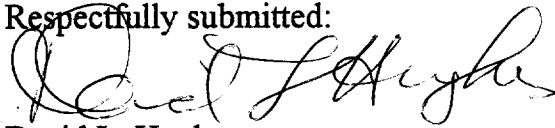
PUBLIC COMMENTS - No one wished to be heard.

CLOSED SESSION - None.

ADJOURN MEETING

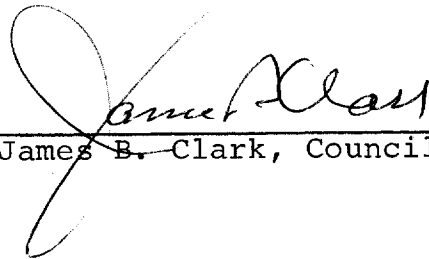
Meeting adjourned on motion of Councilmember Muñoz.

Respectfully submitted:



David L. Hughes
City Clerk

Approved:



James B. Clark, Council President