

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2013-231

Council Meeting Date: 07-17-2013

Date Adopted: 07-17-2013

TITLE: RESOLUTION ESTABLISHING COUNCILMAN ROBINSON AND
COUNCILMAN KAPNER AS COUNCIL REPRESENTATIVES FOR
DOWNTOWN SHOPPING DISTRICT ISSUES

Councilperson Gennaro submitted the following resolution, which was duly seconded by Councilperson Galluccio.

WHEREAS, an issue has arisen in the downtown shopping district of the Borough of New Providence concerning the use of various parking areas by tenants and non-tenants of certain buildings in the downtown area;

WHEREAS, the Borough Council of the Borough of New Providence has determined this issue to be worthy of the time and efforts of the Council to facilitate communications and assist in finding a resolution to this issue between the various stakeholders that provide and utilize parking in the downtown area;

WHEREAS, by Resolution Number 2013-217, the Borough Council unanimously appointed Councilman Gary Kapner and Councilman Bob Robinson to represent the Council in serving in the role of facilitators for the Borough of New Providence;

WHEREAS, it is the desire of the Council that these discussions take place in a productive, respectful manner to best insure a successful resolution in the best interests of the Borough's residents and businesses;

WHEREAS, Councilman Robinson and Kapner are both uniquely qualified to participate as elected officials in this role as facilitators given their long track records of running successful commercial enterprises in the Borough of New Providence as well as serving as volunteers for the Borough, in particular serving as volunteers on behalf of the New Providence Downtown Improvement District and the Business and Professional Association;

WHEREAS, despite the Council's passage of Resolution Number 2013-217, the Council has heard from various business leaders in the community that New Providence Mayor Brook Hern has attempted to schedule a meeting with representatives of various businesses in the New Providence Downtown to discuss the parking situation, without prior notification to any member of Borough Council and despite being fully aware that the Council had charged Councilmen Kapner and Robinson with that very same responsibility;

WHEREAS, this is not the first time that Mayor Hern has attempted to conduct such meetings on his own, as evidenced by an e-mail written to the entire Borough Council dated June 17, 2013 in which the mayor stated "Just to be clear, i've (*sic*) been working in close contact with the new owners [of the Village Shopping Center]. . . . Before this morning, I already began the process of reaching solutions to the illegal parking situation and to reach a global shared parking solution. . . . I don't think it makes sense to have three different people from New Providence contact him [the new owner of the Village Shopping Center] within an hour over the same issue."

WHEREAS, Article VIII, Section 1 of the Rules and Order of Business of the Borough Council adopted February 14, 2011 states "Neither the Mayor nor any member of the Borough Council can make any commitment on behalf of the Borough without express, specific approval of the Borough Council. This includes any commitment binding the Borough in any form of communication including all correspondence, written or otherwise, negotiations, and the like."

WHEREAS, to the extent that the Mayor has "been working in close contact with the new owners" to reach "solutions to the illegal parking situation and to reach a global shared parking solution" he has done so without communication with the Borough Council, let alone receiving a vote of the majority of Council to approve any such solution to the extent that it may require official action of the Borough;

WHEREAS, Mayor Hern's characterization of the issue as "the illegal parking situation" denotes a certain bias towards an outcome which does not lend credibility towards the Borough's proper role as a facilitator of a solution to meets the needs of all stakeholders;

NOW THEREFORE, be it resolved by the Borough Council of the Borough of New Providence that:

1. The Borough Council lacks confidence in Mayor Hern's competence and ability to act as a neutral facilitator for negotiations between stakeholders concerning the parking situation in the downtown area given that 1) the Mayor has already publicly expressed an opinion concerning his view of the legality of certain parking arrangements and 2) the Mayor has previously demonstrated an inability to grasp the fundamental concepts of sound financial management necessary to facilitate a solution to the issues at hand;
2. The Council reiterates its position expressed in Resolution 2013-217 that Councilmen Kapner and Robinson act on behalf of Borough Council in facilitating discussions between and among stakeholders to arrive at an apolitical, sound solution that fairly represents the interests of the residents and businesses of the Borough of New Providence given Councilmen Robinson's and Kapner's exceptional knowledge of the community and the downtown as well as their demonstrated capacity to deal with the financial decisions that face both small and large business owners in today's economy; and
3. That the Council again requests Mayor Hern to immediately cease undermining the Council's efforts to reach a fair solution to the parking issue by conducting parallel negotiations on his own in a manner that the Council believes does not serve the best interests of the Borough, its residents or its businesses.

APPROVED, this 17th day of July, 2013.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 17th day of July, 2013.

Wendi B. Barry, Borough Clerk