

**MINUTES OF REGULAR MEETING
TUESDAY, JULY 26, 2016
COMMON COUNCIL OF THE CITY OF SUMMIT**

Distributed: 8/5/16, 9/1/16
Approved: 9/6/16

The meeting was called to order by Council President Mike McTernan at 7:30 PM. The City Clerk 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 of Closed Session and Regular Meetings, dated January 5, 2016 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 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.”

CALL TO ORDER

ROLL CALL

PRESENT: Council Members Hurley, Lizza, Naidu, Ogden, Rubino, Sun and Council President McTernan

ABSENT: City Administrator Rogers

Also in attendance were Mayor Radest and staff members Cascais, Evers, Gerba, Licatese, Weck and Cruz.

Minutes of this meeting are recorded on CD # 2016-15: 7:49:25 pm - 10:30:51 pm

PLEDGE OF ALLEGIANCE

Michael Malnati

APPROVAL OF MINUTES

Regular and Closed Session Minutes of July 5, 2016 - On motion of Councilman Naidu, said minutes were duly seconded and approved by the following vote:

July 5, 2016 Closed Session:

AYES: Hurley, McTernan, Naidu, Ogden, Rubino and Sun

NAYS: None

RECUSED: Lizza

July 5, 2016 Regular Meeting:

AYES: McTernan, Naidu, Ogden and Sun

NAYS: None

RECUSED: Hurley, Lizza and Rubino

REPORTS

Items/issues noted hereunder, if any, reflect those recommending and/or needing action by City department(s) or at a future council meeting.

Summit Historical Minutes - Council President McTernan presented historical facts about the Summit Municipal Golf Course, which is hereto attached.

PRESENTATIONS

"Don't Flush It, Forget It" Sanitary Sewer Presentation - A Power Point slide show, attached hereto, was presented by City Engineer Aaron Schrager.

Update re Code in Construction Process - Community Services Department Director Paul Cascais provided an update, a memo of which was provided and is hereto attached.

PUBLIC COMMENTS

Dunnder/West End Avenue Speeding Concerns - Before discussion ensued, Councilman Naidu recused himself from the discussion and took a seat in the audience.

Adam Zucker, 96 West End Avenue; Debbie McGarrity, 53 West End Avenue and Mike Kane, 88 West End Avenue each shared their experiences and concerns related to speeding on West End Avenue and advised of a meeting with the Police Department to discuss various possible traffic calming measures.

Chief Weck commented as follows:

1. Explained the process involved in addressing traffic concerns, which includes performing a traffic study, developing a proposed plan and possibly preparing an ordinance.
2. Advised that he planned to speak to the schools to address speeding.
3. Noted that some of the increased traffic on West End and Dunnder is related to the Morris Avenue Bridge being out.

Councilman Hurley commented as follows:

1. Most county roads are set at 35 mph and local roads at 25 mph.
2. The County and the State make it very difficult to change speed limits.

Councilman Naidu returned to the dais at the conclusion of the discussion.

ASSESSMENT HEARINGS

FINANCE/PERSONNEL

- Essex Road Curb and Sidewalk Improvements (Ordinance # 13-3026)
- Magnolia Place, Primrose Place, Montview Road and Surrey Road Curb and Sidewalk Improvements (Ordinance #13-3027)
- Fairview Avenue Curb and Sidewalk Improvements (Ordinance #14-3064)
- Fernwood Road and Ridge Road Curb and Sidewalk Improvements (Ordinance #14-3065)

For each of the above hearings, Councilman Hurley questioned how properties benefit from such improvements, to which no response was provided.

For each of the above listed hearings, no one else wished to be heard and the hearings were declared closed.

Proof of publication of the above listed assessment hearings, published in the Union County Local Source of July 24, 2016 and July 21, 2016, is made part of the record.

RESOLUTIONS

(Resolutions, which were not identified on the agenda as same, do not appear in the minutes in the actual order in which they were addressed at the meeting, but under the proper committee heading after those that were on the agenda. Those with the name of another committee in italics after it indicate the other committee might have had some input.)

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced the following resolution(s) and on motion, duly seconded and on roll call, unanimously adopted or adopted by the vote shown, if any:

FINANCE/PERSONNEL

37459 1. Approve Assessment Report - Essex Road Curb and Sidewalk Improvements

In response to a question from Councilman Hurley, City Engineer Schragger advised of a survey conducted by the New Jersey Society of Municipal Engineers of all municipalities regarding curb and sidewalk assessments. He noted that the data resulting from that survey did not distinguish which municipalities do or do not assess for such improvements.

Councilwoman Lizza expressed support for Councilman Hurley's comments regarding the need for the current curb and sidewalk assessment process and suggested that the process be reviewed to see if it is something that should be continued.

As a result, Council President McTernan referred the matter of the City's current curb and sidewalk assessment process to the Works Committee for review.

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| RESULT: | APPROVED [6 TO 1] |
| MOVER: | Lizza |
| SECONDER: | Rubino |
| AYES: | Lizza, McTernan, Naidu, Ogden, Rubino, Sun |
| NAYS: | Hurley |

37460 2. Authorize Interest Rate - Essex Road Curb and Sidewalk Improvements

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| RESULT: | APPROVED [6 TO 1] |
| MOVER: | Lizza |
| SECONDER: | Rubino |
| AYES: | Lizza, McTernan, Naidu, Ogden, Rubino, Sun |
| NAYS: | Hurley |

- 37461 3. Approve Assessment Report - Magnolia Place, Primrose Place, Montview Road and Surrey Road Curb and Sidewalk Improvements

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

- 37462 4. Authorize Interest Rate - Magnolia Place, Primrose Place, Montview Road and Surrey Road Curb and Sidewalk Improvements

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

- 37463 5. Approve Assessment Report - Fairview Avenue Curb and Sidewalk Improvements

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

- 37464 6. Authorize Interest Rate - Fairview Avenue Curb and Sidewalk Improvements

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

- 37465 7. Approve Assessment Report - Fernwood Road and Ridge Road Curb and Sidewalk Improvements

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

- 37466 8. Authorize Interest Rate - Fernwood Road and Ridge Road Curb and Sidewalk Improvements

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

- 37467 9. Authorize Issuance of Certificate of Insurance – SDI – Promotional Banner Cable and Brackets Installation – 367 Springfield Avenue

RESULT: APPROVED [6 TO 1]
MOVER: Lizza
SECONDER: Rubino
AYES: Lizza, McTernan, Naidu, Ogden, Rubino, Sun
NAYS: Hurley

BUILDINGS AND GROUNDS

- 37468 Authorize Execution of License Agreement for Abandoned Railway (RVRR) for Parkline Development Between NJDOT and the City of Summit

Members of the public expressed their support for the proposed project and commented on the benefits of having such a park and how it would contribute to promoting a healthy lifestyle and would be an asset to the community.

Tyler Kaufmann, Resident and Boy Scout from Troop 67, expressed his interest and willingness to perform volunteer hours which could be used towards Eagle Scout projects.

Mayor Radest read the following prepared statement:

“While I believe that the Parkline could be a worthwhile project for our community, I am concerned about signing this agreement at this time. I do not believe there has been enough public discussion about a project that could significantly impact many of our residents. For instance, I do not believe the people who live along the railway have received notice that Council could sign this license agreement tonight. There is a perception that in the past Council has taken action in the summer when residents are not as aware of city activities; that may be an incorrect perception, but nonetheless it exists. Summit residents are highly educated, intelligent and engaged in their community. They want us to listen to them, and we must provide the proper forum for that interaction. That is one of the reasons we were elected. I urge Council to table this decision until the September 20th meeting to provide notice and time for members of the public to express their opinions.

Moreover, I understand that signing the license agreement is at no cost to Summit. However, the City is responsible the maintenance costs, and the cost of removal of all such infrastructure in the event the NJDOT decides to reactivate the freight line at any time in the future. We will be committing the City to an enormous undertaking, one that should not be entered into with thoughtful and thorough public discussion.

Again, I believe we must provide the opportunity for our residents to understand the ramifications of this project and express their views. I think it is a mistake for Council to vote to accept this agreement tonight, with virtually no notice or public discussion.”

Councilman Rubino addressed the Mayor’s comments regarding public awareness and described the various methods of public outreach where residents were notified to provide the public with opportunities to share their thoughts.

Councilman Naidu commented as follows:

1. Discussed his concerns regarding the terms and conditions contained in the agreement and offered suggestions for a revised agreement.
2. Questioned risk implications relative to the soil at the site as well asking if maintenance and security costs were considered.
3. Recommended delaying the decision to authorize the agreement, citing concerns relative to risk, cost and liability to taxpayers.
4. Questioned Parkline responsibility and liability within the agreement.
5. Stressed that he was not opposed to the Parkline concept.

Councilman Rubino, in response to Councilman Naidu’s concerns, commented as follows:

1. Noted Parkline funding and free labor.
2. Referencing the agreement, stated that the same procedure is done with many other towns.
3. Pertaining to the soil, advised that the City’s rights are reserved re pre-existing contamination.

Councilman Sun stated that it was a good project and concept and questioned whether the resolution could be supported tonight, and the details of the agreement worked out afterward.

Councilman Rubino advised that the agreement was boilerplate language and had very little flexibility.

Councilwoman Lizza supported the project but stated that she also recognized the potential risk and liability and questioned the thoroughness of the current process for vetting by the entire Council. She suggested that more vetting is needed before such matters go before Council for a vote.

Councilman Rubino advised that the agreement was reviewed by legal counsel and vetted by the City’s Municipal Joint Insurance Fund (JIF).

City Solicitor Cruz commented that this was a standard contract and that it was consistent with other NJ Department of Transportation (DOT) contracts.

Council President McTernan commented as follows:

1. Stated that it is a fallacy that summer council meetings are less important than any other council meeting.
2. DOT will not give up rights to the property and, therefore, the City has no leverage.
3. The contract was reviewed and vetted by the City Solicitor.
4. Onus is on DOT for pre-existing conditions.
5. There will always be the risk of train re-activation.
6. Thanked Councilman Rubino for his time and effort with the project.

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| RESULT: | APPROVED [6 TO 1] |
| MOVER: | Rubino |
| SECONDER: | Sun |
| AYES: | Hurley, Lizza, McTernan, Ogden, Rubino, Sun |
| NAYS: | Naidu |

GENERAL SERVICES

- 37469 1. Award Bid - Purchase and Installation of Sound System - Investors Bank Field at Tatlock Park - \$46,484.00
- 37470 2. Reject Bid and Authorize Negotiations - Tatlock Park Bleacher Renovation Project

Councilwoman Lizza asked that City Administrator Rogers advise the Council of the process used for the bleachers purchase and whether that process was appropriate.

- 37471 3. Authorize Execution - 2016 Union County Kids Recreation Trust Fund Grant Application
- 37472 4. Authorize Execution of Agreement with the County of Union to Modify the Cooperative Agreement Dated June 2014

LAW

- 37473 1. Renew 2016-2017 Liquor License - Marco Polo Restaurant & Tavern, Inc.
- X 2. Support A-2452 Which Creates New Liquor Licenses or Permits Issuance of Additional Liquor Licenses

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| RESULT: | WITHDRAWN |
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- 37474 3. Acknowledge Surrender of Club Liquor License - Italian American Civic Federation

WORKS

- 37475 1. Authorize Execution of Revocable License Agreement to Permit Easement Encroachment - 25 Chatham Road
- 37476 2. Authorize Removal of Sidewalk - 26, 28, & 30 Edgemont Avenue
- 37477 3. Amend Membership Categories and Appoint Members – Recycling Advisory Committee

SAFETY

- 37478 1. Declare Vacancies – Police Department - Two Police Officers
- 37479 2. Appoint Two (2) New Police Officers

CONSENT AGENDA

Staff reports are attached, as appropriate, when resolution is not self-explanatory. Matters authorizing action, licenses, or granting permission have met all department qualifications.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Naidu |
| SECONDER: | Sun |
| AYES: | Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun |

SAFETY

- 37480 1. Grant Permission and Set Forth Conditions - YMCA - Community Yoga Event
- 37481 2. Authorize Co-Sponsorship 9/11 Observance - Village Green
- 37482 3. Grant Permission and Set Forth Conditions - SDI - Sizzlin' Summit Summer Sales

GENERAL SERVICES

- 37483 Authorize Refunds - Department of Community Programs

WORKS

- 37484 1. Authorize Refund of Property Owner’s List Fee - \$11.00
- 37485 2. Authorize Conference Attendance - 2016 APWA - Public Works Expo

FINANCE/PERSONNEL

- 37486 1. Refund Overpayment of 2014 Taxes - Tax Court Judgment
- 37487 2. Refund Overpayment of 2014 Taxes- Tax Court Judgment
- 37488 3. Refund Overpayment of 2015 Taxes- Tax Court Judgment
- 37489 4. Refund Overpayment of 2015 Taxes- Tax Court Judgment
- 37490 5. Authorize Refund Overpayment of 2015 Taxes -Special Petition
- 37491 6. Pay Quarterly County Taxes, SID Taxes and Open Space Taxes - 3rd Quarter 2016
- 37492 7. Authorize Parking Refunds - Summit SmartCard, Prepaid Parking, and Overnight Parking Permits
- 37493 8. Authorize Payment of August Bills
- 37494 9. Authorize Payment of Bills - \$1,644,879.19

COUNCIL MEMBERS' COMMENTS/NEW BUSINESS

Items/issues noted hereunder, if any, reflect those recommending and/or needing action by City department(s) or at a future council meeting which are not already being addressed by a committee.

None

ADJOURNMENT REGULAR MEETING

Respectfully submitted,

Rosalia M. Licatese
City Clerk

The official copy, as approved by the Common Council including any and all amendments, and signed by the City Clerk, is on permanent file in the City Clerk's Office.

CORRESPONDENCE

1. Purchasing Letter - Tatlock Park Bleacher Renovation Project
2. Purchasing Letter - Purchase & Installation of Sound System - Investors Bank Field at Tatlock Park

RECEIVED AND FILED

MINUTES ATTACHMENTS

1. Summit Historical Minute - Summit Municipal Golf Course, as Prepared by Judith Leblein Josephs, DCP Director and Presented by Council President McTernan
2. Code in Construction Process Update - Presented by Paul Cascais, DCS Director
3. "Don't Flush it and Forget It" - a Sanitary Sewer Presentation - by Aaron Schrage, City Engineer