MINUTES OF REGULAR MEETING
TUESDAY, DECEMBER 6, 2016
COMMON COUNCIL OF THE CITY OF SUMMIT

Distributed: 12/16/16
Approved: 12/20/16

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: None

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

Minutes of this meeting are recorded on CD # 2016-22: 7:27:21 pm – 10:23:44 pm

PLEDGE OF ALLEGIANCE – Ben Schachter

APPROVAL OF MINUTES

November 1, 2016 Regular and Closed Session – Approved as amended on motion of Councilwoman Lizza, duly carried by a unanimous vote.

Councilwoman Lizza advised of comments she made at the November 1 regular meeting which she requested be added to the minutes, relative to the discussion regarding the Parkline Grant resolution. The added comment were as follows:

"Councilwoman Lizza commented as follows:

1. Legal counsel should advise whether the City should have an agreement with the foundation. Perhaps the relationship of the SADC to the City is comparable.

2. It is reasonable to ask that an updated total budget for phase 1 be provided by the foundation."

November 14, 2016 Regular and Closed Session – Approved on motion of Councilman Naidu, duly carried by a unanimous vote.

REPORTS

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

- Mayor, City Administrator and Council President (Summit Historical Minute)

Council President Report:

Summit Historical Minute – The history of Vanderpoel Castle was presented by Ben Schachter, a copy of which is attached hereto and made part of the record.

PRESENTATION

Spatial Data Logic for DCS Operations - Tom Hurley of SDL provided a PowerPoint presentation which was not provided. Mr. Hurley then responded to questions.

SWEARINGS-IN

Mayor Radest administered Oaths to the following members of the Police Department who were recently promoted or newly hired.

- Sgt. Michael Byrne
- Sgt. Charles Daly
- Officer Sean Thompson
- Officer Ruddy Garita
- Officer Leonard Franchino, Jr.
- Officer Mark DeMetro

PUBLIC COMMENTS – None

ORDINANCE(S) FOR HEARINGS

The Council President called for a hearing of the following ordinance(s), which the City Clerk read by title.

LAW

16-3122	**AN ORDINANCE AMENDING CHAPTER XXI, "SPECIAL IMPROVEMENT DISTRICT," SECTION 21-4.A, DISTRICT MANAGEMENT CORPORATION, OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY,"** *(SDI Trustee Change)*	11/14/16

In response to a question from Councilman Rubino, Susan Taylor, legal counsel for Summit Downtown, Inc. (SDI), described the process used for finding potential candidates when there are none in specific categories.

SDI Board of Trustee President, Tony Melchionna, explained that currently SDI has enough nominees for the specific member categories, but that this amendment would allow flexibility in the event they could not fill one of the slots.

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

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of November 17, 2016, was made part of the record.

SAFETY

16-3125	**AN ORDINANCE AMENDING THE CODE, CHAPTER VII, TRAFFIC, SECTION 7-8, PARKING, SUBSECTION 7-8.5, PARKING TIME LIMITED ON CERTAIN STREETS** *(Bedford Road 2-hour parking)*	11/14/16

Stacy Levin, 9 Bedford Road and Dorothy Gagnon, 27 Bedford Road, both described the traffic and parking issues they have experienced on Bedford Road. Each expressed concerns regarding child safety, impact on traffic in the neighborhood, difficulty with getting out of their driveways and the impact that construction at Oratory Prep is having on Bedford.

In response to a question from Councilwoman Lizza, Ms. Levin advised that they spoke to the Board of Education about students parking on Bedford, but that the situation has not improved.

Chief Weck commented as follows:

1. Police Department continues to ask the high school for cooperation.
2. There are 60+ parking spaces for students at Tatlock.
3. Board of Education changed school activity times to allow students time to walk to and from Tatlock, but the parking spaces are still not being used.

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

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of November 17, 2016, was made part of the record.

GENERAL SERVICES

16-3126	**AN ORDINANCE AMENDING THE CODE CHAPTER VII, TRAFFIC, SECTION 7-8, PARKING, SUBSECTION 7-8.5 PARKING TIME LIMITED ON CERTAIN STREETS AND SUBSECTION 7-25.2 MUNICIPAL PARKING LOT AREAS.** *(Designate Certain Meters On Springfield Avenue To "Employee Prepaid Parking Only," Add And Remove Street Meters And Add New Zone For Handicap Parking, And Add Permanent Parking Holidays)*	11/14/16

Tony Melchionna, SDI Board of Trustee President, described the positive feedback received from downtown merchants regarding the free parking holiday weekend. He stated that he was not aware of any abuse of the free parking. Mr. Melchionna thanked the governing body for authorizing the free parking holiday.

Councilman referenced a list of downtown merchant comments and submitted same for the record, which is hereto attached.

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

Proof of publication of the introduction of this ordinance, published in the Union County Local Source of November 17, 2016, was made part of the record.

ORDINANCE(S) FOR FINAL CONSIDERATION

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced the following ordinance(s) which was (were) individually read by title by the City Clerk for final passage and on motion, duly seconded and on roll call, unanimously adopted or adopted by the vote shown, if any:

Number	Title	Introduction Date
LAW		
16-3122	**AN ORDINANCE AMENDING CHAPTER XXI, "SPECIAL IMPROVEMENT DISTRICT," SECTION 21-4.A, DISTRICT MANAGEMENT CORPORATION, OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY,"** *(SDI Trustee Change)*	11/14/16

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

SAFETY		
16-3125	**AN ORDINANCE AMENDING THE CODE, CHAPTER VII, TRAFFIC, SECTION 7-8, PARKING, SUBSECTION 7-8.5, PARKING TIME LIMITED ON CERTAIN STREETS** *(Bedford Road 2-hour parking)*	11/14/16

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

GENERAL SERVICES

16-3126	**AN ORDINANCE AMENDING THE CODE CHAPTER VII, TRAFFIC, SECTION 7-8, PARKING, SUBSECTION 7-8.5 PARKING TIME LIMITED ON CERTAIN STREETS AND SUBSECTION 7-25.2 MUNICIPAL PARKING LOT AREAS.** *(Designate Certain Meters On Springfield Avenue To "Employee Prepaid Parking Only," Add And Remove Street Meters And Add New Zone For Handicap Parking, And Add Permanent Parking Holidays)*	11/14/16

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

ORDINANCE(S) FOR INTRODUCTION

The respective Committee Chairman, Committee member, or Councilmember, as indicated for the Committee, introduced, for first reading, the following ordinance(s) as it (they) came up for consideration during the meeting, which was (were) individually read by City Clerk Licatese and unanimously adopted by the vote indicated below and referred to the Law Committee for study and report with a hearing(s) scheduled as indicated under Hearing Date below.

Number	Title	Hearing Date
LAW		
16-3127	**AN ORDINANCE AMENDING THE CODE, CHAPTER II, ADMINISTRATION, SECTION 2-25, MUNICIPAL COURT ESTABLISHED, SUBSECTION 2-25.3 JUDGE OF THE MUNICIPAL COURT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF SUMMIT TO ALLOW FOR THE APPOINTMENT OF ONE TEMPORARY MUNICIPAL COURT JUDGE** *(Provides for the appointment of a temporary municipal court judge under certain circumstances)*	12/20/16

RESULT:	**INTRODUCED [UNANIMOUS]**	**Next: 12/20/2016 7:30 PM**
MOVER:	Ogden	
SECONDER:	Naidu	
AYES:	Hurley, Lizza, McTernan, Naidu, Ogden, Rubino, Sun	

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:

GENERAL SERVICES

37625 1. Accept Final Parking Assessment Report - Level G. Associates

Gerard Giosa, Founder and CEO of Level G. Associates, LLC, described the significant changes made to the report, referencing Pages 27 and 29 as follows and then responded to questions.

Page 27 - Provides more detail regarding recommended site for the new parking garage on Lot 3.

Page 29 - Provides more detail regarding proof of concept of a new parking garage on Lot 3.

Councilwoman Lizza reminded Mr. Giosa of her question about what other towns do relative to having developers and/or landlords contribute to parking if they do not provide sufficient on-site parking for employees for new development or increased need. Mr. Giosa explained an alternate option in an effort to address her question.

Councilman Naidu provided an analogy to address Councilwoman Lizza's question and referred to the Master Plan regarding development and parking capacity/accommodations contained therein.

Various members of Council commented that the report was well done, useful, and that the recommendations were actionable.

Councilman Hurley said that he looked forward to 2017 to come up with an action plan.

Councilman Rubino commented that he felt the real parking need is closer to 450 spaces in a new garage rather than 250.

Council President McTernan stated he agreed that there is a need to develop a plan in 2017 and said that he would like to see the Parking Services Agency work with the General Services Committee to see what needs to be implemented.

37626 2. Authorize State Contract Purchase - (1) 2017 Ford F250 Truck with Extended Cab and Lift Gate - $31,796.50

37627 3. Authorize Submission of NJ DEP "Workplace Charging Grant Program" Application - Electronic Vehicle (EV) Charging Stations

In answer to questions from members of Council, Parking Services Agency Manager Rita McNany provided the following responses:

1. Recommendation came from the Environmental Commission.
2. Described how the decision was made to apply for the grant.
3. Described how charging stations work.
4. There was a growing demand for charging stations with more electric vehicles on the road.
5. Suggested charging station could be located on DeForest Avenue or in the Broad Street East Lot.
6. Municipalities can choose to impose a fee for the electronic vehicle (EV) charging station, if so desired.

Comments from governing body members were as follows:

1. The private sector should worry about charging stations, similar to gas stations.
2. Would the City be competing with private industry?
3. The City is subsidizing other behaviors, such as Uber, valet parking.
4. This could be a revenue generator.
5. There are benefits to setting up EV charging stations, such as bringing consumers into the downtown while their car is being charged.
6. Concerns were expressed regarding possible loss of valuable parking spots to install a charging station in its place.
7. Considering the right placement of a charging station is very important.
8. Parking Assessment report considered EV stations and it should be considered when parking action plan is being formulated.
9. If the City receives the grant award, the City can decide then if it wants to proceed.
10. Uber subsidy addresses a real parking need, installing a charging station would be addressing customer preference.

RESULT:	**APPROVED [5 TO 2]**
MOVER:	Naidu
SECONDER:	Hurley
AYES:	Lizza, McTernan, Naidu, Ogden, Sun
NAYS:	Hurley, Rubino

BUILDINGS AND GROUNDS

37628	1.	Authorize 2017 Earth Day Activities
37629	2.	Amend Professional Services Agreement - 2016 Affordable Housing Counsel - Additional Fees - $45,000.00
37630	3.	Authorize Payment - Affordable Housing Trust Fund - Summit Housing Authority Rehabilitation Project
37631	4.	Authorize Execution of Revised License Agreement for Abandoned Railway (RVRR) for Parkline Development Between NJDOT and the City of Summit

FINANCE/PERSONNEL

37632 1. Authorize Transfer of Appropriations - Operating Budget

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

37633 2. Approve Year 2017 Council Meeting Schedule

LAW

37634 1. Appoint Deputy Court Administrator

37635 2. Renew 2016-2017 Liquor License #2018-33-003-006

SAFETY

37636 1. Authorize Execution of Shared Services Agreement - Emergency Services Dispatch Center Joint Meeting - Radio Communications Equipment $690,323.60

37637 2. Authorize Execution - Emergency Management Agency Assistance Grant Application

37638 3. Authorize National Cooperative Purchase - Houston-Galveston Area Council - Purchase of SCBA Recharging Fill Station - $58,834.20

37639 4. Authorize Application Submission - Federal Emergency Management Agency Assistance to Firefighters Grant Program - Self Contained Breathing Apparatus (SCBA)

WORKS

37640 Amend Licensed Site Remediation Professional Services Agreement in excess of $17,500.00 - DPW Facility, 41 Chatham Road - Tasks 3 and 4 - Well Monitoring and Testing - $50,850.00

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.

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

GENERAL SERVICES

37641 Authorize Refunds - Department of Community Programs

SAFETY

37642 1. Grant Permission and Set Forth Conditions – Department of Community Programs - Ice Skating Event

37643 2. Authorize Fire House Christmas Party

WORKS

37644 Authorize Change Order No. 2 & Final - Downtown Conduit Installation Project – ($1,010.25)

FINANCE/PERSONNEL

37645 1. Cancel Accounts Payable Balances Current Fund

37646 2. Cancel Improvement Authorization Funds - General Capital

37647 3. Refund Overpayment of 2016 Taxes- Tax Court Judgment

37648 4. Refund Overpayment of 2016 Taxes and Cancel Taxes-Special Petition

37649 5. Authorize Parking Refunds - Summit SmartCard, Prepaid Parking, and Overnight Parking Permits

37650 6. Authorizing Payment of Bills - $963,614.94

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.

ADJOURNMENT REGULAR MEETING

On motion of Councilman Naidu, duly seconded, and adopted unanimously.

Respectfully submitted,

Rosalia M. Licatese, City Clerk

Minutes Attachments

1. Summit Historical Minute - Vanderpoel Castle - Presented by Ben Schachter
2. SBS Parking Reviews re Free Parking Holiday Weekend - Submitted by Councilman Naidu

Summit Historical Minute - Vanderpoel Castle
Presented at the December 6, 2016
Common Council Meeting

Ben Schachter

Historical Minute

Overlooking the Passaic River, the Vanderpoel castle on River Road was built by George and Maria Vanderpoel in 1885. After the deaths of George and Maria, the castle was left in the hands of their son, failed-lawyer turned recluse Ambrose Vanderpoel. While in his castle, Ambrose devoted much of his time to writing "A History of Chatham, New Jersey" despite residing in Summit itself. After Ambrose's death in 1942, the castle was sold to Victor Zahodiakin, who operated the mansion first as a metalworking plant, but later divided it up into various apartments, which he left to his widow, Mrs. Tania Zahodiakin.

However, in August 1968, Mrs. Zahodiakin had a legal battle with the New Jersey Department of Transportation over the fate of the castle. The Department hoped to build a service road for Route 24 where the castle stood – but Mrs. Zahodiakin refused to sell the castle. Seeing no other path forward, the Department filed for an order of condemnation, which the courts accepted. Seeing as such, the castle was torn down and the road was built in its place.

The act of building the service road at the expense of the castle certainly raises an interesting question of what government ought to do when history stands at odds with progress. In this case, the government decided that the blossoming infrastructure was of more importance than the historical value of the castle. However, this is a question that the council continues to encounter today, and is not one that is going away soon.

Thank you.

Free Parking Holiday Feedback from Downtown Merchants
Submitted into the record by Councilman Naidu
December 6, 2016

SBS Parking Reviews

GreatHouseBonny Neiman	No comments on parking = good thing! Customers would have left quicker if they had to worry about meters. Good turnout overall. Very happy with SDI involvement.
Sweet Nothings	Very beneficial, customers shop longer. Great idea to offer an extra benefit so businesses do better during events.
Brownie Points	Great incentive for people to take their time while shopping.
J.McLaughlin	More traffic in store, people stayed longer (no need to rush to pay parking) therefore spending more.
Miss Juli's Boutique	Great for business, would have had people run out of store to pay parking otherwise. Must publicize more.
Rosalita Mexican	Great incentive, should have more often. A few people mentioned it when leaving restaurant that it was a great way to get people to come downtown.
Bella Ro	People staying longer and shopping more. Great for business. Turnout was great so we didn't compete with mall. Did not notice employees abusing free parking.
Scotti's Record Shop	Free parking is always good, just have to enforce that employees aren't using it versus customers. Not sure if store traffic directly correlated with free parking but definitely did not hurt.
John Hyatt	Very busy during SBS and believe it was mainly because they could depend on free parking. Great idea and asked employees not to use those spots. Appreciated it!
Murray & Finn	Can't see it being a bad thing for business. Didn't hear anyone talk about parking which is a good thing rather than complain. People shopping online more however so sales were slightly higher from previous year.
Wool & Grace	Awesome! A few customers noted saying they appreciated it. Promote more so people know to take advantage. Spoke with employees prior to make sure they don't use it. Business down from last year because of online sales.
Salon 44	No complaints. Employees advised not to abuse free customer parking. Less people shopping because they shop online, however definitely positive to offer free parking to promote local shopping.