

**MINUTES OF REGULAR MEETING
TUESDAY, FEBRUARY 21, 2023
COMMON COUNCIL OF THE CITY OF SUMMIT**

Distributed: 3/3/23

Approved: 3/7/23

The meeting was called to order by Council President Vartan Greg at 7:30 PM. The City Clerk then read the following notice:

Adequate notice of this meeting has been provided by the City Clerk's Office in the preparation of the Council Annual Meeting Notice, dated December 15, 2022, which was properly distributed and posted per statutory requirements.

Please be advised that the FIRE EXITS are to my RIGHT, your left, and at the BACK OF THE ROOM.

CALL TO ORDER

ROLL CALL

PRESENT: Councilmembers Lisa Allen, Marjorie Fox, Susan Hairston, Jaime Levine, Andy Minegar, Delia Hamlet, and Council President Greg Vartan.

ABSENT: Tammie Baldwin, City Treasurer; Matthew Giacobbe, City Solicitor

Also in attendance were Mayor Radest and staff members Michael Rogers, City Administrator; Rosemary Licatase, City Clerk; Aaron Schragger, DCS Director; Eric Evers, Fire Chief, Steven Zagorski, Chief of Police and Ronald Kavanagh, Acting City Solicitor.

PLEDGE OF ALLEGIANCE – Firefighter Christopher Esposito

APPROVAL OF MINUTES

Regular and Closed Session Meetings of February 7, 2023 - Upon motion of Councilmember Fox, duly seconded, the minutes were unanimously approved.

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

Council President Report

In Memoriam - Council President Vartan spoke of the tragic death of Medford Township Councilmember Russell Heller and advised of a letter sent to the Mayor and Township Council expressing the City's condolences.

War in Ukraine - Council President shared his thoughts regarding the upcoming one-year

anniversary of the invasion in Ukraine by Russia, on February 24, 2022.

Update on Maple Street Usage - Councilmember Levine read from a prepared statement, hereto attached.

Black History Month - Chief of Police Lonnie Davis - Councilmember Hairston read from a prepared statement which highlighted the late Chief's achievements and as a citizen and a community and professional leader.

RESOLUTION

SAFETY & HEALTH

40633 Authorize Fire Department Promotion - Fire Lieutenant

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Fox
SECONDER:	Hairston
AYES:	Allen, Fox, Hairston, Hamlet, Levine, Minegar, Vartan

SWEARING-IN

Christopher Esposito, who was promoted to the rank of Fire Lieutenant in the Fire Department was sworn-in by Mayor Radest.

ORDINANCE(S) FOR HEARINGS

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

<u>Number</u>	<u>Title</u>	<u>Introduction Date</u>
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FINANCE

23-3274	BOND ORDINANCE PROVIDING FOR PHASES II(B), III(B), IV, V AND VI OF THE LOCAL UNIT'S ALLOCABLE SHARE OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE CITY OF SUMMIT, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "LOCAL UNIT"); APPROPRIATING \$4,920,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,920,000 BONDS OR NOTES TO FINANCE THE COST THEREOF	02/7/23
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In response to a question from Bruce Theurkauff, Maple Street property owner, City Administrator Rogers advised that the bond did not include sewer capacity expansion.

Councilmember Minegar clarified that the ordinance being heard was in conjunction with the Joint Meeting Facilities Flood Mitigation Project.

Mr. Theurkauff expressed concerns regarding flooding in the center of town. Mr. Rogers advised that a stormwater plan is in the works.

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 February 9, 2023, 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:

<u>Number</u>	<u>Title</u>	<u>Introduction Date</u>
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FINANCE

23-3274	BOND ORDINANCE PROVIDING FOR PHASES II(B), III(B), IV, V AND VI OF THE LOCAL UNIT’S ALLOCABLE SHARE OF THE FLOOD MITIGATION FACILITIES PROJECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE CITY OF SUMMIT, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE “LOCAL UNIT”); APPROPRIATING \$4,920,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,920,000 BONDS OR NOTES TO FINANCE THE COST THEREOF	02/7/23
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Minegar
SECONDER:	Allen
AYES:	Allen, Fox, Hairston, Hamlet, Levine, Minegar, Vartan

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 Licatase 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.

<u>Number</u>	<u>Title</u>	<u>Hearing Date</u>
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SAFETY & HEALTH

23-3275	AN ORDINANCE AMENDING THE CODE, CHAPTER VII, TRAFFIC, SECTION 7-11.2, STOP INTERSECTIONS DESIGNATED (4-Way Stop: Prospect Street and Blackburn Road)	03/7/23
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RESULT:	INTRODUCED [UNANIMOUS]	Next: 3/7/2023 7:30 PM
MOVER:	Marjorie Fox, Councilmember	
SECONDER:	Susan Hairston, Councilmember	
AYES:	Allen, Fox, Hairston, Hamlet, Levine, Minegar, Vartan	

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

- 40634 1. Authorize Emergency Temporary Appropriations - Municipal Operating Budget

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Minegar, Councilmember
SECONDER:	Lisa Allen, Councilmember
AYES:	Allen, Fox, Hairston, Hamlet, Levine, Minegar, Vartan

- 40635 2. Authorize Emergency Temporary Appropriations - Sewer Utility

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andy Minegar, Councilmember
SECONDER:	Lisa Allen, Councilmember
AYES:	Allen, Fox, Hairston, Hamlet, Levine, Minegar, Vartan

CAPITAL PROJECTS & COMMUNITY SERVICES

- 40636 1. Authorize Execution of Shared Services Agreement with New Providence - 2023-2025 Wastewater Operations and Maintenance - 2023 Not to Exceed \$198,507.00
- 40637 2. Accept Donation - Rapid Rectangular Flashing Beacon (RRFB) - Oak Knoll School
- 40638 3. Confirm Mayor's Appoints - Mayor's Partnership for Public Arts/Summit Committee Members
- 40639 4. Appoint Recycling Advisory Committee Member

LAW & LABOR

- 40640 1. Authorize Execution of Annual License Agreement - Use of Sidewalk, Select Restaurants, Inc.
- 40641 2. Authorize Execution of Annual License Agreement - The Office of Summit, LLC d/b/a Piattino Neighborhood Bistro

- 40642 3. Authorize Execution of Annual License Agreement - The Office of Summit, LLC d/b/a The Office Tavern Grill

SAFETY & HEALTH

- 40643 1. Confirm Mayor's Appointments - Police Department Promotions - Captain, Lieutenant, and Sergeant
- 40644 2. Authorize Grant Application Submission and Execute Grant Agreement - Junior League of Summit Community Grants Program
- 40645 3. Authorize Submission to the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) Application and Execute Agreement

CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS] (roll call vote)
MOVER:	Hairston
SECONDER:	Minegar
AYES:	Allen, Fox, Hairston, Hamlet, Levine, Minegar, Vartan

SAFETY & HEALTH

- 40646 Grant Permission and Set Forth Conditions - 2023 Summit Downtown Inc. Events

Councilmember Hamlet questioned whether SDI pays the City for any loss of parking revenue as a result of SDI events.

In response, Claire Toth, SDI Treasurer, suggested that SDI would be willing to discuss Councilmember Hamlet's concerns during the SDI budget hearing.

CAPITAL PROJECTS & COMMUNITY SERVICES

- 40647 1. Authorize Change Order #1 & Final -Summit Park Line - Morris Avenue Pedestrian Bridge - (-\$70,660.00)
- 40648 2. Authorize Attendance - 2023 Building Safety Week Conference

FINANCE

- 40649 1. Reimburse Retiree Health Insurance Costs
- 40650 2. Authorize Payment of Bills and Payroll \$ 3,484,465.35

ITEMS FOR DISCUSSION, ACTION OR REFERRAL

(Comments are solicited from Council members and the public. Staff reports are attached as appropriate. Items are listed according to Council Committees, those in italics indicate secondary committee reference.)

CAPITAL PROJECTS & COMMUNITY SERVICES

Affordable Housing - 2022 Annual Status Report - Matthew DiLauri, the City's Municipal Housing Liaison and Assistant Director in the Department of Community Services, provided an overview of the Affordable Housing Annual Report, hereto attached. Mr. DiLauri spoke of a

concept plan for expansion of affordable housing on Ashwood Court as well as a plan to move forward with a Request for Proposal ("RFP"). He spoke of negotiations with Our House to deed restrict some of its existing housing. Mr. DiLauri then responded to questions, including but not limited to details pertaining to the City's unmet need, affordable housing obligation and goals relative to the settlement agreement with Fairshare Housing.

PUBLIC COMMENTS

Request for On-Street Parking Accommodations for Beauvoir Ave Co-op Residents - Kevin Brown, Beauvoir Avenue Co-op, spoke of the need for metered, on-street parking on Beauvoir for Co-op residents and provided reasons for the request. Mr. Brown advised that his initial request to the Parking Services Agency was denied. Mr. Brown requested reconsideration of the request. As a result, Council President Vartan referred the matter to the Community Programs and Parking Services Committee.

Maple Street Usage - Gil Owren, Wallace Road, shared his concerns regarding any closure of Maple Street and explained how four components of the 2016 Master Plan address criteria for closing roads.

- Free flow of traffic.
- Channel through traffic to major streets.
- Provide adequate parking and areas for loading and unloading.
- Relieve traffic congestion in the Central Retail Business District ("CRBD").

Councilmember Hamlet spoke of the importance of continued public discussion and the need for Council to take time to fully consider all aspects of any closure.

Bruce Theurkauff, Maple Street Property Owner, referenced comments made earlier by Councilmember Levine regarding compromise relative to Maple Street. Mr. Theurkauff suggested the City have all approvals from the state, first responders and independent traffic studies in place before planning a closure. He also suggested that consideration of any closure needs formal public discussion regarding compromises.

Development Impact on Budget - Mr. Theurkauff shared his concerns regarding development driving up cost of City services.

In response to comments made relative to Maple Street, Council President Vartan commented as follows:

- Spoke of legal pathway in deciding on closure.
- Expecting memos from police and fire regarding Maple Street closure and impact on emergency response.
- A fee structure is being considered for use of the closure.
- Aesthetics of closure being considered.

Upon request of Council President Vartan, the Fire Chief and Police Chief provided their perspective on the impact on emergency response if a closure was in place.

Jamel Boyer, Morris Avenue, asked questions regarding proactive steps being taken by the City regarding threat assessment, preventative measures, surveillance and questioned reliability of orange barricades.

In response, Mayor Radest advised that the police department is always taking proactive measures to address all the areas mentioned, but that such information should not be discussed publicly.

COVID Mask Policy, Parking Safety Stick Presentation - Erwin Miller, Knob Hill Drive. Mr. Miller expressed his thoughts regarding the previous practice of wearing masks and well as other policies imposed due to COVID-19 and stated that he hopes such practices do not come back.

In response for a request for an update, Mr. Miller was provided with a brief explanation of the safety stick concept and the reasons for same.

Maple Street Usage:

Kevin McGoey, Woodland Avenue, commented as follows:

1. Shred his perspective on how Maple Street discussion paralleled Broad Street West discussions and the lack of process and community involvement.
2. Expressed his thoughts regarding the need for council to look at such issues wholistically.
3. Expressed need for traffic studies which address traffic impact, emergency response time, as well as showing the benefits of a closure.
4. Points made by Councilmember Levine assumes a closure.

Councilmember Hamlet shared her thoughts regarding the need for discussion with Maple Street business owners as to the impact on their businesses due to the closure.

Councilmember Hairston commented as follows:

1. Agreed there are similarities between Maple Street and Broad Street West discussions.
2. Important that Council continues to negate misinformation.
3. Council welcomes residents to come to council meetings to speak.
4. Council is conferring with city experts regarding closure.

Councilmember Levine:

1. 2023 is a reset year as factors are different since we are no longer in a state of emergency.
2. Duration of closure is being discussed, with a vast majority wanting some kind of closure.
3. Businesses being affected are being considered and City is looking at ways to avoid negative impact of closure.
4. NJDOT decides whether or not to support a closure.

Bob Pawlowski, Crest Acre Court, commented that he felt that while the City says it is considering a closure, it sounds as if a decision has already made to move forward.

Diego Hoic, Argyle Court:

1. Such an issue should not split the community.
2. Council must decide what is in the best interest of all.

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.

Internship Program - Councilmember Allen spoke of the program, advising that applications are being accepted and encouraged college students to consider participation.

Community Programs & Parking Services Committee - Councilmember Hamlet provided an update on current discussions within the committee, including parking safety stick program, parking meters and Mabie Playground improvements. She also spoke of the update from the Union County Director of Parks and Recreations regarding Briant Pond, advising that hydro-raking is tentatively scheduled for September.

ADJOURNMENT REGULAR MEETING – Upon motion of Councilmember Hairston, duly seconded and unanimously approved, the meeting was adjourned at 10:09 pm.

Respectfully submitted,

Rosalia M. Licatese, City Clerk

MINUTES ATTACHMENTS

Statement - Councilmember Levine, re Maple Street

**Statement - CouncilMember Levine
Re Maple Street
February 21, 2023 Council Meeting**

2023 is a reset year coming out of the pandemic. This year is different because it's no longer an emergency. The analysis is different.

What we know is that one group of people don't want Maple St closed at all. Another group of people want Maple St closed permanently. But the vast majority of those who have weighed in would like to see Maple Street closed for some duration of time, during the warmer months, to enjoy the sense of vibrancy and community it brings.

Let's talk about duration for 2023. Council has still not refined a consensus among the 7 of us, but I am comfortable sharing that we are not pursuing a 6 month closure, as has been done the past three years. We are likely to land in the 3 to 4 month zone for closure duration in 2023. This is what compromise looks like.

We are yet to take any formal action to pursue closure; we are yet to apply to the DOT- who makes the decision on closure. We have not written a resolution or ordinance. When we do one of those things you will hear what the duration is that we have agreed upon for 2023.

What will be different in this reset year about the closure?

- main difference, as I've stated, will be a shorter duration
- fees in place--> Our Council President has tasked the Community Programs and Parking Services, and Finance Committees --> to come up with a fee structure. Councilpeople Minegar, Allen and Hamlet
- What else will be different this year? Stricter enforcement on how restaurants maintain their spaces--> contemplating fines glasses left out
- attractive barriers- we all agree
- more opportunities for other Summit businesses to use the space- legally nothing precluding other businesses from using the space
- more public spaces- renderings to be commissioned soon
- we will continue to meet with businesses/residents of Maple street to mitigate the impact on them --> i.e. access to alleyways and front entrance when needed, can't block alleyways-->ticket them, restaurants must maintenance the spaces, strict adherence to noise ordinance. NO parklets on Union Place this year so we hope for lessened congestion there.

Why 3-4 months?

- largely school not in session--> least disruptive to daily routine
- as such traffic/parking far less of a burden during the summertime- I said this publicly in the past
- it's the definition of compromise

-those of you who do not support this closure-->we heard you; we are cutting the window close to in half for this year

-no matter how we ask, formally or informally, the majority of people agree with a 3 month closure

-PSE&G to do gas line work downtown this early Spring. Likely March, 5 days. Then paving. We are tracking the arrival of that closely so its arrival is anticipated and planned for- and don't want it to interfere.

We are only pursuing closure for 2023. Why not recurring annual closures?

-BSW on the horizon

-Again, 2023 is a reset year coming out of this pandemic. Let's see where we land as a community with respect to seasonal closure.

-Right now it is legal to serve alcohol on Maple Street, as the parent restaurant's liquor license currently extends onto Maple street. In NJ, the expiration date of COVID-19 Expansion Permits has been extended to November 30, 2024.

I'd like to now touch on the legal pathway to closure

Our experts have advised us that this is safe and legal- we would never consider otherwise-

There are two paths to go down when talking about closure of a street to vehicles. One route is a pedestrian mall, and we have opted not to use that option because my opinion is, and I think the majority of councilmembers would agree, is that pedestrian mall implies permanency and we are not considering that. So instead the other option available to us is to submit an application to DOT for a closure longer than 48 hours but not permanent. That is the path we are going to take. We have not yet authorized an application to be submitted to DOT. And the DOT will be responsible for assessing its compliance with all associated regulations.