

**MINUTES OF REGULAR MEETING  
TUESDAY, OCTOBER 6, 2020  
COMMON COUNCIL OF THE CITY OF SUMMIT**

Distributed: 10/16/2020

Approved: 10/20/2020

The meeting was called to order by Council President Marjorie Fox 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 Open Public Meeting Notice, dated September 17, 2020, which was properly distributed and posted per statutory requirements.”

*Note: This meeting was held via video conference by all attendees.*

**CALL TO ORDER**

**ROLL CALL**

**PRESENT:** Councilmembers Bowman, Hairston, Little, Naidu, O’Sullivan, Vartan and Council President Fox.

**ABSENT:** Fire Chief Evers; Andrew Bartolotti, Chief of Police; Paul Cascais, DCS Director

Also in attendance were Mayor Radest and staff members Michael Rogers, City Administrator; Aaron Schrager, City Engineer; Rosemary Licatase, City Clerk, Nicole Sarna, Deputy Clerk, Steve Zagorski, Police Captain; Tammie Baldwin, City Treasurer; Rita McNany, Parking Services Manager; Mark Ozoroski, DCP Director Don Nelson, Deputy Fire Chief and Matthew Giacobbe, City Solicitor.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

Regular and Closed Session Meetings of September 22, 2020 - Upon motion of Councilmember Little, 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

Mayor's Report:

Mayor provided an overview of a meeting with JCP&L to discuss power outage management.

Council President Report:

Council President Fox deferred her comments and opened the floor to Councilmember O'Sullivan who read a prepared statement, regarding a social media posting, which is attached hereto.

Council President Fox advised that the enforcement of the city's ordinance regulating single use plastic bags, Styrofoam containers and plastic straws will to into effect starting January 1, 2021.

**MAYORAL PROCLAMATION**

Fire Prevention Week - Mayor Radest presented the proclamation virtually to Deputy Fire Chief Don Nelson and Lieutenant Joseph Moschello.

**PRESENTATIONS**

Vote-By-Mail Process - Nicole DiRado, Elections Administrator for the Union County Board of Elections provided an overview of the election process for the upcoming General Election and responded to questions regarding the mail-in ballot process.

**PUBLIC COMMENTS**

Overnight Parking - Hal Corley - 45 Woodland Avenue. In response to questions on possibly amending current overnight parking regulations to help people working at home, Councilmember O'Sullivan advised that the Community Programs and Parking Services Committee is currently looking into this.

Voting Signature - Henry Bassman - 18 Hartley Road. In response to questions about how to verify/confirm his signature for voting, City Clerk Licatese and Mayor Radest made the following comments:

1. Per the Union County Board of Elections Administrator's suggestion, provide a copy of the most recent signature in the outer envelope of the mail-in ballot.
2. Submit a new voter registration form to update signature.

Underground Power Lines - Jim Bennett - 38 Fairview Avenue, read from a prepared statement, which is attached hereto.

Theft of Political Signs - Miriam Zukoff - 49 Wade Drive and Amy Herhold, 33 Wade Drive, each shared their concerns regarding political signs stolen from their properties.

In response, Captain Zagorski advised that the Police Department has followed up on the issue.

Councilmember Naidu shared his thoughts and concerns regarding such theft and spoke of each citizen's fundamental right to express their political opinions and the need for civility and a mutual respect each other's opinions.

JCP&L Senior Communications - Eileen Kelly - 47 Woodland Avenue. In response to questions regarding whether JCP&L is looking into different methods of communicating with seniors during major power outage events as well as overall information, Mayor Radest advised as follows:

1. JCP&L did not address the specifics, but that they are aware of the problem with getting information to the senior citizen population.
2. The City utilizes SwiftReach which helps reach out to senior citizens via telephonic communication.

Public Statement, by Councilmember O'Sullivan regarding recent Social Media Posting - Douglas Kramer, 9 Brantwood Drive, spoke of Councilmember O'Sullivan's apology and expressed his feelings about Mr. O'Sullivan's Twitter comment ("Tweet") and how they were hurtful and not helpful. Mr. Kramer expressed his hope for civility amongst all citizens and asked Mayor Radest to affirm that all Republicans in Summit are valued and welcomed in the community.

In response to Mr. Kramer's comments, Council President Fox affirmed that all members of the community are valued regardless of political affiliation. She further stated that elected officials take their role very seriously in representing all members of the community regardless their political affiliation. She expressed her feelings that comments made by individual councilmembers on social media do not reflect the views of the Council or the Mayor.

Mayor Radest reiterated the affirmation and expressed her respects for each and every person in town and spoke of her hard work to represent them all.

Blake O'Dowd, 10 Edgewood Drive, shared his concerns regarding Councilmember Naidu's statement regarding theft of political signs and how it related to Councilmember O'Sullivan's Twitter posting. He further expressed feeling unsafe to express his political views and questioned the appropriateness of having someone with such views on council.

Mayor Radest acknowledged that Councilmember O'Sullivan made a mistake. She expressed hope that his apology would be accepted, and that the community can move forward from this.

Councilmember Bowman expressed his appreciation for Councilmember O'Sullivan's apology, and hope that his colleagues would have reached out to him. He spoke of comments by some that individuals would not support local stores because of their party affiliation and expressed his disappointment with same. He expressed his feelings that at times he has felt disrespected as the only Republican elected official.

Council President Fox expressed her regrets for the feelings expressed by Councilman Bowman and stated that members of council have tried to include him in decision making.

Councilmember O'Sullivan expressed appreciation for the comments made by members of the public and expressed his regret about not having reached out to Councilmember Bowman. He stated that his public statement was sincere and hopes everyone believes him.

Student-Run Equality Rally in Summit - In response to a question from Carl Loeschert 14 Lenox Road, as to who spoke at the equality rally held recently, Council President Fox and Mayor Radest advised that Congressman Malinowski, Mayor Radest and Chief Bartolotti spoke at the rally.

Summit Related Social Media Channels - Ryan Felmet, 57 Madison Avenue. In response to questions regarding which social media platforms the City's Social Media Policy applies to, Council President Fox commented as follows:

- Various groups, such as Summit, NJ Happenings and Power Up Summit are independent Facebook groups, not official City groups.
- The policy applies to the City's official Facebook, Twitter, Instagram accounts and the City's website.

Thanked the Mayor for her strong leadership during the COVID-19 pandemic and expressed his thoughts regarding Councilmember O'Sullivan's Tweet and referred to similar Tweets by the Councilmember and questioned his ability to lead with integrity and inclusion

**ORDINANCE(S) FOR HEARINGS**

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

<b><u>LAW &amp; LABOR</u></b>		
<b><u>Number</u></b>	<b><u>Title</u></b>	<b><u>Introduction Date</u></b>
20-3222	<b>AN ORDINANCE AMENDING THE CODE, CHAPTER 4, GENERAL LICENSING 4-20, REGULATING OF SIDEWALK CAFES. (Various Changes)</b>	09/22/20

No one 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 September 24, 2020, 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:*

<b><u>Number</u></b>	<b><u>Title</u></b>	<b><u>Introduction Date</u></b>
<b><u>LAW &amp; LABOR</u></b>		
20-3222	<b>AN ORDINANCE AMENDING THE CODE, CHAPTER 4, GENERAL LICENSING 4-20, REGULATING OF SIDEWALK CAFES. (Various Changes)</b>	09/22/20

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bowman  
**SECONDER:** Hairston  
**AYES:** Bowman, Fox, Hairston, Little, Naidu, O’Sullivan, 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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**CAPITAL PROJECTS & COMMUNITY SERVICES**

20-3223	<b>AN ORDINANCE TO REPEAL AND REPLACE            CHAPTER XXXV OF THE GENERAL CODE OF            THE CITY OF SUMMIT TO ESTABLISH THE 2020            DEVELOPMENT REGULATIONS ORDINANCE            (Repeal 2019 DRO And Replace with 2020 DRO)</b>	11/4/20 (Wed.)
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<b>RESULT:</b> INTRODUCED [UNANIMOUS] <b>MOVER:</b> Little <b>SECONDER:</b> Naidu <b>AYES:</b> Bowman, Fox, Hairston, Little, Naidu, O’Sullivan, Vartan	<b>Next: 11/4/2020 7:30 PM</b>
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**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:

**LAW & LABOR**

- 39485 1. Authorize Execution of Settlement Agreement Gagliano V. Summit Zoning Board Of Adjustment Affordable Housing Project – 146 Morris Ave.
- 39486 2. Authorize Execution of Agreement with Teamster Local 469 January 1, 2020 - December 31, 2023
- 39487 3. Authorize Extend Sick Leave with Pay - DCS Employee

## **CAPITAL PROJECTS & COMMUNITY SERVICES**

- 39488 1. Authorize Execution of Storm Sewer Easement Agreement - 150 Broad Street - Broad Street Portfolio LLC
- 39489 2. Authorize On-Line Auction of Unneeded City Equipment and Unneeded Vehicles
- 39490 3. Authorize Use of Maple Street Road Closure by Kidville

## **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:** Hairston  
**SECONDER:** Vartan  
**AYES:** Bowman, Fox, Hairston, Little, Naidu, O'Sullivan, Vartan

## **CAPITAL PROJECTS & COMMUNITY SERVICES**

- 39491 1. Authorize Refund of Performance Guarantee - 45 Blackburn Road
- 39492 2. Authorize Bid Advertisement - 2021-2022 On-Site Vegetative Waste Grinding Services
- 39493 3. Grant Permission and Set Forth Conditions - Village Green Promotional Sign Display - Summit High School Theater Arts Department

## **SAFETY & HEALTH**

- 39494 Grant Permission & Set Forth Conditions - Department of Community Programs - Play in the Park

## **FINANCE**

- 39495 1. Authorize Amend Payroll
- 39496 2. Authorize Bid Advertisement - 2021-2022 On-Call Landscaping Services
- 39497 3. Authorize Bid Advertisement - 2021-2022 On-Call HVAC Maintenance & Repair Services
- 39498 4. Authorize Bid Advertisement - 2021-2022 Walk-In Hardware Supplies
- 39499 5. Authorize Refunds - Department of Community Programs
- 39500 6. Authorize Parking Refunds - Summit SmartCard, Prepaid Parking, and Overnight Parking Permits
- 39501 7. Authorizing Payment of Bills - \$934,385.48

## **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.

Councilmember Naidu announced that the Summit Free Market will be open on Saturday, October 10 with a ribbon cutting on Friday, October 9.

Councilmember Bowman announced that Friday, October 9 is Cabaret Night at the Village Green

**ADJOURNMENT REGULAR MEETING** –Upon motion of Councilmember Naidu, duly seconded, the meeting was adjourned at 9:41 pm.

Respectfully submitted,

Rosalia M. Licatase, City Clerk

Nicole M. Sarna, Deputy City Clerk

**MINUTES ATTACHMENTS**

1. Public Statement - Councilmember O'Sullivan, re social media posting
2. Public Comment - J. Bennett, 38 Fairview Ave., re JCP&L

Statement – Councilmember Danny O’Sullivan  
Read at Council Meeting of October 6, 2020

Good evening everyone.

Almost two weeks ago I posted a comment on my personal twitter account that was influenced by the political climate on the national level and the current presidential race.

I don’t think anyone who knows me is surprised by my sharp interest in our presidential race.

However, I know many interpreted my post as a harsh judgment on all members of the Republican Party and in reading it later, I realized that is exactly how it read. I deeply regret the implications of that post and I apologize. Over the course of these days I have had meaningful and sincere conversations with people from all over Summit. I am thankful to everyone who took time to share their thoughts and feelings with me and who helped to increase my growth and understanding. It is a hard lesson to learn how one tweet can be so hurtful. I ran for Council to be a unifying voice and to bring people together on the issues that matter to all of us. Whether it is my committee work as Chair of Community Programs and Parking Services, my work on the Admin Committee, or as Council liaison to Recycling Advisory, Technology Advisory, Community Programs Advisory, or on the newly formed ad-hoc committee to deal with JCP&L, all of my work is singularly focused on what is best for the City of Summit and all of its citizens. As always, I appreciate an ongoing dialogue with anyone in Summit and would welcome a one-on-one conversation at any time. My contact information can be found on the City website on the Common Council page. Thank you.



**James M. Bennett**  
**38 Fairview Ave**  
**Summit NJ 07901-1728**  
**(908) 578-4975 Cell**  
**(908) 598-2888 Fax**  
**james@jamesbennett.com**

**Comments from a Member of the Public**  
**At Council Meeting October 20, 2020**  
**Concerning JCP&L**

Good Evening Mayor Radest, Members of Council, and City Staff

[Names and Address}

Yesterday I sat through three and a half hours of live audio testimony before the Law and Public Safety Committee of the State Senate. The subject of the hearing was issues currently confronting this state's utility companies, including their response to power outages resulting from Tropical Storm Isaias.

One of the eleven witnesses at that hearing was your JCP&L representative Carol Bianchi's boss, Jim Fakult. Mr. Fakult is the President of JCP&L. Because I listened to Jim's testimony and his responses to questions, I can focus your field of questioning when you meet with Ms. Bianchi on November 4<sup>th</sup> to receive an after-action report.

Mr. Fakult stated that seventy percent of the outages from Tropical Storm Isaias were due to trees. There were about 8,800 locations in the JCP&L service area that were the result of tree damage. Mr. Fakult complained that one of the impediments to fixing the problem was that eighty percent of the outages caused by trees were on private property off the JCP&L right of way.

Mr. Fakult went on to state that thirty percent of the power was restored within twenty-four hours. Eighty-five percent was restored within three days, and 98% was restored within a little over five days.

Let's indulge for a moment in the assumption that each outage required about the same amount of time to fix. If the local distribution system had been underground, there would have been no damage from trees. We could have subtracted out seventy percent of the outage from Isaias. The remaining thirty percent,

if we take Mr. Fakult's numbers, should have been one hundred percent restored within twenty-four hours.

That is an obvious over-simplification, but I think it is nevertheless instructive. If JCP&L eliminates seventy percent of the source of its failures due to Isaias, JCP&L can restore full power following a storm in far less time.

There was much discussion at the hearing about communication and disaster response. David M. Daly of PSE&G had helpful comments on that topic. But if we can pare down future disasters, discussions about future responses will become less important.

I sent the Ad Hoc Committee a submission from Mr. Kin K. Gee, one of the witnesses at the hearing. Mr. Gee is the President of a nonprofit organization called Citizens Helping to Affect Regulation of Gas and Electric - or "CHARGE." One of Mr. Gee's more interesting suggestions was to sunset utility franchises. See A108. In effect, a utility has to compete with other utilities for your business every set number of years. If a utility provides poor service, you can say, "You're fired!"

One mayor who can speak first-hand about Mr. Gee's proposal is Mayor David Fried of Robbinsville. Mayor Fried has both JCP&L and PSE&G in his town. His Honor describes his town as a "tale of haves and have-nots." JCP&L, Mr. Fried says, is the fourth worst - out of four.

I also submitted my own written testimony to the committee.

Let me conclude by being clear that I am not asking Mayor and Council to specifically advocate burying lines. We are not there yet. But when you receive a report from Ms. Bianchi on Wednesday, November 4, 2020, I am asking you to be sure that she tells you how many of the 8,800 tree locations were in Summit - and where they were - and, for the remaining 30% of the causes of outages, what was the exact nature of those affecting Summit.

Thank you.