

**MINUTES OF REGULAR MEETING
TUESDAY, MARCH 1, 2022
COMMON COUNCIL OF THE CITY OF SUMMIT**

Distributed: 3/10/22
Approved: 3/15/22

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 preparation of the Council Annual Meeting Notice, dated December 30, 2021, 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.

The City has a Listening System to assist the hearing impaired. If anyone needs hearing assistance, please obtain the system at the Dais and return it thereafter.”

CALL TO ORDER

ROLL CALL

PRESENT: Councilmembers Lisa Allen, Susan Hairston, Beth Little (*virtual*), Andy Minegar, Danny O’Sullivan, Greg Vartan and Council President Marjorie Fox.

ABSENT: None

Also in attendance were Mayor Radest and staff members Michael Rogers, City Administrator; Tammie Baldwin, City Treasurer; Eric Evers, Fire Chief; Rosemary Licatase, City Clerk; Aaron Schragar, DCS Director; Steven Zagorski, Acting Chief of Police; Matthew Giacobbe, City Solicitor.

Minutes of this meeting are recorded on CD # 2022-05

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Regular and Closed Session Meetings of February 15, 2022 - Upon motion of Councilmember Minegar, 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

City Administrator's Report - City Administrator Rogers advised as follows:

1. The 2022 Municipal Budget Introduction was scheduled for April 5.
2. Mask mandate will be lifted at City Hall and all City buildings effective March 7, 2022.

Council President's Report

Council President Fox advised that effective at the March 15, 2022 Council meeting, face masks will be optional for all meeting attendees and the public.

CEREMONIAL AWARDS

Volunteer of the Year - Annette Dwyer - Presented by Mayor Nora Radest (deferred to 3/15 meeting)

PRESENTATIONS

Broad Street West Redevelopment Financial Advisor Presentation - Dr. Robert S. Powell, Jr., Managing Director of Nassau Capital Advisors LLC, provided a slideshow presentation, hereto attached, which provided details relative to the financing of the project, as well as providing an in-depth explanation of how the structure of a Payment in Lieu of Taxes (PILOT) will work.

Dr. Powell then responded to questions from Council and the public, with key points as follows:

1. If project does not move forward with PILOT some risks would be:
 - Building would not be constructed.
 - There would be no affordable housing.
 - Developer could declare bankruptcy.
 - Delay of project and a recession could push lending rates up.
2. Developer has more risk than City.
3. Construction costs are calming as compared to last year.
4. After project completed, the current developer could sell the property and the buyer would assume all the responsibilities of the PILOT agreement.
5. 20-year PILOT instead of 30-year would make expenses go up sharply.
6. If a PILOT is for less than 30 years it would not help stability of the project due to developer's expenses.
7. Payment of 10% of gross revenue goes to the city.
8. PILOT payments kick in upon issuance of the first certificate of occupancy.
9. Explained the difference in tax revenue to the city with a PILOT versus without one.
10. There are plenty of towns with PILOTS but are usually towns with low property taxes.
11. PILOT payment does not impact school or county budgets.
12. Any need for improvement to City's sewer infrastructure and related cost would be discussed during the Planning Board application process.
13. There is no chance of over building, as there is an acute housing shortage in single family homes and rental units.
14. If another developer bought the property after project is built, the City would have control over any changes to size and number of units.
15. After 30-year PILOT, the property would go back on the tax rolls once the Assessor inspects the property for ratables and sets the taxes for the property.
16. A PILOT is only allowed by law when the municipality declares "an area in need of rehabilitation or redevelopment."
17. PILOT makes project feasible. The project must be profitable for the developer or they will not agree to the project.
18. If a revised plan reduces the number of stories of the building.
 - The number of affordable housing units will go down.
 - The exterior landscape design could change.

- The project would cost more money to the developer and impact the developer's ability to do the project.

Questions and comments from the public were as follows:

Debra Oliver, Tulip Street:

1. There is a shortfall of parking in relation to the size of the proposed building.
2. There needs to be a 3D model of the property building to help see it in relation to the other buildings and the sidewalk in area.
3. Subdistrict 3 needs adequate parking and a smaller scale building
4. It is good that the city will receive \$600,000 in revenue.

Christopher Welsh, Blackburn Road, asked if the city considered subdividing the lot and selling it off to multiple local developers who would maintain the character of the neighborhood, to which the response was that the city did not.

Karen Davis, Ridgedale Avenue, read from a prepared statement, which is hereto attached.

Diane Dresdale, Valley View Avenue:

1. Asked how many competitive bids were received, to which the Council President responded that there were ten.
2. Supports a 3D model of the building.

Irwin Miller, Knob Hill Drive, asked if Summit residents would get preference for the affordable housing units in Subdistrict 3.

In response, Dr. Powell advised that the affordable housing units must, by law, be available for anyone who is eligible, regardless of their residency.

Mayor Radest explained to Mr. Miller that during the negotiation of the fair share housing settlement agreement, Fair Share Housing would have agreed to give the city credit towards its affordable housing obligation at the senior citizens building as long as it lifted its residency restriction at the building and she advised that the city would not agree to it, in order to protect the residency requirement at that building.

Clerk Licatase advised that one email was received for public comment during the BSW presentation from William Von Klemperer of Colonial Road and proceeded to read the email into the record, which is hereto attached.

PUBLIC COMMENTS

Board of Health Meetings - Irwin Miller, Knob Hill Drive, shared concerns regarding the frequency of Board of Health meetings and spoke of the length of time between meetings and when minutes are approved and made available to the public. He asked how the frequency of Board of Health meetings could be changed so the Board could meet more frequently, especially in light of the current pandemic.

In response, Councilmember Hairston, as Council Liaison to the Board of Health, advised that she would refer Mr. Miller's inquiry to the Safety & Health Committee, of which the City's

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

LAW & LABOR

22-3252	AN ORDINANCE AMENDING THE CODE, CHAPTER 2, ADMINISTRATION, SECTION 2-43, RENT COMMISSION, SUBSECTION 2-43.5 POWERS AND DUTIES. <i>(Remove subpoena powers)</i>	02/15/22
---------	--	----------

RESULT: ADOPTED [UNANIMOUS]
MOVER: Hairston
SECONDER: Minegar
AYES: Allen, Fox, Hairston, Little, Minegar, O'Sullivan, 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:

ADMINISTRATIVE POLICIES & COMMUNITY SERVICES

40188 Urge Swift Passage of S-330 Which Restores Energy Tax Receipts

FINANCE

40189 1. Authorize Emergency Temporary Appropriations - Parking Utility *(Roll Call Vote)*

RESULT: APPROVED [UNANIMOUS]
MOVER: Vartan
SECONDER: Susan Hairston, Councilmember
AYES: Allen, Fox, Hairston, Little, Minegar, O'Sullivan, Vartan

40190 2. Authorize Execution of the New Jersey Library Construction Bond Grant Agreement with the New Jersey State Library

40191 3. Authorize Submission of a Grant Application to The Union County 2022 Infrastructure and Municipal Aid Grant Program and Execute Grant Agreement – City Hall Records Storage Improvement Project

CAPITAL PROJECTS & COMMUNITY SERVICES

40192 1. Award Bid - Storm Sewer Clean & Inspection - Section M - \$62,518.00

40193 2. Declare Vacancy – Department of Community Services - Full Time Land Use Assistant/Planning Zoning Board Secretary

SAFETY & HEALTH

40194 Declare Vacancy – Fire Department - Probationary Firefighter

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:	Vartan
SECONDER:	O'Sullivan
AYES:	Allen, Fox, Hairston, Little, Minegar, O'Sullivan, Vartan

COMMUNITY PROGRAMS & PARKING SERVICES

40195 Authorize Parking Services Director Attendance - International Parking and Mobility Conference (IPMI Conference)

SAFETY & HEALTH

- 40196 1. Grant Permission and Set Forth Conditions - 2022 Summit Downtown Inc. Events
- 40197 2. Grant Permission and Set Forth Conditions - 2022 Department of Community Programs Coordinated Events

CAPITAL PROJECTS & COMMUNITY SERVICES

- 40198 1. Authorize Bid Advertisement - Park Avenue Improvement Project
- 40199 2. Authorize Bid Advertisement - Curbside Collection & Marketing of Recycling Materials July 2022 - June 2024

FINANCE

- 40200 1. Authorize Refund - Overpayment of 2020 Taxes
- 40201 2. Authorize Refund - Overpayment of 2021 Taxes
- 40202 3. Authorize Refund - Overpayment of First Quarter 2022 Taxes
- 40203 4. Authorize Payment of Bills and Payroll \$ 1,192,503.57

DISCUSSION ACTION OR REFERRAL (DAR)

(ID # 9518) Memo – A. Schragar, Director – Department of Community Services, re Gas Leaf Blower PILOT Program

Councilmember O'Sullivan advised of the recommendation of the Capital Projects and Community Services Committee (CAP) to hold off on the continuation of the PILOT Program due to pending legislation at the State level, which may impose a statewide ban on gas leaf blowers, referencing pending legislation S2473 and A6238.

Councilmember O'Sullivan further commented as follows:

- 1. If the proposed legislation were to stall, the City would consider imposing the temporary ban in 2023.

2. Strongly encouraged citizens to voluntarily refrain from using gas leaf blowers.
3. Encouraged citizens who hire lawn care services to request that landscapers refrain from using gas leaf blowers on their property.

Councilmember Vartan:

1. Supports the suspension of the PILOT ban for 2022, due to the pending legislation.
2. Similar to the plastics ban the City put in place effective May 2020, which was subsequently superseded by State legislation in 2021, continuing to impose the gas leaf blower ban in 2022 on the local level would only create confusion if State legislation is passed.
3. Recommended waiting for the outcome of the State legislation to decide on next steps in 2023.

Councilmember Little commented as follows:

1. Spoke of the positive impact the ban has had on the community and the environment.
2. Advised that many of the perceived negative impacts anticipated by members of the public, did not come to pass.
3. Spoke of the City's outreach efforts and success of last year's ban.

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.

Overdevelopment - Councilmember Allen addressed Ms. Gagon's earlier comments regarding overdevelopment of land in Summit and in neighboring communities. She agreed with many of the concerns and spoke of the increased incident of flooding due to overdevelopment.

ADJOURNMENT REGULAR MEETING - Upon a motion from Councilmember Hairston, duly seconded and unanimously approved, the meeting was adjourned at 10:25 pm.

Respectfully Submitted,

Rosalia M. Licatase, City Clerk

MINUTES ATTACHMENTS

1. Presentation - Broad Street West Redevelopment Project Financials - Dr. Robert S. Powell, Jr., Managing Director - Nassau Capital Advisors, LLC.
2. Public Comment - Karen Davis, Ridgedale Avenue, re Broad Street West Financials Presentation
3. Public Comment - William Von Klemperer, Colonial Road, re Broad Street West Financials Presentation