

MONTCLAIR, NEW JERSEY

February 12, 2013

The Council of the Township of Montclair, in the County of Essex, met in the Council Chamber in the Municipal Building, 205 Claremont Avenue, for a pre-meeting conference at 7:03 P.M.

Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller

Absent: None

STATEMENT OF SUNSHINE NOTICE

Agenda Review – Township Manager Marc Dashield

Following comments by Councilors Baskerville and McMahon who noted that both the Public Transportation Advisory Committee and New Jersey Transit wished to make recommendations concerning plans for the “rail-trail” park, the Council agreed to withdraw Resolution R-13-32 from the agenda.

Mr. Dashield outlined the process required to finally adopt the BID Budget, and noted that approval of the resolution to introduce that budget on tonight’s agenda (R-13-35) was the first step in that process.

Committee Reports

Councilor Spiller reported that the Education Advisory Board had met with the Montclair Adult School.

In response to many complaints, Township Manager Marc Dashield reported that he had already met with the contractor responsible for inadequate snow removal in some of the Township parking lots. He noted that the current contracts for snow removal services will expire in April.

Both Mayor Jackson and Township Manager Dashield praised Department of Community Affairs employees for their outstanding efforts in clearing snow from Township streets.

Councilors Schlager and Spiller questioned several items on the Bill List.

At 7:22 P.M., on motion made by Mayor Jackson and duly seconded, the pre-meeting conference was adjourned by unanimous vote.

The Council of the Township of Montclair, in the County of Essex, met in the Council Chamber in the Municipal Building, 205 Claremont Avenue, for a Regular Meeting at 7:31 P.M.

Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller

Absent: None

STATEMENT OF SUNSHINE NOTICE

PLEDGE OF ALLEGIANCE

PROCLAMATION

On motion made by Mayor Jackson and duly seconded, the following proclamation was adopted by unanimous vote:

WHEREAS, The Council of the Township of Montclair notes with sadness the passing of Earl Williams, longtime Montclair resident and Montclair High School and Major League baseball star; and

WHEREAS, Born in 1948 in Newark, New Jersey, Mr. Williams grew up in East Orange before his family moved to Montclair. A member of the MHS class of 1965, Williams was a pitcher, first baseman and right fielder, a cornerstone of some of the Mouties finest baseball squads including the 1964 team that won 28 of 30 games; and

WHEREAS, An excellent player in the field, Mr. Williams was also renowned as a power hitter, a skill which insured his selection in the first round of Major League Baseball’s American Legion Draft. For his first three years of minor league baseball, he reported to camp following his studies at Ithaca College. His quick rise through various minor league clubs earned a late season call up with the Atlanta Braves in 1970 when he hit .368 in 19 at bats. Becoming the Braves full-time catcher in the 1971 season, Williams hit 33 home runs and drove in 87 runs, with a batting average of .260 – all of which contributed to his being named National League Rookie of the Year; and

WHEREAS, After retiring from baseball, Mr. Williams remained an active member of the community giving back to young people when he could, including volunteering at youth baseball clinics in his hometown, sharing his knowledge, expertise and love of the game; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, expresses the thanks of a grateful community for the life and contributions of Earl Williams and extend our sympathy to his wife Linda; mother, former Montclair Councilwoman Bobby Reilly; sister Pam Reilly; step-daughter Linda West and grand-daughter Ruquayyah Williams.

Mayor Jackson expressed his great admiration for Mr. Williams, noting his intellect, curiosity, and ability to “immediately fill up a room.”

PUBLIC COMMENT

Mayor Jackson asked whether anyone present wished to address the Councilors regarding any matter of interest or importance.

Sanford Sorkin, Three Marquette Road, questioned several items on the Bill List including the cost of “hazing geese.” He also objects to the trap/neuter/release program for feral cats, citing their responsibility in the death of many other animals.

Nick Fiornescence, 165 Valley Road, suggested that the Nishuane Well be sited in some other community. He also believes the Township is paying too much for tree services.

Mary Morgan, 415 Bloomfield Avenue, complained of her experience with the Section 8 office.

William Scott, 23 Cedar Avenue, believes there are errors and misinformation between documents posted on the Township website following the two meetings regarding the proposed Nishuane well and what actually transpired at those meetings.

Township Manager Marc Dashield explained that because there were so many people speaking at once, it was only possible to compile a list of the main issues being raised, and that the report was not meant as a verbatim transcript.

Audrey Hawley, 17 Grenada Place, referenced her OPRA requests for Suburban Consulting Engineers, LLC purchase orders and contract. She questioned under what authority money has already been paid to this firm.

Meredith Knowles, 215 Claremont Avenue, reported that the rebate program for energy efficient lights offered through the NJ Board of Public Utilities will expire on February 28. She also urged the use of local contractors for the new Hahnes Redevelopment construction projects.

Irving Geddis, 19 Stanford Place, voiced his concerns about the Mayor’s comments concerning Councilor Baskerville that appeared in The Montclair Times. He was also displeased with comments regarding crime in the area of the proposed new municipal complex.

Councilor Baskerville acknowledged that although she and the Mayor may have differences, they and all the Council members are working for the good of the Township.

Jarvis Hawley, 17 Grenada Place, representing the Montclair Residential Preservation Group, observed that the written questions he submitted at one of the Nishuane well hearings were not included in the meeting “transcript.” He also noted that petitions concerning any issue may always be submitted to the Municipal Clerk, regardless of subject or deadline.

Chrissy Hines, Janet Matasek, and Edie Locke, President of Friends of the Montclair Animal Shelter, all volunteers at the Montclair Animal Shelter expressed their concerns about the “vague language” of the proposed resolution to establish a Montclair Animal Welfare Advisory Committee. They pointed out that many of the goals listed in the resolution are already being done by the Shelter.

Township Manager Marc Dashield noted the many improvements at the Shelter and thanked the volunteers for their outstanding efforts. He explained that the purpose of the new advisory committee would be to provide additional assistance to the Shelter i.e. grants writing.

Mayor Jackson also acknowledged that, in spite of the lack of communication on this issue, it was the Council’s wish to be more involved and supportive of their efforts regarding all animal welfare issues.

There being no one else wishing to be heard, Mayor Jackson closed the Public Comment portion of the meeting.

Council Committee Reports

- Economic Development – Councilor McMahon reported on three “firsts:”
- Report of the Economic Development Advisory Board
- Issue of the Facilities Committee
- Meeting of the Super Bowl Task Force

Education – Councilor Spiller reported that a meeting had been held with the Montclair Adult School

NEW BUSINESS - ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE AMENDING AND SUPPLEMENTING MONTCLAIR CODE, CHAPTERS 230 AND 327 CONCERNING PARKING FEES” (O-13-02) passed first reading January 22, 2013 and upon second reading the title thereof, was read by the Clerk who then reported that it had been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

Mayor Jackson asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

There being on one present wishing to be heard, Mayor Jackson closed the hearing.

On motion made by Mayor Jackson and duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: “ORDINANCE AUTHORIZING AND APPROVING FINANCIAL AGREEMENT BETWEEN MONTCLAIR KENSINGTON URBAN RENEWAL, LLC AND THE TOWNSHIP OF MONTCLAIR FOR THE CHURCH STREET LOT PORTION OF THE HAHNE’S REDEVELOPMENT AREA” (O-13-03) passed first reading January 22, 2013 and upon second reading the title thereof, was read by the Clerk who then reported that it had been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

Mayor Jackson asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

There being on one present wishing to be heard, Mayor Jackson closed the hearing.

On motion made by Mayor Jackson and duly seconded, the ordinance was adopted by unanimous vote.

ORDINANCES – FIRST READING/INTRODUCTION

Councilor Hurlock introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on March 12, 2013:

“ORDINANCE AMENDING BOND ORDINANCES #04-21 AND #12-32 OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, FINALLY ADOPTED MAY 4, 2004 AND MAY 22, 2012 RESPECTIVELY, TO ADD SECTION 6(d) IN ORDER TO PROVIDE FOR THE APPLICATION OF ANY GRANT MONEYS RECEIVED” (O-13-07)

The motion was adopted by unanimous vote.

Councilor Schlager introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on March 12, 2013:

“ORDINANCE TO AMEND THE 2012 CWA EMPLOYEE SALARY ORDINANCE” (O-13-08)

The motion was adopted by unanimous vote.

Councilor McMahon introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on March 12, 2013:

“ORDINANCE AMENDING MONTCLAIR CODE, CHAPTER 347 - ZONING” (O-13-09)

The motion was adopted by unanimous vote.

NEW BUSINESS – RESOLUTIONS

On motion made by Mayor Jackson and duly seconded, the following Consent Agenda resolutions were adopted by unanimous vote:

WHEREAS, Section 17:27-3.5 of the New Jersey Administrative Code requires the annual appointment of a Public Agency Compliance Officer to ensure that municipal contracts comply with the policy of the State of New Jersey to promote equal employment opportunity and affirmative action with regard to public contracts; and

WHEREAS, it is the policy of the Township of Montclair to promote and enforce all rules and regulations regarding affirmative action in public purchasing; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that EDWARD CHO be and he is hereby appointed Public Agency Compliance Officer for the Township of Montclair for the period from January 1, 2013 through December 31, 2013. (R-13-30)

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and

WHEREAS, it is the desire of the Township of Montclair, County of Essex, to establish such a fund for the office of the Parking Utility in the amount of \$150.00; and

WHEREAS, the custodian for this fund is Tina Iordamlis; and such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures; now therefore

BE IT RESOLVED, that the Council of the Township of Montclair, County of Essex, hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval. (R-13-31)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that ELIZABETH CECCIO be and she hereby is APPOINTED to serve as CLASS C MEMBER to the Historic Preservation Commission effective immediately and terminating December 31, 2016.

BE IT FURTHER RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JACKSON BANGS be and he hereby is APPOINTED to serve as a FIRST ALTERNATE MEMBER to the Historic Preservation Commission effective immediately and terminating December 31, 2014. (R-13-33)

In reference to the following resolution, Deputy Municipal Clerk Carla Horowitz reported that an application for a person-to-person liquor license transfer had been filed with the correct fees and that proof of publication of notice of intention had been received. She stated that a report from the Police Department gave full approval to the character and business reliability of the applicant, and that the Department had no objections to the transfer. She also noted that no objections had been received from the public.

On motion made by Deputy Mayor Russo and duly seconded, the following resolution (R-13-34) was adopted by unanimous vote:

WHEREAS, application has been filed for a Person-to-Person transfer of the Plenary Retail Distribution License 0713-44-017-003, issued to Liquor Bottle Warehouse, LLC., with a mailing address of 310 Orange Road, Montclair, NJ, to Montclair Liquor Store, LLC, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in Essex County, does hereby approve, effective February 13, 2013, the Person-to-Person transfer of the aforesaid Plenary Retail Distribution License to Montclair Liquor Store, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to Montclair Liquor Store, LLC effective February 13, 2013."

On motion made by Councilor Spiller and duly seconded, the following resolution (R-13-35) was adopted by unanimous vote:

WHEREAS, the Township of Montclair has received a proposed budget for the year 2013 from the Montclair Center Corporation, the district management corporation responsible for the management and operation of the Montclair Center Special Improvement District; and

WHEREAS, N.J.S.A. 40:56-84 and Montclair Code Section 293-3 provide that said budget be introduced and approved by the governing body and that the budget thereafter be advertised and a public hearing held with regard to same, prior to adoption; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the 2013 Budget received from the Montclair Center Corporation is hereby introduced and approved subject to final adoption in accordance with law upon the holding of a public hearing to take place at 8:00 P.M. on March 12, 2013; and

BE IT FURTHER RESOLVED that the Township Clerk shall publish a copy of the approved budget in the Montclair Times no later than February 21, 2013 and said publication shall include the date, time and place for the public hearing as set forth above.

On motion made by Councilor Baskerville and duly seconded, the following resolution (R-13-36) was adopted by unanimous vote:

BE IT RESOLVED that the number of members on the Parks and Recreation Advisory Committee is hereby reduced from 21 to 15.

On motion made by Councilor Hurlock and duly seconded, the following resolution (R-13-37) was adopted by unanimous vote:

WHEREAS, the Township Council desires to adopt a resolution establishing the Montclair Animal Welfare Advisory Committee (The "Committee") as an advisory committee to the Township of Montclair pursuant to N.J.S.A. 40:81-13 and Montclair Township Code Section 3-54, now therefore

BE IT RESOLVED that the Committee shall advise the Council on the following:

1. Programs, policies, and legislation that further the protection and treatment of the Township's animals
2. Assist in identifying and developing funding through grants, shared services and volunteer programs to support the Montclair Animal Shelter ("Shelter")
3. Assist the Township Council in exploring shared service agreements with certain jurisdictions regarding the care and treatment of animals
4. Make recommendations concerning shared services arrangements including but not limited to pricing and service provided
5. Analyze intake and identify the source of homeless animals
6. Analyze data and suggest performance measures to further the treatment of the Township's animals
7. Assist the Township Council in identifying and implementing measures to reduce overall animal intake including, but not limited to, town-wide spay/neuter programs, more trap/neuter/return activity and increased adoption programs
8. Assist in the identification of "pet friendly" individuals for adoption of pets
9. Assist with the volunteer program at the Shelter
10. Assist in maximizing publicity for adoption through local media
11. Assist the Township Council in identifying ways to increase revenues through local ordinances relating to establishing a fee schedule to capture the attendant cost associated with animal care
12. Assist the Township Council in developing a plan for the Shelter to address emergencies such as power outages.

BE IT FURTHER RESOLVED that the Committee shall consist of at least seven (7) members to be appointed by the Township Council and the membership shall be as follows:

1. The Director of the Montclair Health Department, or their designee,
2. The Director of the Montclair Animal Shelter, and
3. A member from the Friends of the Montclair Animal Shelter, and
4. Four (4) Township residents to be appointed by the Township Council who shall serve 3-year staggered terms; and

BE IT FURTHER RESOLVED that the Township Manager and all other Township officials shall assist the Committee in the execution of the responsibilities including, but not limited to, providing pertinent information or documentation requested by the Committee.

BE IT FURTHER RESOLVED that the Committee shall fall under the auspices of the Education Committee.

On motion made by Councilor Schlager and duly seconded, the following resolution was adopted by unanimous vote:

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that said bills be and they are hereby ordered paid and that warrants be drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: \$337,156.01.

REPORTS AND COMMUNICATIONS

The Municipal Clerk reported that she had filed in her office a list of reports and communications received since the last meeting.

On motion made by Mayor Jackson and duly seconded, the following reports and communications were accepted and ordered to be made part of the minutes of this meeting.

FILED:

Annual Debt Statement for the Year 2012

Table of Equalized Valuations – Amended by the New Jersey Tax Court, January 30, 2013

Notice of Charges by the Division of Alcoholic Beverage Control against Merit Fine Wines and Liquors, LLC.

A fully-executed agreement between Allied Environmental Signage and the Township of Montclair for the Montclair Sign Program – Phase I (Transit Village)

Professional Services Agreements between the Township of Montclair and:
Nowell Amoroso Klein Bierman, P.A.
Genova Burns Giantomasi & Webster, LLC
Piazza & Associates, Inc.

Letters of “No Further Action” from the NJ DEP for the following properties:
110 Christopher Street
197 Midland Avenue
64 Oakwood Avenue

Councilor McMahon announced the 3rd Annual fundraiser for the Montclair Ambulance Unit.

Deputy Mayor Russo reported that he had attended the African-American History Month program put on by the children of the Child Development Center. He also announced the following events:

Giblin Association Dinner, Sunday, February 17th
Montclair Film Festival – Saturday, February 23rd
Jazz House Kids, opening their new location at 347 Bloomfield Avenue

Deputy Mayor Russo also emphasized the importance of insisting that the federal government shift money from the military in order to fund “IDEA” the “Individuals with Disabilities Act,” a program enacted in the 1970’s which was to have received 40% funding by the federal government but which has only received 11% funding. Mr. Russo noted that this example of an “unfunded mandate” is one of the reasons our property taxes are so high.

Councilor Spiller concurred with Deputy Mayor Russo regarding the need to shift federal monies to fund “our communities and those in need.” He also announced an event celebrating African-American History Month to be held at the Hall of Records in Newark on February 27 at 4:30 p.m., as well as a 3rd Ward meeting to be held at the Montclair Public Library on March 27, at 7:30 P.M.

Councilor Schlager invited everyone to attend the following events:

Free screening of the documentary “Venus and Serena” co-sponsored by the Montclair Fund for Educational Excellence and the Montclair Film Festival – February 23, 3 p.m.
2nd Ward meeting, Thursday, February 28, 7 P.M., Edgemont Shelter House, Superintendent of Schools Penny MacCormack, guest.
Montclair High School’s Crew auction, rescheduled for Wednesday, February 13, 6:30 P.M., in the George Inness Annex

Councilor Baskerville announced the following events:

Meeting of the 4th Ward Collaborative, February 19, 7:00 P.M., in the Fire Headquarters.
Township Manager Marc Dashfield and Township Planner Janice Talley will be guests to discuss the Master Plan and the proposed Nishuane well.

A fund raiser for the African-American parade and festival February 24, 3 P.M., at the Valley Regency in Verona

NAACP meeting on February 28, 7 P.M., Montclair Neighborhood Development Center, 228 Bloomfield Avenue – in honor of Heart Health Month, a representative from the American Heart Association will speak on how to maintain a healthy heart.

“Broken on All Sides,” an award winning film addressing racial inequities in the prison justice system is being shown at the Unitarian Universalist Congregation, February 15, at 7:00 P.M.

Councilor Hurlock announced the following:

Planning meeting on February 21 for the 1st Ward Clean-up Day to be held April 27
A 1st Ward meeting will be scheduled at the end of March.

Councilor Hurlock also noted that he attended a meeting this evening of the Upper Montclair Business Association, as well as the opening of the new restaurant “12 West” at the Upper Montclair train station. He also met with residents of Yantacaw Brook Road regarding their traffic calming concerns.

Township Manager Marc Dashield announced Montclair’s gun buy-back program to be held February 15 and 16, from 8:00 A.M. to 8:00 P.M. at Union Baptist Church.

Mr. Dashield also reported that his office and other staff members are in the process of reviewing all the comments and meeting transcripts concerning the proposed Nishuane well and will make a final presentation to the Council once all the information has been compiled. Some of the main issues to be addressed will be cost, environmental impact, proposed alternative locations, and the water needs of the Township.

Township Attorney Ira Karasick noted that today is Lincoln’s actual birthday (204 years old).

At 9:15 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.

ROBERT JACKSON MAYOR

ATTEST:

CARLA A. HOROWITZ DEPUTY MUNICIPAL CLERK