

MONTCLAIR, NEW JERSEY

June 18, 2013

The Council of the Township of Montclair, in the County of Essex, met at the Alexander Kasser Theater, Montclair State University, 1 Normal Avenue, for Pre-Meeting at 7:06 P.M.

Present: Mayor Jackson, and Councilors Baskerville, Hurlock, McMahon, Schlager

Absent: Deputy Mayor Russo and Councilor Spiller

STATEMENT OF SUNSHINE NOTICE

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Agenda Review: Township Manager

Councilor Spiller and Deputy Mayor Russo joined the meeting

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At 7:29 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned to Regular by unanimous vote.

The Council of the Township of Montclair, in the County of Essex, met at the Alexander Kasser Theater, Montclair State University, 1 Normal Avenue, for a Regular Meeting at 7:30 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

Mayor Jackson announced that tonight's meeting was taking place at Montclair State University and thanked President Cole and the university staff for their hospitality.

John T. Shannon, Vice President for University Advancement offered the following:

On behalf of President Cole and the Board of Trustees, I would like to welcome you - Mayor Jackson, Members of Council and Montclair neighbors - to Montclair State University, and the beautiful Kasser Theater.

Montclair State takes great pride in our 105-year-old history of delivering bold educational innovations and providing vital services to the citizens of New Jersey, including the wide and deep array of programs and benefits that annually flow from the University to our host community of Montclair: economic benefits, educational benefits, and community-service benefits.

In regards to economic benefits, 213 full-time and 137 part-time University employees currently reside right here in Montclair. They are your family, friends and neighbors. When their over \$20 million in annual salaries are combined with our other expenditures and purchases made in Montclair, the University directly contributed nearly \$26 million to the township's economy just this past year.

In regards to educational benefits, an average of 21 freshmen from Montclair enroll at the University each year, and an average of another 47 township residents who attended other institutions annually transfer to Montclair State. In addition, our "Gifted and Talented" program for grades K-12 has served over 600 students from Montclair, and over 100 high achieving high school students who wanted to jump-start their college education by enrolling in undergraduate courses have done so through our "Hi-Jump" program. Each summer, the Weston Scholars Program serves as many as 48 talented students from Montclair High School who have demonstrated high potential for achievement in science, mathematics and related fields. Through our College of Education and Human Services and our Information Technology Division, we annually provide hundreds of hours of support for teachers and administrators from Montclair schools through various professional development programs, fellowships and grants, and technology resources. We are especially proud of our activities at the Bradford University Magnet Elementary School and the Mt. Hebron STEM University Middle School, each of which collaborates closely with the University.

Finally, our community service activities and our service learning projects in Montclair generate 34,000 hours of community service yearly. Ranging from the Bullock School's Literacy Education Assistance Program to the Union Congregational Church's "Side Door" program for middle school students, our students and faculty provide support for a wide array of educational and social programming in the community. While our neighbors gain a great deal from these programs, we believe that our students and faculty gain as much - if not more - from these activities.

If you would like to know more about these and the many other things we are doing in Montclair, I would encourage you to check out the University website at [www.montclair.edu](http://www.montclair.edu).

Once again, I want to welcome you to campus and thank you again for meeting here this evening, and I hope that we will be able to make this a regular occurrence going forward.

Mayor Jackson thanked Mr. Shannon and the Montclair State University staff.

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PROCLAMATION

On motion made by Mayor Jackson and duly seconded the following proclamations were adopted by unanimous vote:

**WHEREAS**

the Boy Scouts is an organization that builds skills which young people need to deal with the eventual realities of life, not only developing in them an appreciation for nature but also helping them to develop self-esteem and confidence that will lead to a sense of independence. Scouting offers young people responsible fun and adventure while training them in citizenship, service, and leadership; and

**WHEREAS**

Austin J. Williams, who is a member of Troop 12 in Montclair, has attained the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on Saturday, June 22, 2013; and

**WHEREAS**

Eagle Scout is the highest rank in Scouting, requiring 21 merit badges in fields such as First Aid, Citizenship in the Community, Communications, Camping, and Family Life. In addition, the candidate must complete a project that benefits school, church or community and entails planning and supervising volunteers. For his leadership project, Austin built shelves for a Sunday school classroom at this church. Austin and his volunteers spent 149 hours completing this project; and

**WHEREAS**

Austin is a junior at Verona High School. He is on the school's track team and is a member of the marching band. He has been invited to attend the National Youth Leadership Forum on National Security. As a member of his church, he participates in "The Midnight Run", an organization that brings aid to the homeless and less fortunate in New York City. He hopes one day to become a Navy SEAL; now therefore

**BE IT RESOLVED** that the Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of Austin J. Williams.

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**WHEREAS** the Boy Scouts is an organization that builds skills which young people need to deal with the eventual realities of life, not only developing in them an appreciation for nature but also helping them to develop self-esteem and confidence that will lead to a sense of independence. Scouting offers young people responsible fun and adventure while training them in citizenship, service, and leadership; and

**WHEREAS** Gabriel Umar, who is a member of Troop 12 in Montclair, has attained the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on Saturday, June 22, 2013; and

**WHEREAS** Eagle Scout is the highest rank in Scouting, requiring 21 merit badges in fields such as First Aid, Citizenship in the Community, Communications, Camping, and Family Life. In addition, the candidate must complete a project that benefits school, church or community and entails planning and supervising volunteers. For his leadership project, Gabe "adopted a classroom" at the New Jersey Cerebral Palsey Center. The project consisted of building bookshelves and furniture for the classroom as well as planting flowers. Gabe and his volunteers spent 177 hours completing the project; and

**WHEREAS** Gabe is a junior at Glen Ridge High School. He earned his black belt in karate and has a part time job as an instructor at his karate school. He has participated in school activities including Middle School Mentors as well as Heroes and Cool Kids, a state-wide program that teaches younger students about bullying, drug abuse and peer pressure; now therefore

**BE IT RESOLVED** that the Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of Gabriel R. Umar.

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**WHEREAS** the Boy Scouts is an organization that builds skills which young people need to deal with the

eventual realities of life, not only developing in them an appreciation for nature but also helping them to develop self-esteem and confidence that will lead to a sense of independence. Scouting offers young people responsible fun and adventure while training them in citizenship, service, and leadership; and

WHEREAS Tate Bowers, who is a member of Troop 12 in Montclair, has attained the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on Saturday, June 22, 2013; and

WHEREAS Eagle Scout is the highest rank in Scouting, requiring 21 merit badges in fields such as First Aid, Citizenship in the Community, Communications, Camping, and Family Life. In addition, the candidate must complete a project that benefits school, church or community and entails planning and supervising volunteers. For Tate's leadership project he, and a group of volunteers, spent 213 hours working to repair and upgrade a cabin at Camp Glen Gray. Included in his project was the rebuilding of a staircase which was unsafe and the construction of a cement pad to accommodate propane tanks. The project also included the installation of benches around the campfire area of the cabin; and

WHEREAS Tate is a junior at Montclair High School and an athlete in three varsity sports, in all of which he has received Varsity letters. He is also involved in the school's academic program, the Euro Challenge; now therefore

**BE IT RESOLVED** that the Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of Tate M. Bowers.

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Approved Minutes: May 28 and June 11, 2013 minutes approved by the Council

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#### PUBLIC COMMENT

Marcellus Amadeus, 15 Mountainview Place, questioned the Board of Education's strategic plan and expressed disappointment in the way the Board of Education ignored the public's "outcry" for the deferment of quarterly assessments.

William Scott, 23 Cedar Avenue, questioned the clarity of the ordinance amending Montclair Eastern Gateway Redevelopment Plan and believes the public does not have a clear understanding of this ordinance.

Marcellus Amadeus, 15 Mountainview Place, questioned a recent incident at Glenfield School and called for an independent investigation of same.

Janet and Robert Markman presented a DVD of Buzz Aldrin's recent visit to Montclair including the presentation of the key to the Township.

Jerry Rubacky, 298 N. Mountain Avenue, shared his concern that the growth of Montclair State University is not adequately addressed in the current draft of the Master Plan. He stated the following:

"I believe Montclair State is the elephant in the room – and the room I'm speaking of is the North End of Montclair.

This is my chief concern.... I don't see a 2035 vision of Montclair State's imprint on Montclair Heights. Montclair Heights is not identified as a Focus Area. As such, there are no supporting exhibits such as maps of current or future land assembly or zoning.

The only economic impact figures cited are generic County and State level figures.

There is no discussion of NJ-DOT's plans for Clove Rd., nor MSU's Memorandum of Understanding with the EPA.

Let me read you some facts I've compiled on Montclair State's GROWTH & LAND USE:

- MSU has built a ½ million SF of academic space in the last ten years.
- most of this was added after our 2006 Master Plan re-exam
  
- MSU will complete another ¼ million in the next 2 years
- and plans to add another 150,000 SF of 2 years after that

From 1998 to 2017, MSU will have more than doubled their total physical plant to 1.7MM SF.

- MSU has assembled over 8 acres of mostly contiguous, public zoned, tax exempt properties on the South side of Normal Avenue. All are currently Low-Density.
- This land includes a surface parking lot with over 100 parking spaces, on a prime site that is adjacent to the R-1 zone...larger than the Township's Bellevue Plaza surface lot
- And these 8 acres are within 1,000' of the Montclair Heights train station.
- Both MSU's student and faculty population has increased 45% since 1998.
- MSU plans to further increase non-resident student enrollment in the next 2 years by 1,500 to over 15,000 non-resident students.
- There is an omission of both the available traffic studies and NJ Transit ridership levels for MSU train and bus stops.
- Montclair State has a stated strategic goal of developing private/public partnerships in achieving future growth.
- MSU's own consultant has cited the lack of developable land as restricting further expansion.

In summary, I have 5 suggestions for your consideration:

FIRST, make Montclair Heights a Focus Area. Not adequately acknowledging in the Master Plan the Montclair Heights section and, specifically, MSU's growth within it, the township may undermine our recourse under Section 40 of the Municipal Land Use Law for future development conflicts that may arise with MSU. (*Section 40:55D-31*).

SECOND, require the planning board to address MSU potentially up-zoning their Normal Ave property. The development of Upper Montclair's Bellevue Plaza can provide a reasonable UP-ZONING justification for MSU to develop their 8 acres South of Normal Ave with similar 5-7 story, or higher buildings..

THIRD, the Council needs to educate itself on the spectrum of private/public partnerships and their possible impact on the Township. MSU CAN, by using private-public partnerships for facility development, CIRCUMVENT this Land Use section.

FOURTH, the Council should explore PILOT agreements with MSU to share the costs of continuing growth. Also, MSU will create private-public partnerships THAT GENERATE REVENUE. MSU tax exempt status still applies. A few cities & university towns have begun negotiating PILOT agreements with universities to offset the load on municipal services & infrastructure.

FIFTH, The College of NJ may represent a perceived conflict of interest in this specific regard....  
.... and I suggest it might be time to sever their participation at this point in the process.

Thank you for your time."

There being no one wishing to speak, Mayor Jackson closed the public comment portion of the meeting.

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#### ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CODE, CHAPTER 347—ZONING REGARDING SIGNAGE" (0-13-21) passed first reading May 14, 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.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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The pending ordinance entitled: "ORDINANCE AMENDING CHAPTER 347 FROM THE CODE OF THE TOWNSHIP OF MONTCLAIR ENTITLED "ZONING" (0-13-22) passed first reading May 14, 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.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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The pending ordinance entitled: "ORDINANCE AMENDING CHAPTER 202: LAND USE PROCEDURES OF THE TOWNSHIP CODE (ARTICLE III: PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT) TO UPDATE PROCEDURES AND VARIOUS FEES" (0-13-23) passed first reading May 14, 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.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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The pending ordinance entitled: "ORDINANCE ADOPTING THE EASTERN GATEWAY REDEVELOPMENT PLAN TO THE PLANNING BOARD" (0-13-24) passed first reading May 14, 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.

Tessa Schultz, Chair Montclair Housing Commission presented the Montclair Housing Commission's recommendation for the Montclair Eastern Gateway Redevelopment Plan. (Details on [www.montclairnjusa.org](http://www.montclairnjusa.org))

Being no one wishing to be heard, Mayor Jackson closed the hearing.

Councilor Baskerville requested the public hearing be postponed until July 9, 2013 by unanimous vote.

On motion made by Mayor Jackson ad duly seconded, the ordinance was Tabled by unanimous vote.

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The pending ordinance entitled: "ORDINANCE TO AMEND CHAPTER 297 OF THE MONTCLAIR TOWNSHIP CODE" (0-13-25) passed first reading May 14, 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.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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The pending ordinance entitled: "ORDINANCE TO AMEND THE TRAFFIC ORDINANCE - Gordonhurst Avenue" (0-13-26) passed first reading May 14, 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.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CENTER GATEWAY REDEVELOPMENT PLAN – PHASE 1" (O-13-27) passed first reading May 28, 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.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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NEW BUSINESS –ORDINANCE/FIRST READING-INTRODUCTION

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 conference meeting of the Township Council to be held on July 16, 2013:

"ORDINANCE DESIGNATING THE "ISRAEL CRANE HOUSE" (110 ORANGE ROAD), THE "NATHANIEL CRANE HOUSE" (110 ORANGE ROAD) AND THE "CHARLES SCHULTZ HOUSE" (30 NORTH MOUNTAIN AVENUE) AS HISTORIC LANDMARKS PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MONTCLAIR"(O-13-28)

The motion was adopted by unanimous vote.

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Councilor Baskerville 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 July 16, 2013:

"ORDINANCE AN ORDINANCE GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP OF MONTCLAIR, ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES" (O-13-29)

The motion was adopted by unanimous vote.

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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 conference meeting of the Township Council to be held on June 18, 2013:

"AN ORDINANCE ESTABLISHING AN ABANDONED PROPERTY LIST AND AUTHORIZING THE PUBLIC OFFICER UNDER THE ABANDONED PROPERTY REHABILITATION ACT" (O-13-30)

The motion was adopted by unanimous vote.

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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 conference meeting of the Township Council to be held on June 18, 2013:

"ORDINANCE APPROPRIATING \$210,000 FROM CAPITAL SURPLUS FOR THE ACQUISITION OF VARIOUS EQUIPMENT AND THE REFURBISHMENT OF A GARBAGE TRUCK IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY" (O-13-31)

The motion was adopted by unanimous vote.

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Mayor Jackson 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 conference meeting of the Township Council to be held on June 18, 2013:

“ORDINANCE OF THE TOWNSHIP OF MONTCLAIR SUPPLEMENTING CHAPTER 204 (LIBRARY PROPERTY) OF THE MUNICIPAL CODE TO PROHIBIT SMOKING ON LIBRARY GROUNDS” (O-13-32)

The motion was adopted by unanimous vote.

Councilor Baskerville asked to amend this ordinance to include all municipal property.

Mayor Jackson suggested that the Services/Communication Committee study this proposal and bring forward a recommendation.

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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 conference meeting of the Township Council to be held on June 18, 2013:

“ORINANCE ESTABLISHING CHRONIC NUISANCE PROPERTY REGULATIONS” (O-13-33)

The motion was adopted by unanimous vote.

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#### NEW BUSINESS RESOLUTIONS

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

WHEREAS, the governing body of Montclair Township desires to further historic preservation by supporting various community outreach activities provided by the Historic Preservation Commission and;

WHEREAS, the Township has received a grant from the Discover New Jersey History Heritage Tourism Grant Program, New Jersey Historic Trust, State of New Jersey in the amount of \$2,800 for an Architectural Walking Tour of Montclair's Central Business District;

WHEREAS, the grant does not require an in-kind contribution or matching funds; now therefore

BE IT RESOLVED by the Council of the Township of Montclair that it fully supports the grant application; and

BE IT FURTHER RESOLVED that the Mayor and the Manager are hereby authorized and directed to execute any and all documents necessary for the submission and completion of such an application on behalf of the Township of Montclair (R-13-97)

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WHEREAS, the State of New Jersey has not yet adopted their 2013 budget and therefore the Essex County Board of Taxation is unable to certify the Township's tax rate at this time, and the Municipal Tax Collector will be unable to mail the Township's 2013 tax bills on a timely basis; and

WHEREAS, the Township of Montclair Tax Collector, in consultation with the Township of Montclair Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; now therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair, in the County of Essex, that:

1. The Township of Montclair Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Third Quarter of 2013 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, C. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2013 is hereby set at \$189,374,100.81 which creates an estimated tax rate of \$3.285 per \$100 of assessed value.

In accordance with law, the Third Quarter Installment of 2013 taxes shall not be subject to interest until the later of August 10, or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue. (R-13-98)

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WHEREAS, the Township of Montclair performs certain work, constructs various public improvements, and purchases various equipment and/or materials for the Township for public improvements and water improvements;

WHEREAS, the Township of Montclair, in order to provide such public improvements must fund the various items through general and water capital ordinances, and by the issuance of bonds and notes for the necessary funds; and

WHEREAS, upon completion of the various general and water improvements and/or purchases, all of the money provided for may not have been needed or spent in order to complete the purpose required in the original bond ordinance; and

WHEREAS, NJ Law permits the cancellation of such original bond ordinance after completion and provides that any remaining moneys in such ordinance may be transferred to the General Capital and/or Water Capital Fund Balance to be utilized in an appropriate fashion thereafter; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that certain such ordinances as listed on Schedule A attached are hereby declared to be completed and canceled and all funds remaining shall be allocated to the General Capital and/or Water Capital Fund Balance as provided and allowed by law and determined by the Chief Financial Officer. (R-13-99)

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BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that BRUCE BINGHAM be and he hereby is APPOINTED to serve as member of the CAPITAL FINANCE COMMITTEE commencing immediately and terminating December 31, 2016. (R-13-105)

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On motion made by Mayor Jackson 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 subject to compliance by the licensees with the provisions of R.S. 33:1-25, the Municipal Clerk be and she hereby is authorized to issue Plenary Retail Alcoholic Beverage Consumption Licenses, terminating June 30, 2014 to the following:

<u>NAME</u>	<u>LOCATION OF LICENSED PREMISES</u>
Trois Cochons, LLC* 0713-32-005-008	1 Lackawanna Plaza
D.L.V. Lounge, Inc. t/a D.L.V. Lounge 0713-33-006-002	300 Bloomfield Avenue
Grafton Inns, LLC. t/a Egan & Sons 0713-38-023-008	114-116 Walnut Street
The Office of Montclair, LLC* t/a The Office 0713-32-019-008	619 Bloomfield Avenue
Sun Restaurant Corp. t/a Park Sports Bar & Restaurant 0713-33-022-006	Inactive
Tierney's Tavern, Inc. * t/a Tierney's Tavern 0713-32-020-002	134 Valley Road
LSZ, Inc. t/a Just Jake's 0713-33-024-009	30 Park Street
Montclair Food USA Corp t/a Dai Kichi Restaurant 0713-33-002-007	608 Valley Road
Rosen Montclair, LLC 0713-32-016-006	Five Seymour Street
Tromba, Inc. Ta/ Trumpets 0713-33-018-006	Six Depot Square
Dick Grabowsky LLC 0713-33-013-013	Inactive

- License includes "Broad Package Privilege". (R-13-100)

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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 subject to compliance by the licensees with the provisions of R.S. 33:1-25, the Municipal Clerk be and she hereby is authorized to issue Plenary Retail Alcoholic Beverage Distribution Licenses, terminating June 30, 2014 to the following:

<u>NAME</u>	<u>LOCATION OF LICENSED PREMISES</u>
Finkel Inc t/a Magnolia's Wines & Spirits 0713-44-012-007	42 Upper Montclair
Gayatri, Inc. t/a Grove Liquors 0713-44-007-003	131 Grove Street
Murana, Inc. t/a A & M Liquors 0713-44-014-007	9 Park Street
The Romany Liquor Shop, Inc. t/a The Romany Liquor Shop 0713-44-015-007	227 Glenridge Avenue
S. Allegra's Fine Wines, Inc. t/a Amanti Vino 0713-44-003-010	30 Church Street
Santraam, LLC t/a Townhouse Liquor & Wine 0713-44-021-003	115 Watchung Avenue
Von Five, LLC t/a Angelbeck's Fine Wine 0713-44-001-005	621 Valley Road
Husenaj ABC Holdings, Inc. t/a Montclair Wine Cellar 0713-44-008-010	440 Bloomfield Avenue
Merit Fine Wines and Liquor LLC t/a Merit Fine Wines and Liquor 0713-44-011-005	599 Bloomfield Avenue
Avish Spirits, Inc. 0713-44-004-004	65-67 Glenridge Avenue

(R-13-101)

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Brittany Hush, Assistant General Manager, Office Restaurant responded to Mayor Jackson's comments regarding a recent disturbance at this site. She noted that the restaurant is now keeping the lights on 24/7 and employing additional security measures.

Deputy Mayor Russo also urged the restaurant to be pro-active in maintaining the safety and peace in the neighborhood.

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

WHEREAS, the Township of Montclair recognizes that there is a need to provide aid and assistance to persons and families in the Township who are homeless, and seeks to provide such support; and

WHEREAS, homeless services are provided by non-profit organizations like the Montclair Emergency Services for the Homeless (MESH) who are best able to provide the services needed for the Township's homeless population; and

WHEREAS, on March 12, 2013 the Township Council passed a resolution (R-13-058) in support of providing assistance to the homeless in the Township of Montclair; and

WHEREAS, the Township has provided in their 2013 budget an appropriation in the amount \$12,500 for Montclair Emergency Services for Homeless (MESH) to provide respite care; now therefore,

BE IT RESOLVED, that the Township Council does hereby authorize the payment of \$12,500.00 to Montclair Emergency Services for the Homeless (MESH) to provide respite care for the remainder of 2013. (R-13-102)

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

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a), a municipal governing body has the power to cause a preliminary investigation to be made by the Planning Board pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Council desires to have a preliminary investigation made on certain lands and premises within the Township of Montclair to see if the area hereinafter set forth is in need of redevelopment; and

WHEREAS, the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; now therefore

BE IT RESOLVED, by the Township Council of the Township of Montclair, County of Essex, New Jersey, does hereby, pursuant to N.J.S.A. 40A:12A-4, request and authorize the Planning Board of the Township of Montclair to undertake a preliminary investigation as to whether the following described properties can be classified as an area in need of redevelopment:

BLOCK 3213, LOT 2  
BLOCK 4202, LOTS 4 AND 4.01

BE IT FURTHER RESOLVED that the Planning Board of the Township of Montclair shall conduct the aforesaid investigation in accordance with the requirements of N.J.S.A. 40A:12A-6; and

BE IT FURTHER RESOLVED that the redevelopment area determination, if such a determination is made, shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; and

BE IT FURTHER RESOLVED that in making its preliminary investigation the Planning Board shall make its recommendation based upon a finding that the conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present.. (R-13-103)

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

WHEREAS, the County of Essex awarded a 2011 Community Development Block Grant in the amount of \$150,000 (the "Grant") to Neighborhood Child Care Center, Inc ("NCCC") for the purpose of constructing a facility at 1 Pine Street for use as a day-care center; and

WHEREAS, the Township of Montclair, by virtue of its lease of space where the facility is located, is a co-subrecipient of the Grant; and

WHEREAS, as a condition of awarding the Grant, the County of Essex required that the Township guarantee that the Grant would be used for a national objective of the Grant program for a period of five years from the date of close-out of the Grant; and

WHEREAS, the Grant was distributed in progress payments to NCCC after NCCC submitted certified vouchers and invoices from R.J. Michaels & Co., Inc.; and

WHEREAS, NCCC upon receipt of funds from Essex County was required to pay the funds over to the contractor within three days; and

WHEREAS, NCCC received a check from Essex County on December 14, 2012 in the amount of \$23,946.39 for payment to the contractor R.J. Michaels & Co., Inc.; and

WHEREAS, NCCC converted the \$23,946.39 for its own use, including payroll, and

WHEREAS, despite several meetings, warnings and opportunities to reverse its misuse of funds, NCCC failed to pay the Contractor the final payment of \$23,946.39; and

WHEREAS, NCCC did subsequently pay \$8,000 to the contractor; and

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: \$2,348,659.07

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### 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.

Tax Collector's Monthly Report: \$14,857,664.29

Memo re: Certificate and Report of School Taxes for 2013-2014 School District Budget Statement.

Letter re: Bid #13-08: Licensed Electrical Contractor, SAL Electrical Co., Inc.

Letter from PSE&G regarding Flood Hazard Area Verification/Individual Permit-Hardship Exception

From NJDEP – No further Action Letter

220 Valley Road

7 Eagle Rock Way

41 Central Avenue

222 Walnut Street

221 Christopher Street

Letter from Daphne Soto dated May 23, 2013 re: Cuban Pete's Restaurant

Tax Collector's Monthly Report for May 15, 2013

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.

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Council members reported the following meeting and events.

Councilor McMahon participated in a recent meeting of the Superbowl Committee. He announced the much anticipated acquisition of a new ambulance for the Montclair Ambulance Unit.

Deputy Mayor Russo urged all residents over 55 to complete a copy of the Senior Citizen Survey. Results will assist in determining future services for seniors.

Councilor Spiller reported a recent Environmental Committee meeting where recycling, especially in parks, was discussed.

Sidewalk stroll on June 22, 2013, 10:00 – 4:00 pm sponsored by the Business Improvement District.

Third Ward Community meeting, June 27 at the Charles M. Bullock School, 7:30 - 9:00 p.m.

Councilor Hurlock expressed thanks to Montclair State University for hosting tonight's Council meeting. He attended the following meetings:

- Everton Scott, PSE&G Advisory Committee
- a meeting of the Animal Welfare Advisory Group
- several neighborhood groups
- Upper Montclair Business Association

Future Events: Capital Finance Advisory Committee, June 19, 2013.

- Neighborhood Watch Meeting
- Montclair State University Community Meeting, June 20, 2013

Councilor Baskerville reiterated thanks to Montclair State University. She congratulated Major Jackson who will be the Keynote speaker at the Montclair High School graduation.

Councilor Schlager thanked the Friends of Watchung for their participation at a recent clean-up day. She noted that several merchants also assisted with this event. She reported that the Board of Education recently presented awards to athletes participating in the Spring Sports program.

Councilor Schlager also noted that this year marks the 26<sup>th</sup> anniversary of Project Graduation and hailed this effort which provides a safe celebration for Montclair High School's graduation class.

On a special note, Councilor McMahon announced that this year marks the 100<sup>th</sup> anniversary of his grandmother's graduation from Montclair High School.

Deputy Mayor Russo assisted with the presentation of the Deshawn Johnson Scholarship. Contributions to this fund are welcome.

Township Manager Marc Dashield provided an update on the progress of the Edgemont Pond project. It is anticipated that most work will be completed by mid-July.

Township Attorney Ira Karasick noted that his daughter will be participating in Project Graduation but believes she prefers that he does not chaperone this event.

Linda S. Wanat, Municipal Clerk recognized Julie Adams, Executive Director University and Community Relations for her assistance in hosting tonight's meeting.

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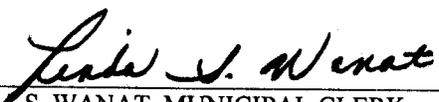
At 8:58 P.M., on motion made by Mayor Jackson and duly seconded, the meeting was adjourned to Executive Session by unanimous vote.

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At 9:31 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.

  
ROBERT JACKSON                      MAYOR

ATTEST:

  
LINDA S. WANAT, MUNICIPAL CLERK