

MONTCLAIR, NEW JERSEY

September 10, 2013

The Council of the Township of Montclair, in the County of Essex, met in the Council Chambers, in the Municipal Building, 205 Claremont Avenue, for Regular Meeting at 7:03 P.M.
Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller
Absent: None

SUNSHINE NOTICE

PLEDGE OF ALLEGIANCE

The Council observed a moment of silence on behalf of all those who perished on 9/11.

Deputy Mayor Russo read the names of the nine Township residents who lost their lives that day.

Diana Stewart, speaking on behalf of the victims' families encouraged the Township to commemorate this event in the future with a "day of service."

Presentation: Award to the Business Improvement District – Jessica Giorgianni, Northeast Area representative of the American Planning Organization presented an award to the Business Improvement District designating Church Street Montclair as a "Great Street" in 2012.

Luther Flurry, Executive Director of the Business Improvement District received this award on behalf of its members.

PUBLIC COMMENT

Harley Cook, representing Kensington Associates presented a check for \$100,000, as part of their developer's contribution to the municipality.

Bella August, 530 Valley Road, expressed objections to some of the provision of the proposed Master Plan which she believes will create hazardous, unsafe conditions within the municipality.

Jason DeSalvo, 36 Prospect Avenue, believes the draft Master Plan will be harmful to the Township on many levels. He urged the Council to be cognizant of its impact on current residents.

Linda Cranston, 47 Alexander Avenue, expressed concern about the high rise developments referenced in the proposed Master Plan. She noted potential problems with congestion and a negative impact on businesses in the area.

Gererd Durr, 350 Upper Mountain Avenue, citing the lack of open space in the Township asked that the Council reject the Master Plan in its entirety.

Martin Gonzalez, 102 Lorraine Avenue, concluded that the Master Plan appears to be more about adding to the Township's finances rather than responding to residents' desire for a more affordable Montclair.

Ira Shor, 302 North Mountain Avenue, stated that over-sized structures permitted in the Master Plan will impact both the "charm of the Township" and seriously impede traffic in the area where established.

Robin Woods, 50 Pine Street, asked that the Township consider funding new microphones for Channel 34. She also posed a question regarding the community policing initiative and its impact on certain areas of the municipality.

Haywood Woods, 50 Pine Street, stated that certain concerns, especially when dealing with young people, are not just police issues but should be those of the community.

William Scott, 23 Cedar Avenue, asked the Council to define various street improvements referenced in earlier ordinances. He also asked the status of the questions posed during the Nishuane Well project. Township Manager Marc Dashield responded that the Township was carefully studying this issue.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE TO AMEND CHAPTER 82 OF THE TOWNSHIP CODE – ANIMAL LICENSING" (0-13-46) passed first reading August 12, 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 and duly seconded, the ordinance was adopted by unanimous vote.

Sandy Sorkin, 3 Marquette Road, asked for clarification of the language in this ordinance.

Haywood Woods, 50 Pine Street, protested that food left out for certain animals can easily attract rodents and other animals. He asked what was the responsibility of those who indiscriminately feed birds and animals.

The pending ordinance entitled: "2012 - 2014 POLICE OFFICER'S (PBA) SALARY ORDINANCE" (0-13-47) passed first reading August 12, 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 and duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: "ORDINANCE APPROPRIATING \$475,000 FROM THE RESERVE FOR FUTURE IMPROVEMENTS IN THE CAPITAL FUND FOR THE ACQUISITION OF PROPERTY IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY" (0-13-48) passed first reading August 12, 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 and duly seconded, the ordinance was adopted by the following vote:

Ayes: Councilors McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson. **Nays:** Councilors Baskerville and Hurlock

William Scott, 23 Cedar Avenue, asked if this property is to be acquired by eminent domain.

Jason DeSalvo, 36 Prospect Avenue, asked if multiple appraisals were conducted on the property.

The pending ordinance entitled: "ORDINANCE APPROPRIATING \$266,097.34 FROM DEVELOPER CONTRIBUTIONS FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY." (0-13-49) passed first reading August 12, 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 and duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: "TO AMEND THE MANAGEMENT (non-union) SALARY ORDINANCE" (0-13-50) passed first reading July 16, 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 no one else wishing to be heard, Mayor Jackson closed the hearing.

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

Ayes: Councilors Baskerville, Hurlock, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson. Nays: Councilor McMahon

NEW BUSINESS -ORDINANCE/FIRST READING-INTRODUCTION

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 regular meeting of the Township Council to be held on October 8, 2013:

“ORDINANCE TO AMEND CHAPTER 234 OF THE TOWNSHIP CODE-(establishing criteria for financial assistance)” (O-13-51)

The motion was adopted by unanimous vote.

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 regular meeting of the Township Council to be held on September 10, 2013:

“ORDINANCE TO AMEND CHAPTER 136 OF THE TOWNSHIP CODE (birth, marriage and death certificates)” (O-13-52)

The motion was adopted by unanimous vote.

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 regular meeting of the Township Council to be held on September 10, 2013:

“2013 – 2015 MONTCLAIR SUPERIOR OFFICERS’ ASSOCIATION (SOA) SALARY ORDINANCE” (O-13-53)

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, the Township of Montclair has there a need to hire professional bond rating services for the township; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-5, et seq.) authorizes the Township to enter into contracts for professional services without competitive bidding; and

WHEREAS, this contract is being awarded in accordance with requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; and

WHEREAS, Standard & Poor’s has completed and submitted a Business Entity Disclosure Certification certifying that it has not made any reportable contributions to any political or candidate committee in the Township of Montclair in the previous one year period, and the subject contract will prohibit said corporation from making any reportable contributions during term of this contract; and

WHEREAS, funds for this purpose have been provided for in the municipal Budgets of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into agreement with Standard & Poor’s for the bond rating services in an amount not to exceed \$50,000 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer’s pending certification of funds.. (R-13-138)

WHEREAS, acts of graffiti vandalism continue to be committed in public areas, on private property, on public property, on streets, parks, in commercial areas and shopping centers; and

WHEREAS, acts of graffiti vandalism can promote among residents feelings of decreased safety, social decay, and community decline—and those feelings should be mitigated; and

WHEREAS, the Police Department has resolved to aggressively arrest and prosecute all graffiti vandals regardless of the amount of damage done; and

WHEREAS, the support of the community greatly aids the Police Department's efforts to apprehend graffiti vandals; and

WHEREAS, the establishment of a program to provide cash reward to those who call the police to report such crimes will increase the opportunity for Police Officers to apprehend graffiti vandals; now therefore

BE IT RESOLVED by the Township Council of the Township of Montclair as follows:

SECTION 1. On behalf of the Township of Montclair, the Township Council hereby formally endorses and establishes the Montclair Police Department graffiti rewards program which will provide a reward in the amount of \$500 for identified vandal tags and \$250 for other tags

SECTION 2. The Township Council directs Township officials and staff to take appropriate steps in furtherance of the establishment of such a program to promote the arrest and prosecution of graffiti vandals.

SECTION 3. The Township Council hereby delegates to the Chief of Police the authority to execute all documents on behalf of the Township consistent with this Resolution.

SECTION 4. The Township Clerk shall certify the passage and adoption of this Resolution and it shall thereupon be in full force and effect. (R-13-139)

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, and

WHEREAS, the Mayor and Council of the Township of Montclair will receive funding and wishes to accept funding from the following and wish to amend its 2013 budget in the sum of \$177,107.78 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Public & Private Revenues	
Offset with Appropriations:	
Drive Sober or Get Pulled Over	\$ 4,400.00
Essex Regional Health	\$ 3,055.55
Historic Preservation	\$ 2,800.00
Pedestrian Safety	\$15,000.00
Alcohol Education Rehabilitation	\$ 3,219.26
Clean Communities	\$63,632.97
Partners for Health	\$61,500.00
NJ DEP Historic	\$23,500.00

Pursuant to provisions of Statute; now, therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair that a total sum of \$177,107.78 be and it is hereby appropriated and accepted under the caption of

General Appropriations

(a) Operations Excluded from Caps	
Public & Private Programs	
Offset by Revenues:	
Drive Sober or Get Pulled Over	\$ 4,400.00
Essex Regional Health	\$ 3,055.55
Historic Preservation	\$ 2,800.00
Pedestrian Safety	\$15,000.00
Alcohol Education Rehabilitation	\$ 3,219.26
Clean Communities	\$63,632.97
Partners for Health	\$61,500.00
NJ DEP Historic	\$23,500.00

BE IT FURTHER RESOLVED that the Township Clerk forwards two copies of this resolution to the Director of Local Government Services. (R-13-40)

WHEREAS, on August 14, 2013 the Township of Montclair opened and read bids for improvements to the roundabout center island surrounding the fountain at Valley Road and Church Street, as prescribed bylaw; and

WHEREAS, each of the three bids received substantially exceed the engineer's estimated cost; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposals received be and they are hereby rejected. (R-13-143)

WHEREAS, the Township of Montclair has submitted an application for Safe Routes to Transit for traffic safety improvements around the Walnut Street train station; now therefore

BE IT RESOLVED that Council of the Township of Montclair formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to officially submit the electronic grant application identified as SST-2014-Montclair Township – 00040 to the New Jersey Department of Transportation on behalf of Montclair

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montclair and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. (R-13-145)

WHEREAS, application has been filed for a Person-to-Person transfer of Plenary Retail Distribution License 0713-44-012-009, heretofore issued to Magnolia-Grape Collective, L.L.C., t/a Magnolias Wines & Spirits and Grape Collection, 42 Upper Montclair Plaza, Montclair, NJ 07043, 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 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

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 licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Montclair, in Essex County, does hereby approve, effective immediately, the transfer of the aforesaid Plenary Retail Distribution License to Magnolia-Grape Collective, L.L.C. t/a Magnolias Wines & Spirits and Grape Collective for a term ending June 30, 2014, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership. (R-13-146)

WHEREAS, by resolution adopted July 16, 2013, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to Lancha Construction Corp. for improvements to Union Street between Lloyd Road and Orange Road, for an amount not to exceed \$391,278.57; and

WHEREAS, the actual cost based on the contractors bid proposal for the various items in this contract is \$391,292.57, a difference of \$14.00; and

WHEREAS, based on the foregoing, the Township Council has determined that it is necessary and appropriate to amend the contract amount to reflect the actual cost reflected in the bid proposal; and

WHEREAS, funds for this purpose have been provided for in the Year Capital budget identified by Account Number C-04-000 in the accounting records of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair hereby amends the contract award for improvement to Lancha Construction Corp. for an amount not to exceed \$391,292.57 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. (R-13-147)

On motion made by Councilor McMahon 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 the Mayor and Township Clerk be and they hereby are authorized to execute and attest a memorandum of agreement between the Township of Montclair and the Montclair Superior Officer's Association for the years 2013, 2014 and 2015. (R-13-141)

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

WHEREAS, the Township of Montclair has submitted an application for Municipal Aid for Park Street between Bloomfield Avenue and Chestnut Street; now therefore

BE IT RESOLVED that Council of the Township of Montclair formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to officially submit the electronic grant application identified as MA-2014-Montclair Township-00227 to the New Jersey Department of Transportation on behalf of Montclair.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montclair and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. (R-13-144)

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

WHEREAS, on October 29, 2012, due to Hurricane Sandy, the Northeast experienced a historic and crippling loss of power to over 4.5 million people including those within Montclair, causing billions in damage and devastation throughout New Jersey; and

WHEREAS, neither those without power nor elected officials were able to consistently obtain reliable information regarding the status or timeframes for restoration, and

WHEREAS, this governing body believes that both outdated information management systems and utility infrastructure contributed to repair delays, and

WHEREAS, the Board of Public Utilities (BPU) should set and enforce stronger standards for accuracy and timeliness of the information about outages and projected restoration timelines, and

WHEREAS, the BPU should re-evaluate and improve the process by which utilities collect, manage, and assign repairs during extreme weather events, including for out-of-state workers; and

WHEREAS, the BPU should require utilities to issue detailed reports and schedules of intended repairs to officials in municipalities experiencing service interruptions every twelve hours; and

WHEREAS, any state utility company should be required to have its emergency preparedness and response plan approved by the State of New Jersey; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, on behalf of residents, businesses, and all community stakeholders, recommend that the BPU and New Jersey State Legislature conduct an investigation into how public utilities manage information, communicate, prepare, and respond to extreme power outages, and compel all public utility companies, through legislative action, to adopt the recommendations resulting from this investigation; and

BE IT FURTHER RESOLVED that this resolution be sent to the Montclair legislative delegation as well as the Office of the Governor, the White House Office of Intergovernmental Affairs, the New Jersey Board of Public Utilities, and the New Jersey State League of Municipalities. (R-13-148)

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

WHEREAS, on September 3, 2013 the Township Council adopted an Ordinance appropriating \$350,000 from capital surplus for various street improvements in and by the Township of Montclair, and

WHEREAS, N.J.S.A. 40:69A-181(b) provides that the governing body of a municipality may adopt a resolution declaring an emergency and providing for any duly-adopted ordinance to take effect less than twenty days after final passage; and

WHEREAS, the Township Council finds and declares that an emergency exists in light of the time constraints we face in repairing streets before fall and winter storm season begins; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that pursuant to N.J.S.A. 40:69A-181(b), Ordinance 13_943 appropriating \$350,000 from capital surplus for various street improvements

in and by the Township, adopted on September 3, 2013, shall take effect immediately upon adoption of this Resolution.
(R-13-149)

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: \$992,827.44

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.

From NJDEP – No further Action Letter
132 Inwood Avenue
41 Warren Place
144 Wildwood Avenue
50 Upper Montclair Plaza
58 Pleasant Avenue
31 Walnut Street
148 Maple Avenue
17 High Street
166 Midland Avenue
22 Carolin Road

Tectonic Engineering & Surveying Consultants – Withdrawal of Response, dated 8/8/2013 - Re: 237-243 Lorraine Avenue.

Letter dated 8/30/13 from Frenkel Lambert Weiss Weisman & Gordon, LLP. Re: Foreclosure action has been taken on 75 Valley Road

Contract dated August 22, 2013 re: Sutherland Road Curt Improvements- Contractor, Lancha Construction Corp.

Contract dated August 22, 2012 re: Union Street Improvements – Contractor, Lancha Construction Corp.

Contract dated August 5, 2013 re: Purchase & Delivery of Fire Hydrants, Fire Hydrant Extensions, Break-Away Kits, & Megalug Gland Kits – Contractor, HD Supply Waterworks

Contract dated August 5, 2013, re: Purchase & Delivery of Class 56 Ductile Iron Pipe – Contractor, HD Supply Waterworks

Deputy Mayor Russo recently attended a “Mayor’s Against Illegal Guns” event.

Councilor Schlager noted that a 9/11 beam had been previously installed on the grounds of Montclair High School.

Councilor Baskerville expressed that we not just remember specific tragic events, but commemorate them through “random acts of kindness.”

Councilor McMahon announced that the Montclair Ambulance Unit Golf outing will take place on Monday, September 16 at the Glen Ridge Country Club.

Councilor Hurlock recently met with First Ward residents regarding the Master Plan. He noted several upcoming events. Saturday, September 21: 9:00 to 5:00 sidewalk sale; Music at the Bellevue Library.

Councilor Schlager noted the following: Saturday, September 21: Montclair High School opening football game; white-out tee shirt initiative; walk/run. September 21st Art in the Park.

Mayor Jackson cautioned that with children returning to school, we should all be mindful of traffic safety.

Councilor Spiller announced the next meeting of the Council Education Sub-committee will take place on September 23 at the Municipal Building.

Township Manager, Marc Dashield announced that vacant building registration requirements are now in effect.

Township Clerk, Linda Wanat reminded all that her office will remain open until 9:00 p.m. on September 25 to accommodate new voters who wish to register for the October 16th election.

At 9:00 P.M., on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.


LINDA S. WANAT, MUNICIPAL CLERK

ATTEST:



ROBERT JACKSON

MAYOR