

MONTCLAIR, NEW JERSEY

November 18, 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 Conference/Regular meeting at 7:00 P.M.
Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager and Spiller
Absent: None

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

DISCUSSION: Resolution regarding tree canopy. The Council will add this resolution to tonight's agenda.

AGENDA REVIEW: Preview meeting items

PUBLIC COMMENT

Robin Woods, 50 Pine Street, on behalf of the Montclair Mews Condominium Association expressed appreciation for the Montclair Police Department under the guidance of Chief David Sabagh and noted that they are a "great asset to the Township."

Haywood Woods, 50 Pine Street also shared his respect and support for the department and Chief Sabagh and noted many initiatives provided by them to this community.

David Balsamini, 110 Alexandria Way, Basking Ridge, described a plan to develop a family game center "Montclair Game Vault" on Bloomfield Avenue. He asked the Council to consider amending the current automatic amusement ordinance.

Ray Gulbin, President, Police Benevolent Association, Local 53 reported that his union members voted no confidence in Police Chief David Sabagh.

Angel Roman, President, Superior Officer Association, Local 53a also reported a no confidence vote by his union.

Both union presidents elaborated on the background pertaining to his action.

Lt. Angel Roman, questioned the proposed hiring of a police director.

Audrey Hawley, 17 Granada Place expressed concern over the increased costs of adding the position of Police Director to the Township's employment rolls. She believes it would be a duplication of efforts. Mayor Jackson explained that the position would replace a vacant Deputy Chief position at no additional cost to the Township's budget.

Mayor Jackson acknowledged the Police Department's contribution to the community and thanked them for their work.

PROCLAMATION

Deputy Mayor Russo read the following:

- WHEREAS The Van Dyk Family is celebrating their 60th Anniversary of providing post-acute care services, senior housing and health care services to scores of citizens; and
- WHEREAS Many of the people they have served and cared for are residents of the Township of Montclair; the family opened the Van Dyk Montclair Skilled Nursing Facility here in 1968; and
- WHEREAS Van Dyk care services have grown from skilled nursing excellence to also specializing in orthopedic and respite rehabilitation services, cardiac rehabilitation services through their leading HeartWays program, and other care services to benefit the communities they serve. Van Dyk's quality of care and service has set the standard for long-term care and post-acute care services in the health care industry; and

WHEREAS Van Dyk Health Care employs over 500 people in the three facilities that comprise its organization, offering service distinguished by quality care, administered by a caring family with thoughtful and professional staff, while enhancing the scope of the activities seniors enjoy to enrich their quality of life; and

WHEREAS Barney, Marvin, William and Robert Van Dyk – three generations – have served with consistent leadership and vision that fosters a high level of commitment to provide the best health care services to the elderly of our community. Their sincere concern for the quality of life of the patients and residents in their care is reflected in their ongoing diligence to achieve perfection, always demonstrating feelings of respect and dignity; and

WHEREAS In addition to being owner and operators, the Van Dyk family have been active in our community as well as on a National level in the areas of Alzheimer's care, general health care and senior-specific matters; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, congratulate the Van Dyk Family on their 60th Anniversary, acknowledge their service to our citizens and wish them the very best as they continue to provide health care in the most dignified and respectful manner.

ORDINANCE – SECOND READING/ADOPTION

The pending ordinance entitled: "AN ORDINANCE CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF" (O-13-65) passed first reading October 29, 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 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: "AMENDED 2012 THRU 2014 SALARY ORDINANCE FOR A.F.S.C.M.E. EMPLOYEES AN ORDINANCE CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES" (O-13-66) passed first reading October 29, 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 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 REAPPROPRIATING \$1,811,488 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS IMPROVEMENTS TO SCHOOL BUILDINGS AND GROUNDS, AMENDING BOND ORDINANCE O-13-17 TO REDUCE THE BONDS AND NOTES AUTHORIZED THEREUNDER BY SUCH AMOUNT, AND CANCELLING \$2,957,512 BONDS AND NOTES PREVIOUSLY AUTHORIZED BY BOND ORDINANCE O-04-21 IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY" (O-13-67) passed first reading October 29, 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 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 TO AMEND CHAPTER 51 OF THE CODE OF THE TOWNSHIP OF MONTCLAIR TO CREATE THE POSITION OF POLICE DIRECTOR" (O-13-68) passed first reading October 29, 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 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 POSTPONED by unanimous vote.

ORDINANCE - FIRST READING-INTRODUCTION

Deputy 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 December 10, 2013:

"TO AMEND THE MANAGEMENT (non-union) SALARY ORDINANCE" (O-13-70)

The motion was adopted by the following vote.

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

NEW BUSINESS - RESOLUTIONS

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

WHEREAS, the Township of Montclair and the Township of Belleville wish to renew their agreement pursuant to which the Township of Montclair furnishes health services of a technical and professional nature to the Township of Belleville pursuant to N.J.S.A. 26:3A2-1 et seq.; and

WHEREAS, the New Jersey Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., provides that a municipality may enter into contracts with other municipalities or local units for the joint provision of any service; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township to continue to provide health services to the Township of Belleville in exchange for quarterly payments to be received by the Township; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township Manager be and he is hereby authorized to execute the attached agreement with the Township of Belleville for the provision of health service. (R-13-196)

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

WHEREAS, the Township of Montclair and the Township of Nutley wish to enter into an agreement pursuant to which the Township of Montclair will provide animal control services and animal cruelty investigative and enforcement services to the Township of Nutley pursuant to N.J.S.A. 26:3A2-1 et seq.; and

WHEREAS, the New Jersey Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., provides that a municipality may enter into a contract with another municipality or local unit for the joint provision of any service; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township to provide animal control and other services to the Township of Nutley in exchange for quarterly payments to be received by the Township; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor be and he is hereby authorized to execute the attached agreement with the Township of Nutley for the provision of animal control services and animal cruelty investigative and enforcement services. (R-13-197)

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

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 2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown in the amount of \$4,400 and wish to amend its 2013 budget in the sum of \$4,400 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:
2013 Drive Sober or Get Pulled
Over Year End Holiday Crackdown

Pursuant to provisions of Statute ; now, therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair that a like sum of \$4,400 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:
2013 Drive Sober or Get Pulled
Over Year End Holiday Crackdown

Pursuant to provisions of Statute ; now, therefore

BE IT FURTHER RESOLVED that the Township Clerk forwards two copies of this resolution to the Director of Local Government Services. (R-13-198)

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

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Council of the Township of Montclair has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

WHEREAS, the Council of the Township of Montclair has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment; now therefore

BE IT RESOLVED that the Council of the Township of Montclair (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years beginning January 1, 2014 to December 31, 2016 for the purpose of establishing the following types of coverage:

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public officials liability;
- Motor vehicle liability;
- Property damage (buildings, contents, equipment, and motor vehicle);

and

BE IT FURTHER RESOLVED that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs. (R-13-199)

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

WHEREAS, the Township of Montclair considers its tree canopy an important part of quality of life, property values, and efforts to encourage more outdoor activities including walking and biking; and

WHEREAS, Montclair particularly appreciates the economic and aesthetic value of trees planted in business areas, where they will be enjoyed by the largest number of residents and benefit the shops and businesses more directly; and

WHEREAS, the maintenance and removal of leaves and dead branches is often considered a nuisance to municipalities that may not value trees as much as our Township; and

WHEREAS, Essex County often plants shade and decorative trees on County roads within municipalities to the benefit of the residents of these municipalities; now therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair that we welcome the planting of trees by Essex County on County roads within Montclair and encourage the County to do so whenever such plantings occur in the County; and

BE IT FURTHER RESOLVED that Montclair prefers plantings of said trees to be of native species as diverse and large as is practical, and to be sited first in business areas, where the benefits of such plantings will be maximized. (R-13-200)

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: **\$375,676.21**

COUNCIL REPORTS

Councilor Baskerville questioned why regulation of ethics statutorily falls under the Local Finance Board.

She congratulated rising Mt. Zion Church on their 75th Anniversary under the direction of Pastor Elizabeth Campbell. She also noted a double celebration commemorating both this anniversary and the birthday of Pastor Campbell.

On Saturday, November 23, at 7:00 p.m. a "1891 Community Gala" will be sponsored by the YMCA.

The annual Community Service Awards and Charity Breakfast sponsored by the Giblin Association will present an award to SOFIA (Start Out Fresh Intervention Advocates) a Montclair advocacy and support group for women and children at risk of domestic violence.

Mayor Jackson stated that Councilor Baskerville will also be one of the recipients of the Giblin Association's Community Services Award at this event.

Councilor Spiller announced a Third Ward community meeting on November 25, 7:30 p.m. at Montclair Public Library.

He congratulated Deputy Mayor Russo and his wife Christine on 24 years of marriage.

Deputy Mayor Russo recently participated in the "City Age" conference at Drexel University. He asked the Township Manager for a status report on the energy aggregation initiative. Mr. Dashield expects to present information shortly. The Deputy Mayor urged residents to support the Fil-AmPag - ASA Club's fund raising event on December 7, Best Western Regency Hotel in Pompton Plains for the benefit of the Philippines Typhoon Disaster Relief Fund.

Deputy Mayor Russo remembered former President John F. Kennedy who was a major influence on his career as a public servant.

Councilor McMahon congratulated the Montclair High School football team and urged supporters to attend future games.

Councilor Schlager announced an upcoming Beefsteak Dinner to raise funds for the Montclair High School football team.

Councilor Hurlock invited all to the YMCA Gala and thanked the over 90 residents who attended his recent First Ward community meeting.

Mayor Jackson announced that Montclair will be presented with the Platinum Downtown New Jersey Excellence Award for Transit Village Signage. He stated that "this is a great honor for the downtown".

Township Manager, Marc Dashield reported that the Senior Shuttle is now in operation.

Township Clerk, Linda Wanat discussed new software to assist with future appointments to Township Boards, Committees and Commissions. She also encouraged residents to consider membership on these groups.

COMMUNICATIONS

Letter from Haywood Woods, re: Montclair Mews Condominium Association's gratitude for services of the Montclair Police Department provided under the guidance of Chief David P. Sabagh.

From: NJDEP – No further Action Letter
29 Northview Avenue

Horizon Blue Cross/Blue Shield – presented grants awards to Jazz House Kids, Montclair Art Museum and Montclair Film Festival.

New Jersey Local Boards of Health Association re: League Municipalities meeting to provide updates.

At 8:35 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