

MONTCLAIR, NEW JERSEY

December 10, 2013

The Council of the Township of Montclair, in the County of Essex, met in the Second Floor Conference Room, in the Municipal Building, 205 Claremont Avenue, for a Pre-Regular Meeting at 7:01 P.M.  
Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller  
Absent: None

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The Council immediately adjourned to Executive Session at 7:02 p.m. to the Second Floor Conference Room.

At 7:02 P.M., on motion made by Mayor Jackson and duly seconded, the following resolution was adopted by unanimous vote:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matters to be discussed are as follows: Advice of Counsel.
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

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The Council of the Township of Montclair, in the County of Essex, met in the First Floor Council Chambers, in the Municipal Building, 205 Claremont Avenue, for a Regular Meeting at 8:41 P.M.  
Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller  
Absent: None

ROLL CALL

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On motion made by Mayor Jackson and duly seconded, the minutes of December 3, 2013 were approved by unanimous vote.

Jessica Bordanani, representing the American Planning Association presented a "Great Downtown" award to Montclair Center. Mayor Jackson and members of the Council, Janice Talley and Luther Flurry, BID Director accepted the honor with appreciation.

PROCLAMATIONS

Councilor Hurlock read the following Proclamation recognizing the Montclair's Running Club 30<sup>th</sup> Anniversary:

WHEREAS, The Essex Running Club was founded thirty years ago with 12 members to promote road running and related activities as a means of developing physical fitness and good health. The Club currently has 244 members; a significant number of whom live in Montclair; and

WHEREAS, The Essex Running Club provides an opportunity for interested runners to meet and socialize at its monthly meetings, as well as receive current information regarding new equipment and techniques and upcoming races; and

WHEREAS, The Essex Running Club assists runners in developing their potential through advice and encouragement. Club members support many local communities with their own running events such as the Verona Labor Day Run, the Ashenfelter 8K held in Glen Ridge on Thanksgiving Day and the Montclair 10K Run which is sponsored by the YMCA and the Montclair Recreation and Cultural Affairs Department; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, congratulate the Essex Running Club on its 30<sup>th</sup> anniversary and anticipate a most successful "run" into the future.

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Deputy Mayor Russo offered another Proclamation acknowledging the Club's long history from Brendan Gill on behalf of the Essex County Freeholders to Desmond Dunker, Essex Running Club former club president.

WHEREAS, 2013 marks the 30<sup>th</sup> Anniversary of the Essex Running Club; and

WHEREAS, the Essex Running Club was founded in 1983 by a group of 12 runners led by John DeHart, then the manager of the Essex Health & Racquet Club in West Orange, to promote road running and related activities as a means of developing physical fitness and good health; and

WHEREAS, since its founding, the Essex Running Club has grown to its current membership of 244, and prides itself on being northern New Jersey's "Friendliest Running Club"; and

WHEREAS, the Essex Running Club is regularly and proudly represented at local, regional and even international running events, and its members also enjoy weekend runs from members' homes and each other's company at non-running events such as bus trips, skiing and wine-tasting parties; and

WHEREAS, runners of all stripes are enthusiastically welcomed into the Essex Running Club, whether they be fast, slow or middle-of-the-pack; rookie or experienced; recreational or competitive; walker or health-conscious exerciser; road racer, serial marathoner or trail enthusiast; fan or spectator; young, old or in-between; triathlete, triathlete or ultra-runner; or simply interested in fun, friendship and the support of others with an accent on physical activity; and

WHEREAS, the current Officers of the Essex Running Club are: Paul Maloney, President; Desmond Duncker, Vice President; H. Carl Sturcke, Treasurer; and Tom Kelly, Secretary. The Board Members are: Laura Barry, Anne Chesny, Mick Close, Mark Frankel, John Harvey, Paul Kartanowicz, Tracy Keller, Ed Kelly, Don Manfria, Troy Powell and Paige Sato. The Newsletter Editor is Shannon Calamito; now, therefore, be it

WHEREAS, that the Essex County Board of Chosen Freeholders hereby commends the Essex Running Club for promoting the sport of road running and for providing a framework for like-minded running enthusiasts to share their experiences and encourage and celebrate each other's efforts; and offers its enthusiastic congratulations as it celebrates the 30<sup>th</sup> Anniversary of its founding; and, be it further

RESOLVED, that a copy of this Resolution be presented to the Essex Running Club.

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Discussion: Community Development Block Grant Prioritization

Township Manager, Marc Dashield requested that the Council take the opportunity to prioritize the requests for CDBG funding (based on a 20 point scale).

Receive: Theodore N. Stephens, II, Essex County Surrogate

The Essex County Surrogate presented his annual report on the activities addressed by the Surrogate's Court including probate issues, adoptions and Minors' Trust Fund matters.

He highlighted the extended hours program and encouraged all to visit a new website:  
[www.essexsurrogate.com](http://www.essexsurrogate.com)

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PUBLIC COMMENT

Ethel Owens, 37 Cloverhill Place, suggested that the Council adopt a proposed resolution encouraging the Congress of the United States to shift spending priorities from currently budgeted areas.

Greg Pason thanked the Council for support of this resolution.

Marcella Simadiras, 15 Mountainview Place, reiterated support for the resolution. She asked for an update regarding several Board of Education issues which she believes requires an independent investigation.

James Harris, 9 Pleasant Avenue, citing continuing educational needs, encouraged the Council to adopt the proposed "Need to Move the Money" initiative.

Ira Shor, 302 North Mountain Avenue, speaking on behalf of the "Montclair Cares About Schools" group raised concerns regarding the BOE's investigation into internet posting and the expenditures associated with this matter.

Luis Delgado, 179 Harrison Avenue, addressed the recent security breach at the Board of Education and asked the Township Council to monitor this situation going forward.

David Herron, 136 Lincoln Street, stated that he opposes the method used by the Board of Education to seek out information.

Chris McCoy, 12 South Mountain Avenue, urged the Mayor to appoint new Board of Education members who have a full knowledge of the "Common Core" program and its implementation.

Michele Fine, 191 Cooper Avenue, expressed frustration with the Board of Education's response to parents' concerns regarding the Common Core Curriculum. She also believes there is a lack of civility on the board.

Jeanne Locicero, 40 Franklin Place, Deputy Director of the American Civil Liberties Union reported this group's opposition to the subpoenas recently issued by the Board of Education.

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ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE TO AMEND CHAPTER 51 OF THE CODE OF THE TOWNSHIP OF MONTCLAIR TO CREATE THE POSITION OF POLICE DIRECTOR" (0-13-68) 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 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 **POSTPONED**.

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The pending ordinance entitled: "ORDINANCE TO AMEND CHAPTER 186 OF THE TOWNSHIP CODE-VACCINE" (0-13-69) passed first reading November 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.

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The pending ordinance entitled: "TO AMEND THE MANAGEMENT (non-union) SALARY ORDINANCE-POLICE DIRECTOR" (0-13-70) passed first reading November 18, 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 **POSTPONED**.

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The pending ordinance entitled: "ORDINANCE AMENDING SECTION 341-9 OF THE TOWNSHIP CODE TO ESTABLISH NEW RATES FOR WATER PURCHASED FROM THE TOWNSHIP EFFECTIVE JANUARY 2014" (0-13-71) passed first reading November 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 **POSTPONED** to the December 30<sup>th</sup> meeting.

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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 January 21, 2014:

**"ORDINANCE DESIGNATING THE "MONTCLAIR HEIGHTS REFORMED CHURCH" (71 MT. HEBRON ROAD) AS A HISTORIC LANDMARK PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MONTCLAIR" (O-13-72)**

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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 regular meeting of the Township Council to be held on January 21, 2014:

**"ORDINANCE DESIGNATING THE "WATCHUNG PLAZA HISTORIC BUSINESS DISTRICT" AS A HISTORIC DISTRICT PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MONTCLAIR" (O-13-73)**

The motion was introduced by the following vote.

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

Nays: Councilor Baskerville

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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 regular meeting of the Township Council to be held on January 21, 2014:

**"ORDINANCE APPROPRIATING \$214,500 FROM CAPITAL SURPLUS FOR THE ACQUISITION OF A SENIOR BUS AND VARIOUS EQUIPMENT IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY" (O-13-74)**

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 regular meeting of the Township Council to be held on January 21, 2014:

**"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE - WILDWOOD AVENUE" (O-13-75)**

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, by resolution adopted July 16, 2013, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to Lancha Construction of South River, New Jersey for construction of new granite block curb, concrete driveway aprons and roadway restoration along the curb line, for an amount not to exceed \$50,506.08; and

WHEREAS, by memorandum dated November 22, 2013, the Township Engineer recommended that the contract be amended to reflect an increase in the amount of work and/or materials actually required to fully complete the contract; and

WHEREAS, the Township Manager has indicated his concurrence with the Township Engineer's recommendation; and

WHEREAS, based on the foregoing, the Township Council has determined that it is necessary and appropriate to approve a change order to the subject contract (Change Order #1) in the amount of \$2,901.61; and

WHEREAS, funds for this purpose have been provided for in the 2013 Capital Budget identified by Account Number C-04-09-016-000-102 in the accounting records of the Township of; 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 an agreement with Lancha Construction for Change Order #1 in the amount of \$2,901.61 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-13-204)

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WHEREAS, the Township of Montclair is a party to a cooperative purchasing agreement with the Morris County Cooperative Pricing System, a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10 and

WHEREAS, the Local Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids: and

WHEREAS, the Township is in need of acquiring three (3) 2014 Ford Interceptor Police Vehicles for the Montclair Police Department; and

WHEREAS, the Morris County Cooperative Pricing System has awarded a contract to Beyer Fleet, 175 Route 10, East Hanover, New Jersey 07936, in conjunction with the Ford Motor Credit for the acquisition of Ford Interceptor Police Vehicles; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair" process under the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.5 et seq.; now therefore,

WHEREAS, funds for this purpose have been provided for the 2013 Operating Budget identified by Account Number 3-01-25-240-240-290 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 enter into agreement with Beyer Fleet, 175 Route 10, East Hanover, New Jersey 07936, for the acquisition of three (3) Ford Interceptor Police vehicles, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$40,244.66 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. An additional and final payment of \$40,245.66 will be due in 2015. (R-13-205)

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WHEREAS, the Township of Montclair is a party to a cooperative purchasing agreement with the Cranford Police Department Cooperative Pricing System, a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10 and

WHEREAS, the Local Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids: and

WHEREAS, the Township was in need of acquiring (4) four 2013 Black Dodge Charger Police Vehicles for the Montclair Police Department and previously acquired and made the first payment for the same; and

WHEREAS, the Township must fulfill its obligation to make the second payment which is now due for the (4) four 2013 Black Dodge Charger Police Vehicles for the Montclair Police Department; and

WHEREAS, the Cranford Police Department Cooperative Pricing System awarded a contract to Beyer Fleet, 175 Route 10, East Hanover, New Jersey 07936, in conjunction with the Ford Motor Credit for the acquisition of Dodge Charger Police Vehicles; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair" process under the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20., 5 et seq.; now therefore,

WHEREAS, funds for this purpose have been provided for the 2013 Operating Budget identified by Account Number 3-01-25-240-240-290 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 approve the funds for the second payment on a lease agreement with Beyer Fleet, 175 Route 10, East Hanover, New Jersey 07936, for the acquisition of four (4) Black 2013 Dodge Charger Police Vehicles, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$50,703.19 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. This final payment of \$50,703.19 will be due in 2014. (R-13-206)

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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 State Body Armor in the amount of \$12,144.84 and wish to amend its 2013 budget in the sum of \$12,144.84 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 State Body Armor Program

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 \$12,144.84 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 State Body Armor Program

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-13-208)

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WHEREAS, the Tax Collector of the Township of Montclair has previously issued a tax sale certificate to Ridgeback Ventures, LLC, which certificate is dated October 26, 2011 covering premises commonly known as Block 4003, Lot 15 as set out on the municipal tax map then in use which certificate bears number 12-00073; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate affidavit of loss with the Tax Collector, a copy of which is attached hereto; now therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair that the Tax Collector of the municipality be and is hereby authorized to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described, all in accordance with the requirements of Chapter 99 of the Public Laws of 1997; and

BE IT FURTHER RESOLVED, that a copy of this resolution and the loss affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "duplicate" as required by law. (R-13-209)

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WHEREAS, there existed a need to retain a consultant to provide professional services to include analysis of the system design of the State of New Jersey PSIC 700 MHz System, evaluation of the viability of utilizing the VHF frequencies used by the Police Department prior to the launch of its UHF-T Trunked Radio Network, and to provide recommendations; and

WHEREAS, V-COMM, L.L.C. of Cranbury, New Jersey had submitted the most desirable/scope of services dated April 29, 2013 in the amount of \$16,500, according to the requirements of the Township of Montclair, as defined in the request for proposal; and

WHEREAS V-COMM, L.L.C. of Cranbury, New Jersey was granted the contract and conducted analysis during the period of May 26, 2013 through September 23, 2013 with expenses totaling \$16,015.80 ; and

WHEREAS V-COMM, L.L.C. of Cranbury, New Jersey conducted further analysis of the financial components of the State of New Jersey PSIC 700 MHz System outside of the scope of the original agreement; and

WHEREAS V-COMM, L.L.C. of Cranbury, New Jersey conducted said analysis between the dates of September 29, 2013 and October 26, 2013, with costs totaling \$3,709.55; and

WHEREAS, the Township Manager and Chief of Police recommended that the Township entered into such agreement; and

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair authorize funds to compensate V-COMM L.L.C. for financial analysis of the State of New Jersey PSIC 700 MHz System, in the amount of \$3,709.55 to be charged to the account as otherwise determined to be correct by the Chief Financial Officer's certification of funds. (R-13-210)

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

WHEREAS, the Municipal Chief Financial Officer has recommended certain transfer of funds from appropriations made in the budget to cover anticipated expenditures in accordance with the provisions of N.J.S.A. 40A:4-58; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers from appropriations with an excess over and above the amount necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient; and

WHEREAS, the Governing Body has determined that there is an excess in appropriations over and above the amount necessary to fulfill certain appropriations in attached Schedule A; now therefore

BE IT RESOLVED by the Council of the Township of Montclair (not less then two-thirds of the full membership voting affirmative), that transfers be made between 2013 budget appropriations set forth opposite its designation. (R-13-202)

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

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL, the Council of the Township of Montclair (the "Township Council") has determined that the following properties should be designated as an area in need of rehabilitation (the "Rehabilitation Area")

- |                   |                           |
|-------------------|---------------------------|
| Block 1403 Lot 14 | 665-629 Bloomfield Avenue |
| Block 1403 Lot 10 | 60 Valley Road            |
| Block 2209 Lot 6  | 46 Portland Place         |
| Block 2209 Lot 7  | 44 Portland Place         |
| Block 2208 Lot 20 | 17 Valley Road            |
| Block 2208 Lot 21 | 23 Valley Road            |
| Block 2208 Lot 22 | 25 Valley Road            |
| Block 2208 Lot 23 | 27 Valley Road            |
| Block 2208 Lot 24 | 29 Valley Road            |
| Block 2208 Lot 25 | 31 Valley Road; and       |

WHEREAS, the Township Director of Utilities has confirmed by Memorandum dated October 10, 2013 that the water and sanitary sewer lines serving the Property are at least 50 years old and are in need of substantial maintenance; and

WHEREAS, the potential designation of the properties as an area in need of rehabilitation may serve to prevent further deterioration and to promote the overall development of the Township in accordance with the requirements of N.J.S.A. 40A:12A-14; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, as follows:

1. Designation of the Area. The Township Council hereby designates that pursuant to NJSA 40A:12A-14, the properties listed are an area in need of rehabilitation;
2. Transmittal of Resolution to State Department of Community Affairs. The Township Council hereby directs the Township Clerk to transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review in accordance with the LRHL.
3. Effective Date. This resolution shall take effect immediately. (R-13-203)

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

WHEREAS, the Township of Montclair continues to participate in the Essex County Community Development Program, and a resolution of the Township Council ranking applications for such funding is a requirement of the 2014 Community Development Program; and

WHEREAS, the Township Council of the Township of Montclair held a public hearing on December 4, 2013 at which applicants requesting more than \$10,000 in CDBG funding presented details of their funding request; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that allocations will be made based on a tally of the prioritization work sheets attached hereto and made a part hereof. (R-13-207)

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

WHEREAS, in the Township of Montclair nine properties were listed and sold at Tax Sale of unpaid municipal charges and the lienholder paid a premium for each Tax Sale Certificate; and

WHEREAS, Statute N.J.S.A. 54:5-33 states if redemption is not made within five years from the date of sale the premium payment shall be turned over to the Chief Financial Officer of the municipality and become part of the funds of the municipality. These include:

AMOUNT	BLOCK	LOT
\$46,000.00	4102	1

\$46,000.00 Total

;and

WHEREAS, it is recommended by the Tax Collector, that these premiums be turned over to the Township of Montclair; now therefore

BE IT RESOLVED by the Council of the Township of Montclair that the Tax Collector/Comptroller is hereby authorized to turn over the premiums in the amount of \$46,000.00 to the Township of Montclair as per Statute 54:5-33. (R-13-211)

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

WHEREAS, the Township of Montclair of Montclair is a party to a cooperative purchasing program pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-10; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through a duly-formed cooperative purchasing system without advertising for bids; and

WHEREAS, the Morris County Cooperative Pricing Council has awarded a Contract for Traffic Striping on Roadways (Contract #36) to Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey 07866; and

WHEREAS, the Township of Montclair is in need of purchasing Striping Portions of Various Roadways; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair process" under the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A 20:5 et seq; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Denville Line Painting, Inc. for the purchase of Striping Portions of Various Roadways in accordance with the aforementioned Contract attached hereto, in the amount not to exceed \$36,340.20; and

BE IT FURTHER RESOLVED, that funds for this purchase have been appropriated in the 2013 Capital Budget, Account Number C-04-13-043-000-100 pending Certification of Funds by the Chief Financial Officer. Complete details of the contract are attached hereto and made a part hereof. (R-13-212)

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

WHEREAS, the Tax Collector of the Township of Montclair on December 10, 2013 filed with the Chief Financial Officer a listing of small Tax Balances on accounts for real estate taxes from 2012 and 2013 which she believes are neither collectible nor refundable for reason of the small amounts involved (\$10.00 or less) and a request to cancel outstanding credit balances which have gone unclaimed for a period of more than (3) three years; and

WHEREAS, the Council of the Township of Montclair has examined the listing and is satisfied that the small Tax Balances so listed are neither collectible nor refundable and that all credit balances that have gone unclaimed for (3) three years or more can be canceled; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the said real estate taxes as set forth in the list of the Tax Collector, copy of which is attached, aggregating the amounts of \$33.62 (overpayments) and \$11.55 for (underpayments) for a net credit amount of \$22.07 be and are hereby canceled and the Tax Collector of the Township of Montclair is hereby released from the collection and refund thereof. In

addition, the Tax Collector is further authorized to cancel any outstanding credit balance having gone unclaimed for period of more than (3) years. (R-13-213)

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

WHEREAS, on November 13, 2013, the Township of Montclair opened and read bids for the purchase and manufacture of a custom Police Department Mobile Command Center (Bid #13-20), as prescribed by law; and

WHEREAS, the bid submitted by the lowest bidder was incomplete in that it failed to include a proposal for additional options; and

WHEREAS, the next lowest bidder submitted a bid substantially higher than the budget for the proposed Mobile Command Center; and

WHEREAS, the Township has decided to revise the specifications for this project; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that all bids received and opened by the Township on November 13, 2013 for the purchase and manufacture of a custom Police Department Mobile Command Center (Bid #13-20) be and they are hereby rejected. (R-13-214)

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On motion made by Deputy Mayor Russo and duly seconded, the following resolution was adopted by the following vote: Ayes: Councilors Baskerville, Hurlock, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
Abs: Councilor McMahan

"We, the Council of the Township of Montclair, call upon the Congress of the United States to shift spending priorities from currently budgeted areas including, but not limited to, overseas and military funding by redirecting our limited resources to meet pressing human, community, and local needs such as:

1. rebuilding our nation's infrastructure, with more resources to repair our local Montclair roads;
2. creating jobs to rebuild our nation's schools and education system;
3. creating jobs to rebuild and protect our environment
4. Fully funding our national mandate for educating our Special Needs children under the Individuals with Disabilities Act (IDEA), thereby reducing the property tax burden on our local Montclair residents". (R-13-215)

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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 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: **\$907,214.81**

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### 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  
21 Aubrey Road  
31 Stanford Place  
5 Undercliff Road

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

Letter dated September 16 2013 from KLEINFELDER re: Investigating environmental conditions at Exxon Facility located at 264 Bloomfield Avenue.

Civil Action – Re: Ann Schildknecht and Ellen Heine v. Township of Montclair

Contracts – Shauger Property Services dated November 8, 2013  
Reivax Contracting Corp dated December 2, 2013  
John Garcia Construction Co., Inc. dated December 2, 2013

New Jersey Peace Action: Petition of Montclair resident in favor of a Resolution to Congress and the United States to reduce military spending and transfer funds to meet pressing human and community needs.

Senior Citizens Advisory Committee letter dated December 3, 2013 re: Transportation within Montclair.

Montclair State University – Initial Interest Survey re: Hawk on Wheels Bike Rental Facts and Figures.

### REPORTS

Councilor Spiller congratulated Councilor Baskerville on her recent Giblin Award. He also reported on a successful student bike event. He announced that a "Wrap and Roll" event will be held next Tuesday, December 17, 2013 from 4:30-7:00 p.m at the Bullock School.

Councilor Schlager expressed congratulations to the Montclair High School football champions and offered kudos to Coach Fiore after being named the Jet's High School Coach of the Year. She announced a Project Graduation fund raising event to be held on Saturday, December 14, 2013, 10:00-4:00 p.m.

Councilor Hurlock congratulated St. James Church on their 125<sup>th</sup> Anniversary.

Deputy Mayor Russo recently attended a Van Dyke Nursing Home celebration; he offered all best holiday wishes.

Councilor Baskerville thanked Trudy Fraiser and the Bellevue Avenue Branch Library for a successful fund raiser.

Councilor Baskerville read the following statement:

STATEMENT OF HONORABLE RENEE BASKERVILLE, M.D.

MONTCLAIR TOWNSHIP COUNCILOR

ON THE ULTIMATE FREEING OF MADIBA DECEMBER 4, 2013

Montclair's Fourth Ward and I celebrate with profound appreciation and thanksgiving the life and legacy of President Nelson Mandela.

President Mandela modeled for the world the best of human kind. His sacrificial living; optimism and determination in the face of seemingly insurmountable odds; his courage, unfaltering pursuit of justice and equity; his robust conscience and zestful spirit; confidence, humility, forgiveness and faith will teach humankind through the ages, how to live the Word. Nelson Mandela modeled the manner in which beings, no matter their station in life, can transform a nation and the world with passion and perseverance; sacrifice, struggle, suffering, and unyielding affirmative actions.

Many from the Township of Montclair played vitally important roles in shaping and swelling the ranks of the Free South Africa Movement of the early 80s that assisted in toppling Apartheid. As a medical student, resident and early practitioner, I remember organizing and joining my colleagues in campus and corporate protests urging the divestment of all holdings in companies doing business with apartheid state South Africa. Among the targets of our actions were DeBeers Jewelry, Shell Oil and Rutgers University.

I thank the Honorable Nelson Mandela for the tremendous lessons he taught and left for the freedom fighters of today and tomorrow, the statesmen and stateswomen of today and tomorrow, Heads of State for generations to come and ordinary people who may be inspired by his life to give more of theirs to serve humanity.

My fervent prayer is that the ultimate "freeing" of Nelson Rolihlahla Mandela on December 4, 2013 will cause more of us to work aggressively and strategically on the challenges of today: growing economic disparity, sustained health disparities, sustained education attainment and achievement gaps climate change; religious and ethnic strife, with a heart full of love and soul generated by grace.

Good night, sweet prince. And flights of angels sing thee to thy rest! FREE AT LAST!

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At 10:27 P.M., on motion made by Mayor Jackson and duly seconded, the following resolution was adopted by unanimous vote:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matters to be discussed are as follows: Advice of Counsel.

3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 10:29 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 10:58 P.M., on motion made by Mayor Jackson and duly seconded, the meeting resume to Regular meeting.

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After a discussion the Council moved to act on the following resolution:

On motion made by Councilor Spiller and duly seconded, the following resolution was adopted by the following vote: Ayes: Councilors Baskerville, McMahon, Deputy Mayor Russo, Schlager and Spiller  
Nays: Councilor Hurlock and Mayor Jackson

WHEREAS, the Montclair Board of Education ("BOE") and the Township of Montclair (the "Township") share the use of computer servers and maintain certain data in common databases; and

WHEREAS, the BOE is conducting an investigation into the circumstances surrounding the appearance of confidential BOE data on a publicly-accessible website (the "Investigation"); and

WHEREAS, the BOE has asked the Township for permission to access shared databases in furtherance of the Investigation; and

WHEREAS, the Township Council finds that the Investigation is contributing to divisiveness and strife among the people of Montclair, is resulting in the diversion and expenditure of substantial funds, and is disrupting the otherwise productive working relationship between the Township and the BOE; and

WHEREAS, the Township Council finds that it is in the best interest of the people of Montclair for the Township to refuse to cooperate with or assist the Investigation in any way; and

WHEREAS, the Township Council finds that it is the public interest to deny the permission requested by the BOE, this denial being solely applicable to BOE access in connection with the Investigation; and

WHEREAS, the denial of permission is not intended to affect or limit the BOE's access to or use of the shared servers and databases for any other purpose;

NOW, THEREFORE, be it RESOLVED by the Township Council of the Township of Montclair that permission for the BOE to access shared computer servers and databases. (R-13-216)

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At 10:27 P.M., on motion made by Mayor Jackson and duly seconded, the following resolution was adopted by unanimous vote:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matters to be discussed are as follows: Advice of Counsel.
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At 10:29 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 10:58 P.M., on motion made by Mayor Jackson and duly seconded the Regular Meeting was adjourned by unanimous vote.

  
LINDA S. WANAT, MUNICIPAL CLERK

ATTEST:

  
ROBERT JACKSON                      MAYOR