

MONTCLAIR, NEW JERSEY

June 10, 2014

The Council of the Township of Montclair, in the County of Essex, met in the First Floor Council Chamber in the Municipal Building, 205 Claremont Avenue, for a Conference meeting at 7:02 P.M.  
Present: Deputy Mayor Russo, Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller  
Absent: Mayor Jackson

Deputy Mayor Russo called the meeting to order.

STATEMENT OF SUNSHINE NOTICE

ROLL CALL

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PUBLIC COMMENT

Madeline Till, 19 Oxford Street, expressed concerns regarding this thoroughfare:

- Excessive number of individuals parking on Oxford Street
- Use of Oxford as a "cut through" for traffic
- Drivers speeding through Oxford Street to reach Walnut Railroad Station
- Parked cars impeding "left" hand turns.

She submitted a petition requesting 2 hour parking, M-F, 7 a.m. - 7 p.m. on Oxford Street.

Ms. Till also submitted a petition requesting a traffic calming study for Oxford Street between Walnut Crescent and Grove.

Sandy Sorkin, 3 Marquette Road, referenced a public notice regarding the size of refuse containers. He asked if this provision pertained to recycling containers as well.

Frederick Chichester, 56 Gordonhurst Avenue, requested that "no-parking areas" next to crosswalks be designated by a yellow curb.

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PREVIEW OF JUNE 17, 2014 COUNCIL MEETING ITEMS: Township Manager, Marc Dashield

1. Hearing on pending Bond ordinance providing for various sanitary sewer improvements in and by the Township of Montclair, appropriating \$445,000 therefor and authorizing the issuance of \$445,000 bonds or notes for financing the cost thereof (O\_14\_019)
2. Hearing on pending Bond Ordinance providing for various water improvements in and by the Township of Montclair, appropriating \$1,350,000 therefor and authorizing the issuance of \$1,282,500 bonds or notes for financing part of the cost thereof (O\_14\_020)
3. Hearing on Ordinance regarding sale of property – 20 Mission Street (O\_14\_021)
4. Resolution awarding contract for design and development of a pavement management system.
5. Resolution authorizing inclusion in the Essex County Urban County Community Development Program for Program years 2015 to 2017
6. Resolution of continuing support for the goals and purposes of the 2004 Highlands Water Protection and Planning Act
7. Resolution authorizing purchase of 2014 caterpillar model 924K wheel loader
8. Resolution authorizing contract for consultant Lackawanna Plaza redeveloper
9. Resolution authorizing contract for consultant for Seymour Street redeveloper
10. Resolution for NJDOT Transportation Alternative grant
11. Resolution authorizing submission of recycling tonnage grant application
12. Resolution authorizing renewal of Alcoholic Beverage Consumption Licenses
13. Resolution authorizing renewal of Alcoholic Beverage Distribution Licenses
14. Resolution authorizing estimated tax bills
15. Resolution waiving twenty day waiting period for adoption of Ordinance O-14-21

Mayor Jackson joined the meeting.

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NISHUANE WELL DISCUSSION

Receive: Gary Obzsarny, Director, Water/Sewer, responded to several questions raised by the public at a prior Nishuane Well Hearing.

1. Explanation of the Environmental report.
2. Noise: "whisper" at parameters of park
3. Costs: Developers' contributions to provide assistance with financing the cost of the well.

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PUBLIC COMMENT: NISHUANE WELL

Audrey Hawley, 17 Granada Place, questioned the increase in the proposed costs of a new well and asked if a cost analysis had been conducted.

Pat Kenschft, 56 Gordonhurst Avenue, supports keeping Township parks in their current state. She believes that water consumption could be lowered by placing a ban on watering lawns.

Patti Grunther, 44 Irving Street, objects to destroying any parkland. She advocates implementation of water conservation programs. She urged the Township to develop same. She also suggested that any development proposed in the Master Plan may have influenced the need for additional water supply.

Lingard Knutson, 1 Wilford Street, reiterated her support for a conservation plan rather than a new well scenario. She also does not believe the final environmental impact statement was "professional".

Barbara Adams, 18 Llewellyn Road, questioned the cost estimates for a proposed well. She also challenged Mr. Obszarny's financials.

Irving Geddes, 197 Stanford Place, stated that the "people of the South End" have been disenfranchised.

Hannah Richmond, 32 Llewellyn Road speaking on behalf of the Cary's Woods Conservancy, reiterated the need for more conservation measures and lower cost options for a well. She highlighted the following:

- Need for open space (no loss of public parkland)
- Proposed Nishuane well process was confusing.
- Adverse consequences of the project.

She asked the Township to reconsider this proposed project.

Dr. George Bennett, 88 High Street, believes that the original well was dug in the Fourth Ward because the municipality thought that it would be accepted by the residents without protest.

William Scott, 23 Cedar Avenue, is convinced expanded development within the municipality contributed to the need for a new well at an additional cost to Montclair taxpayers.

Councilor Schlager suggested that the Township implement a six month to one year pilot conservancy plan before moving forward with a new well proposal. Councilor Baskerville concurred.

Jarvis Hawley, 17 Granada Place, expressed concern that many questions previously submitted regarding this matter remain unanswered. He believes this creates a creditability gap.

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DISCUSSION

Update on street maintenance for Afterglow Way/Parkhurst

Councilor Spiller referenced several meetings he convened regarding this issue. A cost comparison between use of asphalt paving (\$30,000-\$40,000) vs. use of brick pavers (\$40,000 - \$50,000) was conducted. Safety measures were also considered. After evaluating the data collected he recommended a partial improvement plan utilizing brick pavers.

Councilor Spiller also urged that this scenario be implemented as soon as possible.

Carole Hopson, 38 Afterglow Way, thanked Councilor Spiller and the Council for their assistance with this matter. She asked for a start date for the repairs and adequate notification of any street closings.

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Draft resolution by the Township concerning the Williams/Transcontinental Company Roseland Gas Compressor station and pressure increase in the 54 year old pipeline.

WHEREAS, the Township of Montclair for many years in the state of New Jersey has been a leader in the efforts to clean up our environment, become more sustainable, encourage conservation and shift to renewable sources of energy; and,

WHEREAS, Williams/Transcontinental Company (Williams/Transco) has just built a natural gas compressor station in the town of Roseland that is projected to push has produced from the process of shale has drilling/hydraulic fracturing (fracking) through a 54 year old pipeline (1), doing so with a 13% psi increase in pressure (2), that runs across the campus of Montclair State University; and,

WHEREAS, the Williams/Transco pipeline goes under the Third River which flows through the Bonsal Wildlife Preserve and a gas leak, fire or explosion could contaminate this precious Montclair natural resource; and,

WHEREAS, the Essex County Board of Chosen Freeholders unanimously passed in February, 2014 a resolution entitled "Expression of Concern Over Transcontinental Gas Pipeline Company Project;" and,

WHEREAS that resolution said, in part, "the Essex County Board of Chosen Freeholders is concerned that Compressor Station 303 in Roseland, capable of operating at 30,000 horsepower, will be utilized to increase pressure in a pipeline that is over 54 years old, passes beneath 16 towns (3) and passes within 100 feet of some homes along its route;" and,

WHEREAS, there have been explosions and/or fires at or within at least nine Williams Partners or Williams/Transco facilities or infrastructure, including one on March 31<sup>st</sup> in Washington state that injured five people and led to the evacuation of people within a two mile radius of the facility; (4) and,

WHEREAS, the governing bodies in Nutley, Bloomfield and the Essex County Board of Chosen Freeholders have expressed serious concerns, based on safety and health issues, for their residents as well as concern about potential harm to local and county infrastructure; and,

WHEREAS, Williams/Transco has not shown the results of their pipeline test to the governing bodies in any of the towns through which this 54 year old pipeline runs; and,

WHEREAS, the gas compressor station has been constructed on land immediately adjacent to a PSE&G electrical station which, when the Susquehanna-Roseland project is completed in 2015, will have an electrical capacity of 500,000 or more volts (5); and,

WHEREAS, there are very few examples in the country, if any, of a gas compressor station being located right next to a major electrical station; and,

WHEREAS, Congressman Rodney Frelinghuysen sent a letter to the Federal Energy Regulatory Commission on September 8, 2013 in which he said, "[I hope] you can confirm that the FERC looked at the possibility of a disastrous impact that could result due to the proximity of these projects [electrical station and compressor station]. If this was not part of the review of these applications I would request your assurance that such a review will take place immediately and that all work on these projects will stop until such time as the safety of my constituents can be assured!;" (6) and,

WHEREAS, FERC did not review this issue, did not mandate that work stop, and there has been no study of this critical safety issue (7); therefore be it

RESOLVED that the Montclair Township Council supports the efforts to find and fund a neutral and objective entity capable of producing the kind of serious safety study called for by Congressman Frelinghuysen; and, be it further

RESOLVED that the Montclair Township Council calls upon Williams/Transco to show the results of their pipeline tests to all towns through which the 54 year old pipeline whose pressure has been increased runs; and be it further

RESOLVED that the Montclair Township Council calls upon the State of New Jersey and the Pipeline and Hazardous Materials Safety Administration to aggressively monitor the operations of the Williams/Transco pipeline to decrease the chances that an accident could happen that would jeopardize the health, safety and welfare of area residents and affected communities; and be it further

RESOLVED that a copy of this resolution to be forward to Governor Christie, US Senators Cory Booker and Robert Menendez, Congressman Rodney Frelinghuysen, the Federal Energy Regulatory Commission, the Pipeline and Hazardous Materials Safety Administration, all members of the Essex County legislative delegation, Essex County municipalities, the governing bodies of all towns along the pipeline route, and the NJ Board of Public Utilities.

- 1) document: Transco's Northeast Supply Link Upgrade – Station 303 (Roseland Compressor) – Hazard Assessment Information, p. 1
- 2) ibid, p. 3 (from 638 to 722 psi)
- 3) determined by work of retired environmental engineer Jerome Wagner analyzing maps made publicly available by Williams/Transco, limited in scope and clarity, and using Google Earth maps: [jjwagner00@gmail.com](mailto:jjwagner00@gmail.com)
- 4) document produced by NY Friends of Clean Air and Water (<http://nyfriendsofcleanairandwater.blogspot.com/2014/04/williams-companies-safety-and.html>)
- 5) Hazard Assessment Information document (see above), p. 2
- 6) [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14145581](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14145581)
- 7) [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14151361](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14151361)

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Councilor Spiller noted that the Environmental Commission has asked the Council to review this proposed resolution and decide whether or not to take action.

Councilor's McMahon and Hurlock stated that they believe the Council should not take a position on things that do not impact Montclair directly.

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Deputy Mayor Russo and Councilor Baskerville and Spiller disagree and urged support of the resolution based on safety reasons even beyond Montclair's border.

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NEW BUSINESS

Budget Hearing on amendments.

Township Manager, Marc Dashield, reviewed the proposed amendments. He indicated that the amendments will not produce any increase in the municipal tax levy.

Mayor Jackson asked if anyone desired to speak. Seeing none he closed the hearing.

The Resolution to amend the 2014 Budget was adopted by unanimous vote:

WHEREAS, the Local Municipal Budget for the year 2014 was approved on the 18<sup>th</sup> day of March, 2014; and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend said approved Budget, now

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Montclair, County of Essex that the following additional amendments to the approved Budget of 2014 be made for a total of:

	<u>FROM</u>	<u>TO</u>
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	\$77,787,441.95	77,755,545.45

Recorded votes:

- Ayes: Mayor Jackson
- Deputy Mayor Russo
- Councilor McMahon
- Councilor Hurlock
- Councilor Schlager
- Councilor Spiller
- Councilor Baskerville

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ADOPTION OF THE 2014 BUDGET

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

Be it resolved by the Governing Body of the Township of Montclair, County of Essex that the budget hereinbefore set forth is adopted and shall constitute an appropriation for the purposes stated in the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$54,188,649.96 (Item 2) for municipal purposes, including library levy; and
- (b) \$ 6,142,200.00 (Items 3) for school purposes in Type 1 School Districts only (N.J.S.A:18A:9-2) to be raised by taxation; and

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 10<sup>th</sup> day of June, 2014.

It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2014 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Recorded votes:

- Ayes: Mayor Jackson
- Deputy Mayor Russo
- Councilor McMahon
- Councilor Hurlock
- Councilor Schlager
- Councilor Spiller
- Councilor Baskerville

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ORDINANCES – 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 regular meeting of the Township Council to be held on July 22, 2014.

“ORDINANCE RE-APPROPRIATING \$150,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR ELEVATOR IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY” (O-14-022)

The motion was adopted by unanimous vote.

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NEW BUSINESS – RESOLUTION

On motion made by Councilor McMahon and duly seconded, the following resolutions were 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 National Joint Power Alliance (NJPA) has awarded a Cooperative Purchasing Contract for Transit Buses (Contract #022210-IBG) to Alliance Bus Group, Inc., 51 Kero Road, Carlstadt, New Jersey; and

WHEREAS, the Township of Montclair is a member of the NJPA (Member Number 29915) and is in need of purchasing a 2014 Glaval Universal 18 Passenger Shuttle Bus; 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, in the County of Essex, that the Township of Montclair enter into an agreement with Alliance Bus Group, Inc. for the purchase of a 2014 Glaval Universal 18 Passenger Shuttle Bus in accordance with the aforementioned Contract attached hereto, in the amount not to exceed \$ 66,536.49; and

BE IT FURTHER RESOLVED, that funds for this purchase have been appropriated in the 2014 Capital Budget, Account Number C-04-13-074-000-100 pending Certification of Funds by the Chief Financial Officer. Complete details of the contract are attached hereto and made a part hereof. (R-14-82A)

Councilor Baskerville suggested that a shared service arrangement with the Board of Education for transportation to after school activities be considered.

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On motion made by Councilor Schlager and duly seconded, the following resolutions were 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 by drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: **\$2,582,972.38**

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PROCLAMATION

Councilor Baskerville read the following proclamation:

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 Moses Lewis, 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 Friday, June 13, 2014; 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 Moses' leadership project, he and a group of volunteers spent 189 hours working to organize and conduct a concert for Start Out Fresh Intervention Advocates (S.O.F.I.A.), a non-profit organization that provides assistance for women and children who are victims of domestic violence. In addition to the music performed by a few bands, food and soft drinks were served; admission cost was donations of toiletries and personal care supplies to be given to those benefitting from S.O.F.I.A.'s services; and

**WHEREAS** Moses is a rising junior at Montclair High School who is interested in art and music; he has taken art classes since the third grade and is a member of the band Drums of Thunder as well as a member of a church band called Sounds of the Kingdom. He plays lacrosse and is a member of the MHS varsity bowling team. In addition to his scouting projects, he also volunteers at a local food bank; 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 Moses Lewis

Councilor Baskerville will present this proclamation to him at the upcoming Eagle Scout of Court Honor on Friday, June 13, 2014.

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DISCUSSION resumed

Board of Education Interlocal agreement: Information Technology Infrastructures

Mr. Dashield urged the Council to adopt an interlocal agreement delineating management and operational policies between the Township and the Board of Education. The Council and Township Attorney, Ira Karasick will review the draft agreement.

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Driveway Set back on Frederick Street.

The Township Manager addressed a petition to implement 2-4 foot setbacks on this street.

Edith Munro, 110 Essex Avenue explained this request citing individuals who park too close to driveways thus obstructing and making it unsafe for Frederick Street residents to back out of their driveways.

The Council will review the current ordinance before taking action.

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Deputy Mayor Russo reported that he and Councilor Baskerville attended the recent IMANI awards dinner.

He highlighted the Montclair High School "All Class Reunion" on June 18, 19 and 20, 2014.

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Councilor Baskerville announced several activities taking place in the municipality.

- Saturday, June 14 – Pine Street Arts Festival, 1-7 pm.
- Saturday, June 14 – Brother-to-Brother Fundraising breakfast
- Tues, June 17 – Fourth of July Fundraiser, Egans Restaurant beginning at 5:00 pm
- June 22, Montclair Neighborhood Development Corporation Project Oasis will hold its 18<sup>th</sup> annual fundraiser, 3-7 pm. Cost: \$90 per person
- Essex County/Brookdale Park Summer Concerts

She encouraged all to attend the Salute to the Teachers activities sponsored by the Montclair Fund for Educational Excellence.

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Councilor Hurlock thanked everyone who attended his recent First Ward meeting; over 50 residents were in attendance.

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Councilor Spiller announced the following:

- June 14, 2014 – Pine Street Festival
- June 14, 2014 – Summer Sidewalk stroll
- "Explorations" a photography Exhibit will take place during the month of July. Proceeds will go to support the library and the Community Food Bank
- Deadline for Property Tax Reimbursement (Senior Freeze) Applications has been extended to September 15, 2014.

He also noted that everyone must be proactive regarding limitations on the size and weight of trash receptacles especially as they relate to safety issues.

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Mayor Jackson congratulated all those involved in the success of the African American Festival and the Church Street car show.

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Mr. Dashield announced he continues to work toward obtaining another increase in the Township's bond rating. He also reported that this year's municipal tax levy will reflect a zero percent increase.

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Mr. Karasick asked the Council to review a draft street opening ordinance.

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Municipal Clerk, Linda Wanat reported that Montclair has reached a record number of registered voters: 29,441.

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COMMUNICATIONS

Petitions for Traffic Calming Study of residents of Oxford Street between Walnut Crescent and Grove Street.

Letter from Kleinfelder dated May 22, 2014 re: 572 Valley Road, amending the lot number from Lot #2 to Lot #28 in a letter issued on February 5, 2014.

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At 10:00 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: Legal matters
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

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At 10:37 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