

MONTCLAIR, NEW JERSEY

June 17, 2014

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 a Regular meeting at 7:01 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL

Present: Deputy Mayor Russo, Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller
Absent: Mayor Jackson

On motion made by Deputy Mayor Russo and duly seconded, the minutes of May 20 and June 10, 2014 were approved as amended by unanimous vote.

PUBLIC COMMENT

Jane Califf, 500 Broughton Avenue, Bloomfield, representing the Essex/Passaic Green Party spoke in support of passage of Resolution 14-097 of the Township of Montclair, concerning the Williams/Transcontinental Company Roseland Gas Compressor Station and Pressure Increase in 54 Year Old Pipeline. She provided historical background on this initiative and indicated a number of municipalities and have adopted similar legislation. She noted that it appears this project does apply to certain areas of Montclair.

Mary Kushner, 28-L Nob Hill, Roseland, spoke against the compressor station stating that this resolution should be adopted whether or not if it applies to property in Montclair. Citing several pipeline explosions she stressed that adoption is a matter of safety for all.

Maryellen Kluxen, 24 Hillside Avenue, Montclair, urged the Council to study both the history and safety record of the Williams Company and Trasco and honor the recommendation of the Environmental Commission to adopt the resolution. She thanked Councilor Spiller and the Township Environmental Commission for their efforts.

Richard Galioto, Landscaper, Bloomfield, asked for an answer to his request to lift the ban on leaf blowers as outlined in the Township's ordinance. He stated that he had already offered solutions to the noise problem including reduced RPM's.

Dan Evans Farkas, 720 Valley Road, also expressed his opposition to the Williams/Transcontinental Roseland Gas compressor pipeline project. He supported an independent safety study of this proposal.

Maggie Joralemon, 65 Portland Place stated that the resolution is not a "Nimby" issue; she reiterated the need for adoption based on safety factors.

Bella August, 530 Valley Road, believes the Transco initiative is a "nightmare scenario" and may produce a disaster. She urged precaution in dealing with this issue.

Pat Kenschaft, 56 Gordonhurst Avenue, reiterated support for passage of this resolution. She noted that in the event of a disaster a two mile evacuation process would present problems within the Township.

Fred Chichester, 56 Gordonhurst Avenue stated that a pipeline explosion may result in serious injuries and property destruction.

Francesca Elms, 135 Squirehill Road, asked the Council to consider the recommendation of the Environmental Commission with regard to this resolution.

Deputy Mayor Russo called for a vote on the resolution at this time.

RESOLUTION OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY CONCERNING THE WILLIAMS/TRANSCONTINENTAL COMPANY ROSELAND GAS COMPRESSOR STATION AND PRESSURE INCREASE IN 54 YEAR OLD PIPELINE.

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

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 31st 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 owner operator of the aforementioned compressor station and/or the federal government fund such a study.

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
- 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
- 7) http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14151361 (R-14-097)

Ayes: Councilors Baskerville, Hurlock, Russo, Schlager and Spiller
Abstain: Councilor McMahon

COUNCIL COMMITTEE REPORTS

Councilor Baskerville requested attention to the following concerns:

- Renovation of Canterbury Park tennis courts
- Installation of sign for Larry Doby Field
- Naming of Nishuane tennis courts for JAMAS
- Clarification of the role of Council liaisons to Boards, Commissions & Committees

Councilor Spiller reported:

- The Environmental Commission has reviewed several issues including noise within the municipality and the Nishuane well.

Councilor Baskerville asked if the Environmental Commission would be making a specific recommendation regarding the proposed well.

Councilor McMahon proposed that the Council review and/or expand the various mission statements of Boards, Commissions and Committees.

Deputy Mayor Russo suggested that the Council convene a meeting of representatives of all Township Boards, Commissions and Committees to present reports of group activities to the Council and to other groups who may share an interest.

DISCUSSION

Frederick Street driveway setback

Township Manager, Marc Dashield clarified the Township ordinance which addresses 4' setbacks. He stated that currently requests for setbacks are reviewed on a case by case basis. He recommended an ordinance amendment to allow for smaller setbacks if needed.

Councilor McMahon suggested that a two foot setback appears to be applicable to all driveways.

Councilor Spiller suggested determining the necessary distance for a setback that would allow residents to back out of their driveway safely.

Mr. Dashield will await a recommendation from the Traffic and Parking Advisory Committee.

BID BUDGET

Township Attorney, Ira Karasick reviewed the procedure for adopting the Business Improvement District budget.

Councilor Baskerville read a resolution declaring that all conditions had been met to allow the reading of the budget by title only.

PUBLIC HEARING ON BID BUDGET

Phil Cantor, President, Business Improvement District described the foot print of the Business Improvement District and reported that their total budget is \$480,696.00.

No one else wishing to be heard the Deputy Mayor closed the hearing.

Councilor Baskerville read:

WHEREAS, N.J.S.A. 40:56-84 requires the 2014 Montclair Center Budget was introduced and published as required, and

WHEREAS, N.J.S.A. 40:56-84 requires a public hearing to be held for the 2014 Montclair Center BID Budget.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montclair, County of Essex that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated in the sums therein set forth as appropriations, and authorization of the amount of : \$453,696.00 for 2014 Montclair Center BID Budget.

The BID Budget was adopted by unanimous vote.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “BOND ORDINANCE PROVIDING FOR VARIOUS SANITARY SEWER IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$445,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$445,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF”(O-14-019) passed first reading on May 20, 2014 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.

Deputy Mayor Russo asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

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

On motion made by Deputy Mayor Russo and duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: “BOND ORDINANCE PROVIDING FOR VARIOUS WATER IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,282,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”(O-14-020) passed first reading on May 20, 2014 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.

Deputy Mayor Russo asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

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

On motion made by Deputy Mayor Russo and duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: “ORDINANCE AUTHORIZING THE CONVEYANCE OF RECORD TITLE TO PROPERTY LOCATED AT 20 MISSION STREET, MONTCLAIR, KNOWN AS BLOCK 4107 LOT 26” (O-14-021) passed first reading on May 20, 2014 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.

Deputy Mayor Russo asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

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

On motion made by Deputy Mayor Russo and duly seconded, the ordinance was adopted by unanimous vote.

Township Manager Marc Dashfield and Township Attorney Ira Karasick reported that all the principals involved are satisfied.

NEW BUSINESS – ORDINANCE/FIRST READING - INTRODUCTION

Councilor Spiller 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 APPROPRIATING \$147,500 FROM THE CAPITAL SURPLUS FUND FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY” (O-14-23)

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, there exists a need to retain a consultant to provide professional services to include development and implementation of a pavement management system; and

WHEREAS, this contract has been awarded pursuant to a "fair and open process" as defined in the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Rutgers Center for Advanced Infrastructure and Transportation (CAIT) of 100 Brett Road, Piscataway, New Jersey has submitted the most desirable proposal/scope of services dated November 1, 2013, as revised on January 24, 2014 in the amount of \$39,979.46, according to the requirements of the Township of Montclair, as defined in the request for proposal; and

WHEREAS, the anticipated term of this contract is one year and may be extended for an additional one year upon approval by this governing body; and

WHEREAS, the Township Manager and Township Engineer recommend that the Township enter into such agreement; and

WHEREAS, funds for this purpose have been provided for in the 2014 Capital budget identified by Account Number C-04-14-005-000-100 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 an agreement with Rutgers CAIT for development and implementation of a pavement management system in the amount of \$39,979.46 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds; and

BE IT FURTHER RESOLVED that this award be advertised in the Montclair Times as a professional service in accordance with the Local Public Contracts Law. **(R-14-082)**

WHEREAS, certain Federal funds are potentially available to the County of Essex under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the Township of Montclair desires to participate in the Essex County Urban County for conducting certain community development activities for Program Years 2015-2017; and

WHEREAS, a letter has been drafted by the Mayor to the Essex County Division of Housing and Community Development notifying them of the Township's desire to participate in this process; and

WHEREAS, the Grantee or a unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by June 21, 2014 each municipality must notify the Essex County Division of Housing & Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Township of Montclair and its residents to participate in said programs; now therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair that it hereby authorizes the Mayor to execute the attached Cooperation Agreement and notifies the Essex County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2015, 2016 and 2017 (June 1, 2015- May 30, 2017); and

BE IT FURTHER RESOLVED, that a copy to this resolution be forwarded to the Essex County Division of Housing & Community Development no later than June 21, 2014. **(R-14-083)**

WHEREAS, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State's water supplies and other significant resources; and

WHEREAS, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey Senate and New Jersey State Assembly; and

WHEREAS, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process; and

WHEREAS, the Township of Montclair is a municipality that receives a portion of its drinking water from sources within the Highlands Region and Montclair relies on the resources of the Highlands to meet the current and future needs of its residents; now therefore

BE IT RESOLVED that the Council of the Township of Montclair wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highland Water Protection and Planning Act and the Highlands Regional Master Plan. **(R-14-084)**

WHEREAS, the Township of Montclair acknowledges the many benefits of non-motorized transportation, including reduced congestion, improved traffic circulation, improved air quality, significant health and safety benefits and enhanced quality of life; and

WHEREAS, the Township encourages residents to take steps to lower carbon emissions and reduce dependence on foreign fuels by decreasing motor vehicle miles traveled; and

WHEREAS, the Township's Unified Land Use and Circulation Plan, developed with a Land Use and Mobility Grant from the New Jersey Department of Transportation, recommends that the Township expand transportation alternatives to the automobile; and

WHEREAS, the Township is preparing a Bloomfield Avenue Corridor Complete Streets Implementation Program, funded by Together North Jersey, to identify strategies to make Bloomfield Avenue more amenable to pedestrians and bicyclists; and

WHEREAS, the Township proposes to create a program called Mozaic whose purpose is to provide an integrated alternative transportation network that combines biking, walking and shuttle service as an alternative to automobiles; and

WHEREAS, the Township supports infrastructure improvements that encourage and facilitate walking and biking as an alternative to driving; and

WHEREAS, local community groups actively support Township efforts to facilitate alternative transportation options; and

WHEREAS, in order to obtain such a grant, it is necessary that the municipalities adopt a resolution in support of the application; and

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

BE IT FURTHER RESOLVED that the Mayor and the Manager are hereby authorized and directed to execute any and all documents necessary for the submission and completion of such an application on behalf of the Township of Montclair. **(R-14-086)**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Township of Montclair to apply for a 2013 Recycling Tonnage Grant will memorialize the Township's commitment to recycling and to confirm the assent of the Township Council to the efforts undertaken by the Township and the requirements contained in the Recycling Act and recycling regulations; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Steve Wood, P.E., Director of the Department of Community Services, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling. **(R-14-087)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that subject to compliance by the licensees with the provisions of R.S. 33:1-25, the Municipal Clerk be and she hereby is authorized to issue Plenary Retail Alcoholic Beverage Consumption Licenses, terminating June 30, 2015 to the following:

<u>NAME</u>	<u>LOCATION OF LICENSED PREMISES</u>
Trois Cochons, LLC t/a Pig & Prince* 0713-32-005-008	1 Lackawanna Plaza
D.L.V. Lounge, Inc. t/a D.L.V. Lounge 0713-33-006-002	300 Bloomfield Avenue
Grafton Inns, LLC. t/a Egan & Sons 0713-38-023-008	114-116 Walnut Street
The Office of Montclair, LLC* t/a The Office 0713-32-019-008	619 Bloomfield Avenue
Sun Restaurant Corp. t/a Park Sports Bar & Restaurant 0713-33-022-006	Inactive
Tierney's Tavern, Inc. * t/a Tierney's Tavern 0713-32-020-002	134 Valley Road
LSZ, Inc. t/a Just Jake's 0713-33-024-009	30 Park Street
Montclair Food USA Corp t/a Dai Kichi Restaurant 0713-33-002-007	608 Valley Road
Rosen Montclair, LLC 0713-32-016-006	Five Seymour Street
Tromba Inc. t/a Trumpets 0713-33-018-006	6 Depot Square

- License includes "Broad Package Privilege".

(R-14-088)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that subject to compliance by the licensees with the provisions of R.S. 33:1-25, the Municipal Clerk be and she hereby is authorized to issue Plenary Retail Alcoholic Beverage Distribution Licenses, terminating June 30, 2015 to the following:

<u>NAME</u>	<u>LOCATION OF LICENSED PREMISES</u>
Magnolia-Grape Collective, LLC 0713-44-012-009	42 Upper Montclair Plaza
Gayatri, Inc. t/a Grove Liquors 0713-44-007-003	131 Grove Street
Muranal, Inc. t/a A & M Liquors 0713-44-014-007	9 Park Street

The Romany Liquor Shop, Inc.
t/a The Romany Liquor Shop
0713-44-015-007

227 Glenridge Avenue

S. Allegra's Fine Wines, Inc.
t/a Amanti Vino
0713-44-003-010

30 Church Street

Santraam, LLC
t/a Townhouse Liquor & Wine
0713-44-021-003

115 Watchung Avenue

Von Five, LLC
t/a Angelbeck's Fine Wine
0713-44-001-005

621 Valley Road

Merit Fine Wines and Liquor
t/a Merit Fine Wines and Liquor
0713-44-011-006

599 Bloomfield Avenue

Avish Spirits, Inc.
0713-44-004-004

65-67 Glenridge Avenue

Montclair Liquor Store LLC
South End Liquor
0713-44-017-004

310 Orange Road

Husenaj ABC Holdings, LLC
Montclair Wine Cellar
0713-44-008-010

440 Bloomfield Avenue

(R-14-89)

WHEREAS, the State of New Jersey has not yet adopted their 2014 budget and therefore the Essex County Board of Taxation is unable to certify the Township's tax rate at this time, and the Municipal Tax Collector will be unable to mail the Township's 2014 tax bills on a timely basis; and

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

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

1. The Township of Montclair Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Third Quarter of 2014 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, C. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2014 is hereby set at \$195,116,169.13 which creates an estimated tax rate of \$3.39 per \$100 of assessed value.
3. In accordance with law, the Third Quarter Installment of 2014 taxes shall not be subject to interest until the later of August 10, or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue. **(R-14-090)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that SAMUEL JOHNSON and LUIS DELGADO be and they hereby are APPOINTED to serve on the Montclair Early Childhood Corporation for a term commencing immediately and terminating on July 1, 2017. **(R-14-092)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that SEAN FLYNN, DONALD ZIEF and ANDREW KEMENY be and they hereby are RE-APPOINTED to serve on the Montclair Early Childhood Corporation for a term commencing immediately and terminating on July 1, 2017. **(R-14-093)**

On motion made by Deputy Mayor Russo 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 ROBERT JOHNSTON and COLLIN MINERT be and they hereby are APPOINTED to serve on the Senior Citizens Advisory Committee for a term commencing immediately and terminating December 31, 2016. (R-14-096)

Regular Agenda Items

On motion made by Councilor Hurlock 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 National Intergovernmental Purchasing Alliance (National IPA) has awarded a Cooperative Purchasing Contract for Heavy Equipment, Parts, Accessories, Supplies and Related Services (Contract #120377) to Caterpillar Equipment through their local distributor Foley Inc., 855 Centennial Avenue, Piscataway, New Jersey; and

WHEREAS, the Township of Montclair is in need of purchasing a Caterpillar Model 924K Wheel Loader; 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 Foley Inc. for the purchase of a 2014 Caterpillar Model 924K Wheel Loader in accordance with the aforementioned Contract attached hereto, in the amount not to exceed \$ 174,538.65; and

BE IT FURTHER RESOLVED, that funds for this purchase have been appropriated in the 2014 Capital Budget, Account Number C-04-14-009-000-100 pending Certification of Funds by the Chief Financial Officer. Complete details of the contract are attached hereto and made a part hereof. (R-14-85)

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

WHEREAS, on June 17, 2014 the Township Council adopted an ordinance regarding sale of property located at 20 Mission Street; 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 ordinances 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 need for the parties to transfer title as soon as possible in order to secure the property; 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 14 081 regarding sale of property – 20 Mission Street, adopted on June 17, 2014, shall take effect immediately upon adoption of this Resolution. (R-14-091)

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

WHEREAS, the Township of Montclair wishes to engage a professional planning firm to provide professional planning and consulting services to the Township to prepare a redevelopment plan for certain properties located between Glenridge Avenue and Bloomfield Avenue, in the vicinity of Lackawanna Plaza, referred to as the Lackawanna Plaza Redevelopment Area, that will be designated as either an area in need of redevelopment or an area in need of rehabilitation; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, authorizes municipalities to enter into contracts for professional service without public bidding; and

WHEREAS, the Township issued a Request for Proposals (RFP) to provide the required professional planning services and, in response to the RFP, the Township received four proposals from professional planning consultants; and

WHEREAS, after review of the proposal the Department of Planning and Community Development recommended that the Township retain Phillips Preiss Grygiel, LLC to prepare the plan; and

WHEREAS, the Township Council has reviewed the Department's recommendation and decided to award a contract to Phillips Preiss Grygiel, LLC to provide the required professional services at a cost not to exceed \$34,000; and

WHEREAS, this contract is being awarded in accordance with the requirements of the New Jersey "Pay-to-Play" Law, N.J.S.A. 19:44a-20.5 et seq.; and

WHEREAS, Phillips Price Grygiel LLC 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 the term of this contract; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and are hereby authorized to execute and attest an agreement with Phillips Preiss Grygiel LLC to provide professional planning and other services to the Township in connection with the preparation of the Lackawanna Plaza Redevelopment Plan at a cost not to exceed \$34,000 and in a form approved by the Township Attorney and subject to a certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that notice shall be published in the Montclair Times stating the nature, duration, service and amount of the attached agreement and that copies of this Resolution and the agreement are on file and available for inspection in the office of the Township Clerk. (R-14-094)

Ayes: Councilors Hurlock, McMahon, Schlager, Spiller

Nay: Councilor Baskerville

Abstain: Deputy Mayor Russo

Councilor Baskerville asked what the Township is doing to actively seek local and/or minority and female business enterprises.

Township Manager Marc Dashield explained the Request for Proposal process. He will discuss these concerns with Affirmative Action Officer Bruce Morgan and report to Council.

Councilor Spiller shared some of Councilor Baskerville's concerns and asked the Township Manager to be cognizant of recommendations eg. Hiring "Montclair First" all other things being equal.

Councilor Baskerville recommended that the Township hire the lowest bidder on this project.

Deputy Mayor Russo suggested that it might be beneficial to use the same firm for both Lackawanna and Seymour consultant contracts.

On motion made by Councilor Schlager and duly seconded, the following resolution was moved to **TABLED** by the following votes:

WHEREAS, the Township of Montclair wishes to engage a professional planning and consulting services to the Township to prepare a redevelopment plan for certain properties associated with the vacant Social Security building and nearby properties between South Willow Street and South Fullerton Avenue, generally referred to as the Seymour Street Redevelopment Area that will be designated as either an area in need of redevelopment or an area in need of rehabilitation; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, authorizes municipalities to enter into contracts for professional service without public bidding; and

WHEREAS, the Township issued a Request for Proposals (RFP) to provide the required professional planning services and, in response to the RFP, the Township received six proposals from professional planning consultants; and

WHEREAS, after review of the proposal the Department of Planning and Community Development recommended that the Township retain Group Melvin Design LLC to prepare the plan; and

WHEREAS, the Township Council has reviewed the Department's recommendation and decided to award a contract to Group Melvin Design LLC to provide the required professional services at a cost not to exceed \$80,282; and

WHEREAS, this contract is being awarded in accordance with the requirements of the New Jersey "Pay-to-Play" Law, N.J.S.A. 19:44a-20.5 et seq.; and

WHEREAS, Group Melvin Design LLC 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 the term of this contract; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and are hereby authorized to execute and attest an agreement with Group Melvin Design LLC to provide professional planning and other services to the Township in connection with the preparation of the Seymour Street Redevelopment Plan at a cost not to exceed \$80,282 and in a form approved by the Township Attorney and subject to a certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that notice shall be published in the Montclair Times stating the nature, duration, service and amount of the attached agreement and that copies of this Resolution and the agreement are on file and available for inspection in the office of the Township Clerk. (R-14-095)

Ayes: Councilors Baskerville, Hurlock, Deputy Mayor Russo, Schlager, Spiller
Nay: Councilor McMahon

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: \$1,373,392.22

REPORTS

Councilor Hurlock welcomed all to participate in the "Celebrate Summer Uptown" initiative beginning June 21, 2014. A directory featuring all participating UMBA businesses will be distributed on the kick-off date. The directory will include deals and events redeemable under the code. "Celebrate Summer Uptown."

Councilor Schlager announced that the Montclair High School Graduation will take place on June 22, 2014.

Deputy Mayor Russo noted the passing of Susan Barone, daughter of Catherine Barone, Montclair resident. He noted his fifteen year tenure as both Montclair Mayor and member of the Township council.

The Deputy Mayor then announced his intention to run for Governor of the State of New Jersey.

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
64 Upper Mountain Avenue
79 Llewellyn Road
5 Prospect Avenue
222 North Mountain Avenue
13 Montclair Avenue

Letter dated May 22, 2014 from Kleinfelder remediation letter re: Former Exxon Station #31062 located 572 Valley Road.

Letter dated June 9, 2014 from Slack Environmental Services remediation letter re: Montclair Child Development Center located at 33 Fulton Street.

Letter dated May 28, 2014 from Synergy Environmental Inc. remediation letter re: Montclair Food and Fuel located at 115 Bloomfield Avenue

Letter dated June 10, 2014 from Eastern Environmental Law Center re: Nishuane Well and the proposed Diversion of State protected Green Acres Open Space in Nishuane Park.

Contract between Township of Montclair and Fire & Safety Services, Ltd. Dated June 3, 2014.
Contract between Township of Montclair and Trico Electric, LLC dated June 6, 2014.

Letter dated March 7, 2014 from DEP re: Montclair Water Bureau.
Letter dated May 19, 2014 from NJDOT re: Fiscal Year 2014 Safe Streets to Transit Grant Program
Letter dated June 4, 2014 re: Park Street (Section1) 2014 Municipal Aid
Letter dated June 11, 2014 from Essex County Board of Taxation re: Estimated Tax Bills

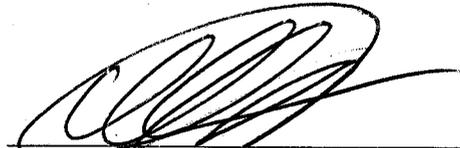
Notice re: Montclair Planning Board hearing on the adoption of the Revised Unified Land Use and Circulation Element of the Montclair Master Plan.

Memo dated April 7, 2014 from Justine Powell re: Concerns on Forest Street

At 9:59 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