

## MONTCLAIR, NEW JERSEY

August 12, 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 7:00 P.M.

STATEMENT OF SUNSHINE NOTICE  
ROLL CALL

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

\*\*\*\*\*

On motion made by Mayor Jackson and duly seconded, the minutes of July 22 and August 5, 2014 were approved as amended by unanimous vote.

\*\*\*\*\*

**PROCLAMATION**

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

- WHEREAS, Long-time Montclair High School field hockey coach Mary Pat Mercuro is being honored on Thursday, August 14<sup>th</sup> at a cocktail and pool party by past, present and future Montclair field hockey players and their families; and
- WHEREAS, The event, which will also serve as a fundraiser for the MHS field hockey team, is being held to celebrate Ms. Mercuro's 20<sup>th</sup> anniversary of leading the program – traditionally one of the best in North Jersey; and
- WHEREAS, As Mary Pat Mercuro begins her third decade as the Mounties head coach she looks back at an impressive record of 292-85-47 which includes two state sectional championships (2010 and 2012) and two county championships (2005 and 2010). Her teams have consistently advanced deep into both tournaments, usually competing with powerhouses Bridgewater-Raritan and West Essex – who Montclair beat in 2010 for the county title. In 2013 the Mounties solidified their unremitting work ethic with an upset of the Number 1 team, Oak Knoll; and
- WHEREAS, In addition to her success in guiding the girls on the field, Ms. Mercuro is also committed to ensuring that her players enjoy the game, stressing the importance of teamwork and working to create a well-rounded group who know they are fully supported as they work to reach their full potential; now therefore

BE IT RESOLVED that we, the Township Council of Montclair, acknowledge the many contributions and accomplishments of Mary Pat Mercuro, thank her for her hard work and leadership, and wish her and her team continued success in the years ahead.

\*\*\*\*\*

Deputy Mayor Russo and Councilor Spiller offered the following proclamation which was adopted by unanimous vote to her son Tim Koechlin. Mr. Koechlin acknowledged his mother's contributions to the community and thanked the Council for this honor.

- WHEREAS, Patricia Koechlin, Montclair Township Councilmember from 1980 to 1984, celebrated her ninetieth birthday on July 18, 2014; and
- WHEREAS, Mrs. Koechlin served on the very first Township Council - the result of a charter study recommendation and a referendum which authorized a change in Montclair's government from a Commission form to a Council-Manager form. She represented the Third Ward. She also served as a member of the Planning Board from 1984 to 1992; and
- WHEREAS, Patricia Koechlin is a graduate of Radcliffe College with a Bachelor's Degree in Mathematics and a graduate of Montclair State University with a Master's Degree in Mathematics. She worked full time as a statistician for ten years. She was also a tireless civil rights, education, and peace activist. As a member of the League of Women Voters, she promoted democratic participation and worked on issues of importance to Montclair and to New Jersey, including education, land use and tax fairness. In 1967 she was a witness in a precedent-setting case where, for the first time, a victim of housing discrimination was awarded monetary compensation; and
- WHEREAS, Patricia Koechlin and her husband, Bernard, were residents of Montclair for nearly 40 years - raising their six children here - and active community members, contributing their talent and

expertise to the improvement of their community. Through her work with the National and New Jersey Associations for Retarded Citizens (now known as ARC) she worked to advance the rights of the intellectually and developmentally disabled; and

WHEREAS, Mr. and Mrs. Koechlin left Montclair in 1992 to retire in Rockport, Massachusetts where they continued their community involvement; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, congratulate Patricia Koechlin on the occasion of her 90<sup>th</sup> birthday and thank her for the many contributions she has made to our community through her work in government, in the schools and as a volunteer and join her family and friends in wishing her well on this auspicious occasion.

\*\*\*\*\*

DISCUSSION:

Linda Wanat, Municipal Clerk presented the following Certification of Signatures in support of a petition for paid sick days for private employees who work for the Township of Montclair.

I hereby certify, as required by N.J.S.A. 40:69A-187, that my office conducted a review of the initiative petition filed with my office regarding the above-referenced matter, which completed petition was filed on or about August 5, 2014. Based upon that review, I have made the following determinations:

1. Each paper of the petition has a proper statement of the circulator as required by N.J.S.A. 40:69A-186, to the effect that the circulator personally circulated the paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purported to be.
2. The petition is signed by a sufficient number of qualified voters, such qualification having been determined by comparing the names and signatures on the petition to a list of qualified voters maintained in my office. For purposes of this petition and based on the most recent general election at which member of the General Assembly were elected, the required number of qualified signatures is 1,095.

\*\*\*\*\*

PUBLIC COMMENT

Marcia Marley, President, N.J. Blue Wave, urged the Council to pass the proposed ordinance for "Paid Sick Leave to Private Employees who work in the Township." She stated that this proposal is a win-win situation and can be accomplished at minimal cost.

Joyce Goldman, Essex County Constituent Services Director, reported that a zip line, a 1.7 mile trail and children's playground have been installed at the South Mountain Recreation Complex.

Councilor Hurlock and Deputy Mayor Russo thanked Joe DiVincenzo, Essex County Executive for his initiatives.

Steve Gelsi, 392 N. Fullerton Avenue, thanked the Council for the recent street paving project in his area.

O'Kenfe Lebarty, N.J. Citizen Action Organizer, read the following into the record:

New Jersey Citizen Action, (NJCA) is the state's largest independent citizen watchdog organization representing 60,000 family members and more than 200 organizations in Montclair and other parts of the state working to ensure that all New Jersey workers are able to take time off without risking their jobs when they are sick.

MJCA is also part of the New Jersey Time to Care Coalition – a network of more than 100 groups who are working to bring work and family balance so that New Jerseyans are covered under a paid sick day's policy, Family medical leave and minimum wage.

Let me state that the need for a paid sick day policy has never been more urgent. Right now, New Jersey has more than 1.2 million workers who have no paid sick days. These workers, the majority of whom are low wage earners and minorities, are forced to work sick or to stay home and lose critical income, or worse, their jobs. When working families have enough money in their pockets to cover the basics, that helps the whole economy. Losing even a day's wages or worse, a job – undermines families' ability to contribute to the economy and forces many to rely on public programs to keep their families afloat.

It is well known that, losing a job or even a day's pay for taking a sick day undermines workers' ability to spend on the basics, and to keep the economy going. We are encouraging the Montclair City Council to do what is right.

NJCA fully supports the earned sick day's ordinance, which guarantees that all private sector workers will be able to earn a minimum of sick days to care for themselves and their family members if they get sick.

The common sense ordinance is good for workers, good for employers and good for parents.

Jeffrey Beck, owner and operator of East Side Mags, a comic book store on N. Fullerton, added his support to the proposed sick pay ordinance and urged the Council to adopt it this evening.

Allen Myers, representing Blue Wave, N.J. explained the impact paid sick days would have on children's health. He stated that cafeteria employees who engage in work while ill put children at risk.

Richard Quiroz, 69 Cambridge Road and his neighbor Ed Rights, asked how his neighborhood would be affected by new parking rules on Oxford Street and expressed concern over parking and safety issues. Councilor McMahon explained the process for residents to request specific parking regulations for their street.

Margo Sage-El, owner of Watchung Book Sellers endorsed the proposed "sick Pay" ordinance and urged its' swift passage.

Deborah Cornavaca, N.J. Working Families provided statistics regarding the lack of paid sick leave and its impact both on the loss of workers' jobs (primarily low income workers) and the economy in general.

Deputy Mayor Russo expressed his strong support for the paid sick leave ordinance.

Councilor Schlager concurred and urged the Council to pass this proposed ordinance.

Councilor Spiller offered his support and stated that he was fully prepared to act on the ordinance this evening.

Councilor Hurlock stated that he needed to further review the ordinance before moving forward.

Councilor McMahon also questioned the ability for the municipality to enforce such an ordinance.

Mayor Jackson acknowledged that he had a problem with local government becoming involved with private enterprise and was troubled by lack of government compliance in the ordinance. He requested additional information.

The Council decided to take no action on the proposed ordinance at this time.

\*\*\*\*\*

#### ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III (PARKING, STANDING AND STOPPING)." (0-14-024) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

The pending ordinance entitled: "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF TRUCKS AND EQUIPMENT IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,240,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,178,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF." (0-14-025) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

The pending ordinance entitled: "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$458,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$435,300 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF." (0-14-026) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

The pending ordinance entitled: "BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$1,370,000 FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$1,301,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF." (0-14-027) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

The pending ordinance entitled: "ORDINANCE TO AMEND THE 2012 through 2014 OPEIU SALARY ORDINANCE." (0-14-028) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

The pending ordinance entitled: "ORDINANCE TO AMEND CHAPTER 136 OF THE CODE OF THE TOWNSHIP OF MONTCLAIR (Rain Barrels)." (0-14-029) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

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

**Ab: Councilor Baskerville**

\*\*\*\*\*

The pending ordinance entitled: "Montclair Code, Chapter 297." (0-14-030) passed first reading July 22, 2014 and upon second reading the title thereof was read by the Clerk who then reported that it has been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was on file in the office of the Municipal Clerk.

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

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

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

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

NEW BUSINESS – ORDINANCES 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 September 16, 2014.

**"AN ORDINANCE OF THE TOWNSHIP OF MONTCLAIR, LOCATED IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, CANCELLING CERTAIN PREVIOUSLY AUTHORIZED CAPITAL IMPROVEMENT (PROJECT) BALANCES IN THE SUM OF \$1,468,741.77" (O-14-31)**

The motion was adopted by the following vote.

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

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 September 16, 2014.

**"ABANDONED VEHICLES –ORDINANCE" (O-14-32)**

The motion was adopted by the following vote.

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on September 16, 2014.

**"MONTCLAIR CODE, CHAPTER 297, ARTICLE II IS REPEALED IN ITS ENTIRETY, AND THE FOLLOWING IS SUBSTITUTED" (O-14-33)**

The motion was adopted by the following vote.

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Township of Montclair has received a report of audit for the year ending December 31, 2013; and

WHEREAS, the New Jersey Division of Local Government Services requires that the Chief Financial Officer submits a Corrective Action Plan for all recommendations in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditor,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, County of Essex, State of New Jersey, that the Corrective Action Plan for the 2013 Annual Audit is hereby approved; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services. (R-14-124)

\*\*\*\*\*

WHEREAS, N.J.S. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the fiscal year ended December 31, 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations," and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the Group Affidavit Form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance. (R-14-125)

\*\*\*\*\*

WHEREAS, the Township of Montclair wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant No. P-5792-13); and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Montclair for the purpose described in this application; and

WHEREAS, the Township Council has reviewed the application and has approved said request; now therefore,

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

1. As a matter of public policy, the Township of Montclair wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the Township of Montclair.

- 3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
- 4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized. (R-14-127)

\*\*\*\*\*

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 New Jersey Department of Education, Non-Public Nursing Aid in the amount of \$160,486 and wish to amend its 2014 budget in the sum of \$160,486 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:  
 New Jersey Department of Education  
 Non-Public Nursing Aid 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 \$160,486 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:  
 New Jersey Department of Education  
 Non-Public Nursing Aid 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-14-128)

\*\*\*\*\*

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that Township Manager Marc D. Dashield be and he hereby is authorized to execute a Shared Services agreement between the Borough of Glen Ridge and the Township of Montclair to determine a cost-sharing arrangement for renovations to Washington Field. (R-14-129)

\*\*\*\*\*

Whereas, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

Whereas, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 15 through September 1, 2014; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, declares it's support for the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown* from August 15 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving. (R-14-135)

\*\*\*\*\*

WHEREAS, the Tax Collector of the Township of Montclair has previously issued a tax sale certificate to MMU, DBP, which certificate is dated October 22, 2013 covering premises commonly known as Block 4704, Lot 14 as set out on the municipal tax map then in use which certificate bears number 13-00095; 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-14-136)**

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

**Regular Agenda Items**

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

WHEREAS, the elevator currently located at 647 Bloomfield Avenue is inoperable with antiquated components that are no longer manufactured and can neither be replaced nor repaired; and

WHEREAS, the Township of Montclair requires a functioning elevator at the Public Safety Building located at 647 Bloomfield Avenue for compliance with the Americans with Disabilities Act of 1990; and

WHEREAS, the Township of Montclair retained the services of CBA Elevator Consultants, LLC of Hackensack, New Jersey to assist with the modernization of the elevator located at 647 Bloomfield Avenue; and

WHEREAS, Otis Elevator Co. of 105 Fairfield Road, Fairfield, NJ 07004 provided the lowest qualified bid on Bid # 14-14 to provide such a product; and

WHEREAS, CBA Elevator Consultants, LLC has identified Otis Elevator Co. as the most qualified of the submitted bids and has recommended that the Township of Montclair enter into a contract with Otis Elevator Co.; and

WHEREAS, the Township of Montclair desires to modernize the elevator located at 647 Bloomfield Avenue, manufactured as per advertised bid specifications, for a price of \$140,040.00; now therefore,

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township enter into an agreement with Otis Elevator Co. of 105 Fairfield Road, Fairfield, NJ 07004 for the modernization of one (1) elevator manufactured as per advertised bid specifications, to be utilized at the Public Safety Building located at 647 Bloomfield Avenue in an amount not to exceed \$\$140,040.00 from the account deemed appropriate by the Chief Financial Officer and pending Certification of Funds by the Chief Financial Officer. **(R-14-126)**

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

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

WHEREAS, the Township of Montclair has requested traffic signalization at the intersection of Lloyd Road and Bloomfield Avenue (County Route 506); and

WHEREAS, Michael Maris Associates, Inc. has completed a warrant study determining that such signalization is appropriate; and

WHEREAS, The County has agreed to reimburse the Municipality for 67% of the cost of such signalization; 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 they are hereby authorized to execute and attest an agreement with the County of Essex for traffic signalization at the intersection of Lloyd Road and Bloomfield Avenue (County Route 506). A copy of said agreement is attached hereto and made a part hereof. **(R-14-130)**

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

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

WHEREAS, on August 6, 2014 the Township of Montclair opened and read bids for Glenwood Road roadway improvements, as prescribed by law; and

WHEREAS, the 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, Lancha Construction of South River, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$535,345.07; 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; and

WHEREAS, there is a need for protection and maintenance of traffic during the course of construction, which shall be provided by off-duty officers of the Montclair Police Department; 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 Lancha Construction for Glenwood Road Improvements in the amount of \$535,345.07 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, by the Council of the Township of Montclair, in the County of Essex, that an agreement with Montclair Police for Traffic control in the amount of \$19,600.00 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-14-131)**

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

**Ab:** Councilor Baskerville

\*\*\*\*\*

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

WHEREAS, on August 6, 2014 the Township of Montclair opened and read bids for Fernwood Avenue roadway improvements, as prescribed by law; and

WHEREAS, the 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, Lancha Construction of South River, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$316,458.70; 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; and

WHEREAS, there is a need for protection and maintenance of traffic during the course of construction, which shall be provided by off-duty officers of the Montclair Police Department; 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 Lancha Construction for Fernwood Avenue Improvements in the amount of \$316,458.70 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, by the Council of the Township of Montclair, in the County of Essex, that an agreement with Montclair Police for Traffic control in the amount of \$19,600.00 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-14-132)**

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

**Ab:** Councilor Baskerville

\*\*\*\*\*

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

WHEREAS, the commuter parking lots in the Township of Montclair are underutilized on weekends; and

WHEREAS, the Township believes it to be in the best interest of the public to promote use of the lots on weekends;

WHEREAS, Parkmobile pay-by-phone system allows drivers to park in permit spaces in commuter lots using their system: now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Montclair Parking Utility be and it hereby is authorized to develop a program with Parkmobile to offer a set maximum fee of \$2/day at commuter lots within the Township on weekends. **(R-14-133)**

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

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

WHEREAS, the Municipal Clerk has received a Special Ruling from the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control, authorizing the approval of the renewal of Inactive Plenary Retail Alcoholic Beverage Consumption License No. 0713-33-013-013, now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that subject to compliance by the licensee 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 License, terminating June 30, 2015 to Dick Grabowsky, LLC, 499-501 Bloomfield Avenue, License No. 0713-33-013-013. **(R-14-134)**

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

On motion made by Councilor Spiller and duly seconded, the resolution was adopted by the following 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 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 proposals 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 \$35,500; 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 Phillips Preiss Grygiel, 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 \$35,500 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-14-137)**

**Ayes:** Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
**Ab:** Councilor Baskerville

\*\*\*\*\*

On motion made by Councilor Schlager and duly seconded, the resolution was adopted by the following 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: **\$1,219,224.95**

\*\*\*\*\*

### REPORTS

Councilor Spiller announced a Field Hockey Fund Raiser, Thursday, August 14, 2014, cost \$25. For more information call Pedal Montclair 973-746-0741.

Councilor Schlager invited residents to attend a Community Meeting on Wednesday, August 27, 7:00 p.m. at the Frog Hollow Center to discuss plans to transition the building to a community policing center. Township Manager Marc Dashield and Sgt. Tyrone Williams will be present.

She announced the dedication of the Greenwald Family eight Station Fitness Course at Rand Park. She also reported the following improvements to the Edgemont Park Shelter House.

1. New roof
2. New Kitchen courtesy of Parsons Cabinetry
3. Several benches courtesy of Boy Scout Patrick King.

Councilor Hurlock attend a successful Church Street concert sponsored by Outpost in the Burbs and BID.

Other events:

The grand opening of the Mountainside Tennis Court will take place on Friday, August 15 at 9:30 a.m.

The annual Upper Montclair Business Association Sidewalk Sales will be held on September 20, 2014.

Councilor McMahon proudly announced that the Planning Board recently approved two milestone projects:

Montclair Center Hotel Development project and the Montclair II 40 unit residential project. He announced the Montclair Ambulance Unit 16<sup>th</sup> Anniversary Golf outing on September 15.

Deputy Mayor Russo reported that the St. Sebastian Feast will take place on August 20 through 24 at Kaveny Field, Walnut Street. He invited Mayor Jackson to be a guest at his Urban Administration Class at Montclair State University. He also urged all to attend 9/11 memorial services within the Township and Essex County site.

Township Manager Marc Dashield, reported on a meeting with Montclair State University and Glen Ridge regarding storage of "brine" and other snow removal initiatives.

\*\*\*\*\*

### 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

55 Aubrey Road  
 16 Erwin Park  
 167 Harrison Avenue  
 16 Marion Road  
 92 Cooper Avenue  
 579 Highland Avenue  
 712 Grove Street  
 68 Prospect Avenue  
 223-227 Bellevue Avenue  
 63 Myrtle Avenue  
 37 Aubrey Road

Letter dated July 28, 2014 from DEP, re: Ground Water Remedial Action Permit – 632 Valley Road aka Lukoil Service Station #57285

Letter dated July 30, 2014 from DEP, re: Bellevue Avenue & Valley Road Ground Water Investigation Site.

Letter dated August 12, 2014 from Synergy Environmental re: Remedial Action – 115 Bloomfield Avenue

Letter dated July 28, 2014 from Monridge Environmental re: Remedial Action Outcome at 9 Willard Place

Letter dated August 11, 2014 re: proposed traffic changes; Parkhurst Place and Rockledge Road.

Tax Collector's Monthly Reports:

6/1/2014 - \$1,886,721.42

Various Resolutions from the Board of Adjustment dated January 13, 2014 through July 16, 2014.

\*\*\*\*\*

At 8:46 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: Personnel matters
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

\*\*\*\*\*

At 9:02 on motion made by Mayor Jackson and duly seconded, the regular meeting resumed.

The Council authorized the Township Manager to sign the Police Officer Young agreement.

On motion made by Mayor Jackson and duly seconded the Agreement was adopted by the following vote:

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

**Ab:** Councilor Baskerville

Mayor Jackson asked if the Building Code allows the municipality to mandate the use of low pressure faucets, showers, etc.

Township Attorney Ira Karasick will research the matter.

Mayor Jackson also asked if there was a fee for the installation of underground irrigation systems. He suggested permits for such systems include a special fee for usage. He also asked if seasonal rates can be applied to water usage.

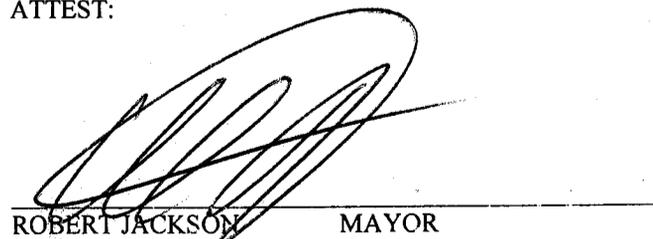
The Council will notify Municipal Clerk Linda Wanat of agenda items to be included at the September 14, 2014 Council retreat.

\*\*\*\*\*

At 9:11 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