

MONTCLAIR, NEW JERSEY

October 21, 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 7:03 P.M.

STATEMENT OF SUNSHINE NOTICE

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor Jackson welcomed new Acting Township Manager, Timothy Stafford.

On motion made by Mayor Jackson and duly seconded, the minutes of October 7th and October 8th were approved by unanimous vote:

PROCLAMATION

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

Congratulating
The Montclair Chapter of Alpha Kappa Alpha Sorority, Inc.
Omicron Xi Omega Chapter
on its 30th Anniversary

WHEREAS In 1908 Alpha Kappa Alpha Sorority became America's first Greek-letter organization established by Black college women. Conceived by Ethyl Hedgeman Lyle at Howard University, she viewed the Sorority as an instrument for enriching the social and intellectual aspects of college life by providing mental stimulation through interaction with friends and associates; and

WHEREAS The Sorority gradually branched out and, after incorporation as a perpetual body in 1913, became the channel through which selected college-trained women improved the socioeconomic conditions in their city, state, nation, and the world. On November 9, 1982, eleven Alpha Kappa Alpha women gathered in Montclair to form a special interest group. Over the next 18 months, more Sorors joined the group and programs of service were established. On

June 30, 1984 Omicron Xi Omega Chapter became the second of three chapters chartered in Essex County, New Jersey. Under the leadership of its first President, Soror Joan Wiggins-Reeves, Omicron Xi Omega Chapter became actively involved with voter registration drives, participated in a national boycott of the Nestle Company, and undertook a special project involving the collection of textbooks for the Haitian community; and

WHEREAS Over the years, the chapter has served the community through programs such as the Ivy Reading AKAdemy, child ID safety programs, and Shoe Boxes for Africa. Sorors have raised money for the Sickle Cell Disease Association of America and the Susan G. Komen Breast Cancer Foundation through their participation in numerous walk-a-thons. This award winning chapter has been recognized in the North Atlantic Region on numerous occasions and they continue to partner with various community organizations and, in addition, work with the Township to engage community residents in a productive dialogue regarding the public budget; and

WHEREAS On Sunday, November 8, 2014, the Montclair Chapter of the Alpha Kappa Alpha Sorority, Incorporated Omicron Xi Omega Chapter will celebrate its 30th Anniversary with a scholarship luncheon. Each year the Montclair Chapter has awarded well over \$100,000 in scholarships to young students from the Montclair area. In 2012, the Doris H. Coleman Butterfly Scholarship was established to assist college students with the purchase of books; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, congratulate the Montclair Chapter of the Alpha Kappa Alpha Sorority, Incorporated, Omicron Xi Omega Chapter on its 30th Anniversary, commend them for their years of service to the community and wish them continued success in the future.

Councilor Hurlock presented the proclamation celebrating the Tenth Anniversary of Montclair State University Kasser Theatre to Jedediah Wheeler, Executive Director, Office of Arts and Cultural Programming.

The Kasser Family

WHEREAS on the evening of November 1, 2014, Montclair State University will celebrate the 10th anniversary of the Alexander Kasser Theater, which was named in memory and honor of Alexander Kasser, a longtime Montclair resident and patron of the arts whose many accomplishments include being awarded the title of "Righteous Among the Nations" and whose name was added to those on the Wall of Honor at Yad Vashem in Israel for his humanitarian activities during World War II; and

WHEREAS Alexander and Elizabeth Kasser's enthusiasm for and love of the arts, along with their awareness of the importance of supporting the arts and philanthropy, was handed down to their children, Mary Kasser Mochary and I. Michael Kasser, who have made possible the construction of the Elisabeth A. Kasser Wing at the National Museum of Women in the Arts in Washington, DC, which opened in 1997, and the Alexander Kasser Theater at Montclair State University, Upper Montclair, New Jersey, which opened its doors to audiences in 2004; and

WHEREAS As passionate patrons of the arts, building upon the proud legacy of their parents, Mary Kasser Mochary and I. Michael Kasser have established the Kasser Mochary Family Foundation, which makes available to museums across the country an impressive collection of masterworks; and

WHEREAS Mary Kasser Mochary, the first Montclair Mayor under the Council-Manager form of government from 1980 to 1984, is a dedicated public servant on both the local and national levels, who grew up in Montclair; attended College High School, which was located on the Montclair State University campus; served as the Principal Deputy Legal Advisor to the Secretary of State for the United States Department of State; and now sits on the Board of Trustees of the National Museum of Women in the Arts, and

WHEREAS The Alexander Kasser Theater has become the creative home to a wide range of accomplished performing artists as well as the talented students of Montclair State University's highly regarded performing arts programs, and

WHEREAS The lives of both the students of Montclair State University and the residents of the communities that surround the campus have been enriched by the wealth of performances that annually take place at the Alexander Kasser Theater; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, to commemorate the 10th Anniversary of the Alexander Kasser Theater, hereby honor Mary V. Kasser Mochary and I. Michael Kasser and declare November 1, 2014 to be Kasser Family Appreciation Day, to acknowledge the ways in which Montclair has been enriched by the philanthropic and civic contributions of the Kasser family.

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, referenced R-14-158 for the purchase of new packers for the Community Services department and asked if the Council had given consideration for outsourcing the Township's refuse function. Mayor Jackson explained the Council's decision not to outsource, because although it may offer some savings, it limits the municipality's need for flexible use of its public works' vehicles.

Joan Berra, 14 Oxford Street, stated that a parking problem still exists on that street while awaiting adoption of the pending ordinance on November 17. She asked for a definite date when four-hour parking rules will be in effect and enforceable.

Councilor Baskerville suggested that the Township waive the twenty day adoption period for this pending ordinance.

William Scott, 23 Cedar Avenue, asked the status of an earlier application for installation of a well at Nishuane Park. Township Attorney, Ira Karasick noted that the application was no longer viable. Mr. Scott also stated that the Affirmative Action Plan should be posted on a Township bulletin board. He remarked that it did not appear that the Council utilized prescribed procedures for new hires for the Township Manager's position.

Audrey Hawley, 17 Grenada Place, questioned a bill from Nowell Amarosa, LLC for handling tax appeals. Township Attorney, Ira Karasick explained the process that he handles appeals through the Essex County Tax Court while outside counsel deals with N.J. Tax Court cases. She also queried the Council requiring several other bill list items. Ms. Hawley reiterated concern regarding the hiring process for the new Acting Township Manager.

Steve Drexler, 36 Hawthorne Place, reported that the Montclair Animal Shelter now has 100 volunteers. He asked how they could be best utilized.

COUNCIL COMMITTEE REPORTS

Councilor Baskerville stated that the Civil Rights Commission is investigating the process utilized to hire the Acting Township Manager. Commission members believe that Affirmative Action guidelines were by-passed. The commission will seek additional information from the Council regarding this process.

NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

Gary Obszarny, Director of the Water Utility explained the proposed water rates identified in this ordinance including the new warm weather surcharge. He indicated that all Montclair rates remain low in comparison with those of other municipalities.

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 November 17, 2014.

“ORDINANCE AMENDING SECTION 341-9 OF THE TOWNSHIP CODE TO ESTABLISH NEW RATES FOR WATER PURCHASED FROM THE TOWNSHIP EFFECTIVE JANUARY 1, 2015” (O-14-43)

The motion was adopted by unanimous vote.

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 November 17, 2014.

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 230 –PARKING LOTS” (O-14-44)

The motion was adopted by unanimous vote.

Deputy Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on November 17, 2014.

“2014 MANAGEMENT (NON-UNION) SALARY ORDINANCE AN ORDINANCE CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF” (O-14-45)

The motion was adopted by the unanimous vote.

Councilor Baskerville 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 November 17, 2014.

“ORDINANCE APPROVING LEASE BETWEEN THE TOWNSHIP OF MONTCLAIR AND NEW JERSEY BIKE & WALK COALITION, INC. FOR SPACE IN THE BAY STREET PARKING DECK” (O-14-46)

The motion was adopted by the following vote.

NEW BUSINESS – RESOLUTIONS

Police David Sabagh explained that the cost of Ford Interceptors are approximately \$1,700 more than the Ford Taurus model; also the Interceptor mpg rate is 16 compared with the Taurus mpg rate of 18 mpg. However, Chief Sabagh noted that the Interceptor model (SUV) has more space than either the Ford Taurus or Dodge Charger and appears to be the best choice for police department use.

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

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

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

WHEREAS, the Township is in need of acquiring four (4) 2015 Ford Interceptor Police Vehicles for the Montclair Police Department; and

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

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

WHEREAS, funds for this purpose have been provided for in the 2014 Operating Budget identified by Account Number 4-01-25-240-240-290 in the accounting records of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into agreement with Beyer Fleet, 175 Route 10, East Hanover, New Jersey 07936, for the acquisition of four (4) Ford Interceptor Police vehicles, in accordance with the aforementioned contract and the specifications attached hereto, in an amount not to exceed \$54,704.96 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. An additional and final payment of \$54,705.96 will be due in 2016. **(R-14-147)**

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

WHEREAS, Oscar Brooks Jr. owns the land and premises commonly known as 141 Maple Avenue, Block 4101, Lot 2, on the tax maps of the Township of Montclair; and

WHEREAS, Oscar Brooks, Jr has been certified by the Veterans Administration as an honorably discharged veteran with a service-connected disability evaluated at 100%; and

WHEREAS, the subject property is a one-family residence that the said Oscar Brookes, Jr. occupies entirely as his principal residence; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that pursuant to the provision of N.J.S.A. 54:4-3.30 et seq that the said Oscar Brooks, Jr. be exempt from his 2013, 2014 taxes for the aforesaid property effective December 4, 2013 in the amount of \$532.50 and for 2014 taxes in the amount of \$7,312.35 and as long as he owns and resides at said property and continues to have 100% disability; and

BE IT FURTHER RESOLVED that the Tax Collector of the Township of Montclair be and she is hereby authorized to cancel a total of \$7,844.85 taxes, and refund a total of \$5,937.44 for 2013, 2014 as identified above. **(R-14-157)**

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

WHEREAS, the Township of Montclair requires the replacement of two existing packer trucks identified as DCS-104 and DCS-142; and

WHEREAS, Beyer Bros. Corp. provided the low bid on Bid #14-20 to provide such a product; and

WHEREAS, the Township of Montclair desires to purchase two (2) new 2016 Volvo VHD64B Truck Chassis with 29 Cubic Yard High Compaction Rear Loading Packer Bodies and Snow Plows for a price of \$437,772.00; 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 Beyer Bros. Corp. for the purchase of two (2) new 2016 Volvo VHD64B Truck Chassis with 29 Cubic Yard High Compaction Rear Loading Packer Bodies and Snow Plows in an amount not to exceed \$437,772.00 pending Certification of Funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the funds for this purchase have been appropriated in the 2014 Capital Budget, Account Number C-04-14-025-000-200. **(R-14-158)**

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

WHEREAS, the Township of Montclair requires the replacement of two existing packer trucks identified as DCS-105 and DCS-143; and

WHEREAS, Beyer Bros. Corp. provided the low bid on Bid #14-21 to provide such a product; and

WHEREAS, the Township of Montclair desires to purchase two (2) new 2016 Volvo VHD64B Truck Chassis with 29 Cubic Yard High Compaction Rear Loading Packer Bodies and Diagnostic Package for a price of \$427,996.50; 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 Beyer Bros. Corp. for the purchase of two (2) new 2016 Volvo VHD64B Truck Chassis with 29 Cubic Yard High Compaction Rear Loading Packer Bodies and Diagnostic Package in an amount not to exceed \$427,996.50 pending Certification of Funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the funds for this purchase have been appropriated in the 2014 Capital Budget, Account Number C-04-14-025-000-200. (R-14-159)

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

WHEREAS, on September 10, 2014, the Township of Montclair opened and read bids for *Snow Plowing for the Township of Montclair* for services required by the Township, as prescribed by law; and

WHEREAS, four companies submitted bids to provide snow and ice removal services in accordance with bid specifications; and

WHEREAS, Shauger Property Services, Inc. submitted the lowest responsible unit price bid in accordance with the bid specifications; 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 Shauger Property Services, Inc. to provide Snow Plowing for the Township of Montclair based upon unit prices bid for one year with two – one year renewal options for an amount not to exceed \$200,000.00 for 2014, in account numbers 4-01-26-290-293-236 and T-03-56-286-000-888. \$540,000.00 for 2015, pending adoption of the 2015 municipal budget, in account 5-01-26-290-293-236; and

BE IT FURTHER RESOLVED, that the funds for this purchase will be appropriated in the account numbers listed above. Complete details of the contract are attached hereto and made a part hereof. (R-14-160)

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Montclair Department of Health and Human Services is authorized to apply To the National Association of County and City Health Officials (NACCHO) for Medical Reserve Corp., non-competitive grant in the amount of \$3,500. Funds will be used to purchase disaster preparedness equipment for active Medical Reserve Corporation members. (R-14-161)

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Montclair Department of Health and Human Services is authorized to apply to the National Association of County and City Health Officials (NACCHO) for Challenge Award, competitive grant in the amount of \$15,000. Funds will be used for Disaster Risk Reduction and to conduct a population census to identify households with Senior Citizens, populations with special needs and households with dogs and/or cats. (R-14-162)

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Montclair Department of Health and Human Services is authorized to apply to the Food and Drug Administration (FDA) Retail Food Program Standards grant in the amount of \$18,014. Funds will be used to upgrade the retail food software program and purchase three new PC Tablet computers. (R-14-163)

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

WHEREAS, the Township of Montclair wishes to contract to purchase various equipment and services for fleet vehicles utilized by the Montclair Police Department under the Morris County Cooperative Purchasing Program and State Contracts, and

WHEREAS, the purchase of goods and services by local contracting units under the Cooperative State Plan is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, N.J.S.A. 40A:11-12 provides that the municipality may purchase, without advertising for bids, through this State Contract; and

WHEREAS, Triangle Communications, LLC can provide the desired equipment and services under the Morris County Cooperative Pricing Program, New Jersey State Contract No. 81331 and New Jersey State Contract No. 81343 in the amount of \$40,816.24; and

WHEREAS, the funds for this purpose have been provided for in the 2014 Operating Budget identified by Account Number 4-01-25-240-240-290; now therefore

BE IT RESOLVED by the Township of Montclair, in the County of Essex, that the Council authorizes the purchases of equipment and services for Police fleet vehicles from Triangle Communications, LLC of 2362 Waldheim Avenue, Scotch Plains, NJ 07076 in the amount of \$40,816.24 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's Certification of Funds. (R-14-164)

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

WHEREAS, the Township of Montclair has submitted an application for Municipal Aid for Gates Avenue between South Fullerton Avenue and Eagle Rock Way; now therefore

BE IT RESOLVED that Council of the Township of Montclair formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to officially submit the electronic grant application identified as MA-2015-Montclair Township-00148 to the New Jersey Department of Transportation on behalf of Montclair.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montclair and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. (R-14-165)

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

WHEREAS, the Township of Montclair has submitted an application for Safe Routes to Transit for pedestrian safety improvements around the Walnut Street train station; now therefore

BE IT RESOLVED that Council of the Township of Montclair formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to officially submit the electronic grant application identified as SST-2014-Montclair Township-00019 to the New Jersey Department of Transportation on behalf of Montclair.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montclair and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. (R-14-166)

On motion made by Mayor Jackson and duly seconded, the resolution was adopted 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: **\$1,937,195.46**

REPORTS

Deputy Mayor Russo announced that he will be celebrating his 67th birthday shortly. The Council offered their good wishes.

Councilor McMahon welcomed Timothy Stafford as the Acting Township Manager and also congratulated John Herrmann on becoming Montclair's new fire chief.

Councilor Hurlock thanked all who attended his recent First Ward Community meeting. He joined in welcoming the new Acting Township Manager.

Councilor Spiller reported:

- Support our Public School initiative
- October 31, NAACP Awards at Mayfair Farms at 6:30 p.m.

- November 1, YMCA Annual Recognition Gala

Councilor Baskerville reported:

- October 22, 19th Anniversary of the Day of Ending Massive Incarceration.

Councilor Baskerville and Mayor Jackson participated in today's "Hometown Huddle" Day sponsored by the New York Jets and the United Way and Neighborhood Childcare Center.

- October 23, Tag Sale to benefit Brother to Brother Mentoring Program 9:00 – 3:00 p.m., Montclair High School Atrium.
- October 31, Healthy Heritage Harvest, 6:00 p.m. – 10:00 p.m., Montclair Neighborhood Development Corp., Pine Street Headquarters.

Mayor Jackson announced the upcoming Montclair High School Beefsteak Dinner.

Linda Wanat, Municipal Clerk, added her congratulations to Mr. Stafford and offered the assistance of the Municipal Clerk's office.

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
 20 Norman Road
 142 North Mountain Avenue
 309 Grove Street
 16 Douglas Street
 340 North Fullerton Avenue
 43 Myrtle Avenue
 17 Windsor Place
 3 Parkway

Letter dated October 17, 2014 Department of Environmental Protection re: 2015 Certified Local Government Grant Applications Available on-line.

Letter dated October 16, 2014 Scarinci Hollenbeck re: NJDEP, et al. v. Occidental Chemical, et al. – Special Master/ESI Fund Refund

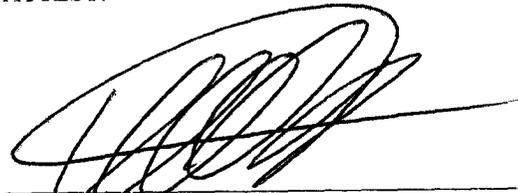
Letter dated October 21, 2014 from Sovereign Consulting Inc. – re: Limited Restricted Response Action Outcome – Site Remediation – 632 Valley Road.

Letter dated October 27, 2014 Kleinfelder – re: CEA Notification letter, 323 Orange Road – Environmental conditions.

At 8:47 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