

MONTCLAIR, NEW JERSEY

November 10, 2014

The Council of the Township of Montclair, in the County of Essex, met in the Second Floor Conference Room in the Municipal Building, 205 Claremont Avenue, for a Conference meeting at 7:03 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL

Present: Mayor Jackson, Deputy Mayor Russo, Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller
Absent: None

On motion made by Mayor Jackson and duly seconded, the minutes of October 14, and October 21, 2014 were approved by unanimous vote.

PUBLIC COMMENT

Gloria Barter, 147 Walnut Street, retired teacher, speaking on behalf of her neighbors called attention to unsafe conditions at the corner of Walnut Street and N. Fullerton Avenue. She cited a number of accidents at the intersection. Ms. Barter requested that a traffic signal or four-way stop sign be installed at that intersection for safety reasons.

DISCUSSION

Receive: Gary Obszarny, Director of Utilities

Mr. Obszarny reviewed the following:

- Rates for transfer of water
- Fire lines (stand-by fees – not adjusted since 2003)
- Connection fees (not adjusted since 2009)
- 25 year outlook one million gallons per day (recommended as the best savings)
- Comparison of purchased from N.J. District Water Supply Commission water compared to implementation of Nishuane Well.

The Council discussed the various options for providing a sufficient water supply to the municipality including leasing, purchasing or construction of a new well.

The Council asked Mr. Obszarny to ascertain the cost of a ten year lease with the North Jersey District Water Supply Commission or Kearney including an early buy out option.

Township Attorney's Report

Township Attorney, Ira Karasick referenced a recent letter from the General Services Administration regarding the former social security building.

Municipal Clerk's Report

Municipal Clerk, Linda Wanat announced that a list of Boards, Commissions and Committee vacancies will be distributed to the Council at the end of the month.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Township of Montclair is required by N.J.S.A. 40A:9-140.10 to employ a Chief Financial Officer; and

WHEREAS, the Township's current Chief Financial Officer's employment will end as of November 14, 2014; and

WHEREAS, Anthony Blasi, the Township Comptroller, is a Certified Municipal Finance Officer and is qualified to serve in the position of Chief Financial Officer; and

WHEREAS, Anthony Blasi has agreed to serve as Acting Chief Financial Officer; and

WHEREAS, the Township is actively seeking a new Chief Financial Officer; now therefore

BE IT RESOLVED, that Anthony Blasi is hereby appointed Acting Chief Financial Officer, in addition to his position as Comptroller; and

BE IT FURTHER RESOLVED, that this appointment shall terminate in the event of and at such time as a Chief Financial Officer is appointed. **(R-14-167)**

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

WHEREAS, Fiber Technologies Networks, LLC ("Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBP") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Municipality to occupy public rights-of-way within the Municipality for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, it is deemed to be in the best interest of the Municipality and its citizenry, particularly including the commercial and industrial citizens, for the Municipality to grant municipal consent to Fibertech to occupy the public rights-of-way with the Municipality for this purpose; and

WHEREAS, the granting of such consent is and shall be conditional upon Fibertech's continued compliance with all existing and future ordinances of the Municipality and its entering into a written agreement with the Municipality to, inter alia, indemnify and hold the Municipality harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

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

1. That non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Municipality for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years.
2. The within granted permission is conditioned upon Fibertech entering into the attached Agreement with the Municipality and providing liability and property damage insurance coverage.
3. The Mayor and Municipal Clerk are hereby authorized to execute an agreement in form and substance consistent with the attached, as approved by the Township Attorney.
4. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk. **(R-14-168)**

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

WHEREAS, the Block 2205, Lot 715X is a condominium unit (the "Unit") located at 48 South Park Street, in Township of Montclair; and

WHEREAS, the Unit makes payments in lieu of taxes to the Township pursuant to a Financial Agreement Herod Urban Renewal LLC and the Township dated March, 2008; and

WHEREAS, Edward and Daisy Gordon (the "Owners") are the record owners of the Unit; and

WHEREAS, the Owners have commenced litigation for years 2013 and 2014 in the Tax Court of New Jersey and the Essex County Tax Board, and are prepared to file a complaint in the Superior Court of New Jersey, Chancery Division in order to obtain relief from the overpayments for years 2013 and 2014; and

WHEREAS, the amount of the payment in lieu of taxes has been calculated for years 2013 and 2014 based upon a valuation of \$508,300 for the tax exempt portion, where the parties have agreed that the valuation should have been \$435,100; and

WHEREAS, Township's tax appeal counsel, Nowell Amoroso Klein Bierman P.A. and the Township Attorney have recommended that it is in the best interests of the Township to resolve existing and future litigation by giving the Owners a partial refund of their 2013 and 2014 payments in lieu of taxes, based the difference in valuation, which amounts to \$2,416.33 for 2013 and \$2,494.66 for 2014; now therefore

BE IT RESOLVED, that the Tax Collector is authorized and instructed to refund \$2,416.33 for 2013 and \$2,494.66 for 2014, for a total of \$4,910.99, to Edward and Daisy Gordon, 48 South Park Street, Unit 715. **(R-14-169)**

On motion made by Councilor Schlager 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 be drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: \$1,218,959.64

Preview November 17, 2014 meeting items: Acting Township Manager, Timothy Stafford

- A. Hearing on ordinance regarding parking Oxford Street (O-14039)
- B. Hearing on Ordinance supplementing the Affordable Housing Ordinance (Chapter 65 of the Code of the Township of Montclair) to add a new down payment assistance program and a new voluntary extension of affordability controls program (O-14-040)
- C. *The Council withdrew O-14-041 and offered an amended version (C-1)
Mayor Jackson introduced the 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 December 9, 2014.
- D. Hearing on Ordinance to amend the Traffic Ordinance – Multi-way Stop – intersection at Walnut Street and North Fullerton Avenue (O-14-042)
- E. Hearing Ordinance amending Section 341-9 of the Township Code to establish new rates for water purchased from the Township (O-14-043)
- F. Hearing on Ordinance amending/creating an FD and FN parking permit (O-14-044)
- G. Hearing on Ordinance to amend the Management Salary Ordinance (O-14-045)
- H. Hearing on Ordinance authorizing lease for Bike Depot (O-14-046)
- I. Introduce Ordinance to amend the Management 2014 Salary Ordinance – non-union personnel (O-14-048)
- J. Introduce Ordinance to amend Management Salary Ordinance (O-14-049)
- K. Proclamation regarding pancreatic Cancer Awareness
- L. Resolution authorizing the adoption of the Essex County Fire Mutual Aid Plan
- M. Resolution requesting approval of items of Revenue and Appropriation N.J.S.A.: 40A:4-87 2014 Body Armor Grant
- N. Resolution requesting approval of items of Revenue and Appropriation N.J.S.A. 40A:4-87
- O. Resolution declaring an emergency and directing that Ordinance 14-39 Parking on Oxford Street take effect immediately
- P. Resolution regarding bagging of meters during holiday shopping period
- Q. Resolution authorizing the execution of a recycling agreement with Atlantic Coast fibers for the sale and disposition of recyclable materials recovered through the Township's recycling program
- R. Resolution authorizing transfer of fund, N.J.S.A. 40A:4-58
- S. Resolution authorizing the execution of a professional services agreement with Smith Maran Architecture and Interiors, LLC for professional services in connection with redevelopment.
- T. Bill Resolution

Councilor Baskerville requested that a proclamation recognizing the work of Nancy Miller as a member of the Parks and Recreation Advisory Committee be added to next week's agenda.

At 9:45 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