

MONTCLAIR, NEW JERSEY

January 20, 2015

The Council of the Township of Montclair, in the County of Essex, met in the First Floor Council Chamber in the Municipal Building, 205 Claremont Avenue, for a Regular meeting at 7:04 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 December 22, 2014, and January 6, 2015 were approved by unanimous vote.

PROCLAMATION

On motion made by Mayor Jackson and duly seconded the following Proclamations were adopted by unanimous vote:

*PROCLAMATION
IN MEMORIAM
Cheryl McCoy*

WHEREAS The Council of the Township of Montclair notes with sadness the passing, on April 20, 2014, of lifelong Montclair resident Cheryl McCoy who will be remembered at a celebration to be held on January 3, 2015 at the Montclair Public Library at 9:30 a.m.; and

WHEREAS A graduate of Montclair High School, Ms. McCoy served her community as a librarian at the Montclair Public Library for over 40 years. In the mid-1970s, Cheryl oversaw a community outreach branch of the Montclair Public Library, N.I.C.H.E. (Neighborhood Information Center Helps Everyone), where she, along with other community members, worked tirelessly to provide the Montclair community with much needed informational and referral services; and

WHEREAS In 1979 Ms. McCoy was appointed assistant director of the library, and in July 2002, a year after serving as interim director, Ms. McCoy became the first African-American director of the Montclair Public Library. During her career, she also made herself available to other community organizations, such as the Montclair Child Development Center, the Black Library Network of New Jersey, the Public Library Association's Community Information Promotions Committee, and the Essex County Youth and Economic Rehabilitation Commission; and

WHEREAS A mentor and friend to many, Ms. McCoy was a community activist who loved her community, knew it well and worked tirelessly to share her knowledge and love with all those with whom she came in contact. As the Director of the Montclair Public Library she shared the experience of a veteran librarian for the guidance of younger members of her chosen profession; now therefore

BE IT RESOLVED that the Council of the Township of Montclair expresses the thanks of a grateful community for the contributions of Cheryl McCoy and extends its sympathy to her family and friends.

merge fire services with several other Essex County municipalities. To date, there has been no movement on either proposal.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 249, ARTICLE I ENTITLED "REGISTRATION AND MAINTENANCE" (O-15-001) passed first reading January 6, 2015 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.

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 unanimous vote.

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 202, ARTICLE II ENTITLED "ZONING BOARD OF ADJUSTMENT" (O-15-002) passed first reading January 6, 2015 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.

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 unanimous vote.

The pending ordinance entitled: “2015 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-15-003) passed first reading January 6, 2015 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.

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 unanimous vote.

Sandy Sorkin, 3 Marquette Road, suggested that the duties of this position might be expanded to include servicing other neighboring shelters in a shared service scenario.

NEW BUSINESS – RESOLUTIONS

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

24" DBH - \$485.00, 25"-36" DBH - \$835.00, Over 36" DBH - \$1,235.00) 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-04-12-031-000-104. Complete details of the contract are attached hereto and made a part hereof. (R-15-007)

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

WHEREAS, the Township of Montclair provides its employees with medical insurance; and

WHEREAS, the Township Manager, along with the Township's insurance broker, have reviewed and negotiated the prescription renewal plan with Bollinger; and

WHEREAS, the negotiated insurance renewal rates are in the best interest of the Township of Montclair; now therefore

BE IT RESOLVED that the Township Manager is hereby authorized to renew the Township's contract with Bollinger for prescription insurance for Township employees for the Fiscal year 2015. (R-15-008)

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

WHEREAS, the Township of Montclair provides its employees with medical and prescription insurance; and

WHEREAS, the Township Manager, along with the Township's insurance broker, have reviewed and negotiated the medical and prescription renewal for fiscal year 2015 with Horizon Blue Cross; and

WHEREAS, the negotiated insurance renewal rates are in the best interest of the Township of Montclair; now therefore

BE IT RESOLVED that the Township Manager is hereby authorized to renew the Township's contract with Horizon Blue Cross for the provision of medical and prescription insurance to Township employees for fiscal year 2015. (R-15-009)

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

WHEREAS, there exists a continued need for specialized legal services in connection with the authorization and issuance of bonds or notes of the Township of Montclair in the County of Essex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of McManimon, Scotland and Baumann, L.L.C., is so recognized by the financial community; and

WHEREAS, McManimon, Scotland and Baumann, L.L.C. has for many years provided the Township of Montclair with highly qualified and professional services as bond counsel; and

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

WHEREAS, this contract is being awarded in accordance with the requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; 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 the Resolution and agreement are on file and available for inspection in the office of the Township Clerk. (R-15-010)

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

WHEREAS, pursuant to prior resolutions adopted by the Township Council, the Township has entered into professional services agreements with the law firm of Genova Burns to provide legal services required by the Township in labor and employment matters and litigation; and

WHEREAS, the Township has a continued need for legal counsel to represent the Township in labor and employment matters and special litigation; and

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

WHEREAS, this contract is being awarded in accordance with the requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; and

WHEREAS, Genova Burns 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 firm 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 Township renew its Professional Services Agreements with the firm of Genova Burns as labor and employment counsel and special litigation counsel for the Township, for the period from January 1, 2015 through December 31, 2015, to perform such legal work and provide legal services as directed; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to execute and attest the annexed agreement with Genova Burns for provision of the aforementioned legal services for the period from January 1, 2015 through December 31, 2015; 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-15-011)

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

WHEREAS, Nowell Amoroso Klein Bierman, P.A. has represented the Township in connection with real estate tax appeals filed with the Essex County Board of Taxation and the New Jersey Tax Court, and in other tax matters; and

WHEREAS, Nowell Amoroso Klein Bierman, P.A. continues to represent the Township in tax appeals which remain pending in the New Jersey Tax Court; and there exists a continued need for the Township to engage experienced legal counsel with special expertise and experience in real estate taxation and the representation of municipalities in real estate tax appeals; and

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

WHEREAS, this contract is being awarded in accordance with the requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; and

WHEREAS, Nowell Amoroso Klein Bierman, P.A., 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 FURTHER RESOLVED that the Township Clerk shall publish notice in the Montclair Times stating the nature, duration, service and amount of this Professional Services Agreement, and further stating that copies of this Resolution and the agreement are on file and available for inspection in the Township Clerk's office. **(R-15-012)**

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

WHEREAS, the Township wishes to contract for the services of a municipal auditor; and

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

WHEREAS, this contract is being awarded in accordance with requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; and

WHEREAS, McEnerney, Brady & Company, 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 term of this contract; 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 McEnerney, Brady & Company, LLC to serve as municipal auditor for the year 2015, for the sum of \$76,500.00, in accordance with the proposal on file in the Township Clerk's Office; 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-15-013)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that LINDA BOWERS be and she hereby is REAPPOINTED to serve as a member of the PARKS AND RECREATION ADVISORY COMMITTEE effective immediately and terminating December 31, 2017. **(R-15-014)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that ADEOLA WHITNEY be and she hereby is APPOINTED to serve as a member of the PARKS AND RECREATION ADVISORY COMMITTEE effective immediately and terminating December 31, 2017. **(R-15-015)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that WENDY YOUNG is hereby APPOINTED to serve a MEMBER of the CIVIL RIGHTS COMMISSION for a term commencing immediately and terminating December 31, 2017. **(R-15-016)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that KRISTA GRINKIN be and she hereby is APPOINTED to serve on the Montclair Early Childhood Corporation for a term commencing immediately and terminating on July 1, 2017. **(R-15-017)**

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that BARBARA CHASE MARGARET CONROW ANITA GEEFINGER ANN LIPPEL and MARGARET PINKMAN be

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that CYNDI ROBINSON, RAYMOND PECK and MEGAN YORK be and they hereby are APPOINTED to serve as members of the HOUSING COMMISSION commencing immediately and terminating December 31, 2017. (R-15-020)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that COLLEEN ROCHE, TESSA SCHULTZ, WILLIAM SCOTT and PAUL SIONAS be and they hereby are REAPPOINTED to serve as members of the HOUSING COMMISSION commencing immediately and terminating December 31, 2017. (R-15-021)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that CRAIG BRANDON be and he hereby is REAPPOINTED to serve as CLASS II MEMBER of the PLANNING BOARD effective immediately and terminating December 31, 2015.

BE IT FURTHER RESOLVED by the Council of the Township of Montclair, in the County of Essex, that RICH McMAHON be and he hereby is REAPPOINTED to serve as CLASS III MEMBER of the PLANNING BOARD effective immediately and terminating December 31, 2015. (R-15-022)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JANE ASHTON, (Tenant) be and she hereby is APPOINTED to serve as a MEMBER of the LANDLORD TENANT HOUSING ADVISORY COMMITTEE effective immediately and terminating December 31, 2017. (R-15-023)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex that CORLISS SPRUNG be and she hereby is REAPPOINTED to serve as a full member of the Environmental Commission commencing immediately and terminating December 31, 2017.

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that BARBARA HEEDEN be and she hereby is REAPPOINTED to serve as a full member of the Environmental Commission commencing immediately and terminating December 31, 2017.

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that LYLE LANDON be and he hereby is REAPPOINTED to serve as a full member of the Environmental Commission commencing immediately and terminating December 31, 2017. (R-15-024)

Councilor Baskerville moved to appoint William Scott and Jennifer McClain as members of the Traffic/Parking Advisory Committee.

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JENNIFER McCLAIN and WILLIAM SCOTT, be and they hereby are APPOINTED to serve as MEMBERS of the Traffic/Parking Advisory Committee effective immediately and terminating December 31, 2017. The motion was approved unanimously (R-15-025)

REPORTS

Township Attorney, Ira Karasick and Gary Obszarny, Director of Utilities-Water/Sewer met with the New Jersey District Supply Commission to discuss water supply services. He also reported on a meeting with members of the Health Department and the Animal Welfare Advisory Committee to discuss operations and other issues.

Mayor Jackson suggested that the Historic Preservation Commission be involved in this issue. Additionally he suggested that a resolution be drawn by the Township protesting N.J. Transit's proposal.

Mayor Jackson commended Councilor Hurlock for moving quickly on this issue.

Municipal Clerk, Linda Wanat announced that the Township will host an Open Public Records Act seminar on Thursday, January 29, in the First Floor Council Chamber for record custodians. Acting Director of the Government Records Council, Dawn SanFilippo will present an OPRA update to be followed by a question and answer period.

Mayor Jackson provided an update on the acquisition of the former Social Security building by the Township.

Councilor Spiller announced that the Montclair Education Association will hold a Community Building event at Tierney's on Wednesday, January 28, 2015.

Councilor Baskerville, attended a meeting with the Civil Rights Commission and Chief Sabagh to discuss the possibility of the Council forming a Civilian Police Review body. The Council will need more information regarding the composition of this proposed group. She also questioned the amount of salt that was distributed during a recent ice event within the Township.

Deputy Mayor Russo, attended a Unitarian Church film presentation on "Pay to Play". He invited anyone interested to attend his class on "political parties" at Montclair State University every Tuesday and Friday. He also attended the Breakfast to benefit the Dr. Martin Luther King, Jr. Scholarship fund.

Other events:

February 7th Annual Concert for Haiti.
January 24th Girls' Basketball

The Deputy Mayor provided a review of Montclair's shared fire and police services program (regionalization).

Councilor Schlager attended a productive Pedestrian Traffic Safety Committee meeting. This group will attend the February 10, 2015 Council meeting and provide a full report on their activities

Councilor Schlager was honored to be the Keynote Speaker at Glenfield Middle School's Martin Luther King event. She also attended a recent "Brother to Brother" program and announced an upcoming "Sister to Sister" Tea.

Councilor Schlager expressed her delight that there is now skating on Edgemont Pond. She thanked Rob Bianco and Pat Brechka for their efforts. The Council will consider the installation of permanent lighting at that site.

She also announced ongoing communication with Frog Hollow residents regarding the possibility of a Museum and Cultural Center in that neighborhood.

Councilor McMahon reported that a student group distributed smoke detectors, smoke alarms and safety literature to residents in the Fire Headquarters' neighborhood as part of the Martin Luther King Day of Service initiative.

From: NJDEP – No further Action Letter
604 Grove Street
17 Valley Road
9 Edgemont Road
99 North Mountain Avenue
7 Sunset Park
66 Plymouth Street
321 North Fullerton Avenue
605-607 Valley Road
183 Claremont Avenue
18 Parkhurst Place
104 Summit Avenue

Letter dated January 8m, 2015 from Tectonic re: amendments and supplements to the Response action Outcome dated September 23, 2014. – 24 North Fullerton Avenue

Shared Services Agreement between the Township of Montclair and Glen Ridge (Washington Field) dated September 2013.

Notice of Hearing dated January 6, 2015 – Glenridge and North Willow Construction Co., owner of property located at 161-167 Glenridge Avenue filed an application with the Planning Board to do construction.

Letter dated January 8, 2015 from the Township of West Orange adopting Resolution 26-15 Opposing the Pilgrim Pipeline Project.

Resolution offered by Council Member Green of the City of East Orange in support of State Grand Jury Reform.

Tax Collector’s Monthly Report:
November 1, 2014 – 38,812,084.96
December 1, 2014 – 2,918,971.00

Letter dated December 19, 2014 from the Department of Environmental Protection re: Progress Report/RAW Approval – 13 Trinity Place

Letter dated January 8, 2015 from the Department of Environmental Protection re: Public Hearing – request to remove Upper Montclair Railroad Station from the New Jersey and National Registers of Historic Place.

Letter dated January 7, 2015 from the Department of Environmental Protection re: On-Scene Coordinator Residential Discharge Authorization Approval – 130 Gates Avenue.

Letter from Kivitz, McKeever Lee, PC letters re: 66 Orange Road and 13 Washington Street re: nuisance or code violations.

At 7:59 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