

MONTCLAIR, NEW JERSEY

February 10, 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 February 3, 2015 was approved by unanimous vote.

PROCLAMATION

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

*Declaring
Mark Herzlich Day
in Montclair*

WHEREAS Mark Herzlich, NFL linebacker with the New York Giants, is being presented with the 2014 HackensackUMC Mountainside Hospital Virginia Harkness Sawtelle Department of Radiation Oncology Person of the Year award on February 16, 2015 at Noon at the Hackensack UMC Mountainside Hospital Auditorium; and

WHEREAS While attending Boston College where he was a First-team All American and the ACC Defensive Player of the Year, Mr. Herzlich was diagnosed with Ewing's Sarcoma, missing the entire 2009 football season. He overcame this rare form of bone cancer and earned numerous honors for his courage and outreach. In 2010 he returned to the football field and won the Rudy Award and ACC's Brian Piccolo Award. In January 2011 he received the "Most Courageous Athlete" award from the Philadelphia Sports Writers Association; and

WHEREAS In 2011 Mr. Herzlich was signed by the Giants as an undrafted free agent and was a member of the team when the Giants won the 2011 NFC Championship and the XLVI Super Bowl Championship; and

WHEREAS In his book "What It Takes: Fighting For My Life and My Love of the Game", Mark Herzlich shares the story of his battle with cancer and his struggle to win a place in the NFL emphasizing that for anyone seeking to overcome an obstacle the fight is the victory, no matter what the outcome. He urges readers to have hope, fight hard, and believe in themselves; now therefore

BE IT RESOLVED that on behalf of the Council of the Township of Montclair, I, Mayor Robert Jackson congratulate Mark Herzlich as the 2014 recipient of the Virginia Harkness Sawtelle Department of Radiation Oncology Person of the Year and proclaim February 16, 2015 as

*Mark Herzlich Day
in Montclair, New Jersey*

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, asked the Township Manager to confirm the exact number of stop signs required at the intersection of North Mountain Avenue and Bellevue Avenue. He also suggested that the "Right Turn Only" designation at the intersection of Lorraine Avenue and Valley Road be changed to both a straight and right turn lane.

Mr. Sorkin also believes the release of cats is detrimental to the environment i.e. killing of birds.

Tracy Stock, 36 Malvern Place, Verona, presented information regarding a recent attack on her dog by a pit bull running free in the yard at a Verona home. She is seeking the following resolution to this matter:

1. The Township should file a potentially dangerous dog claim and
2. Issuance of a citation to owners of the two pit bulls on the property where the attack took place.

Jill Sands, 20 Sunset Park, Co-Chair, Project Graduation shared the details of an auto accident which occurred in 2008. Both she and an elderly woman were hit by a driver, the woman was killed and Mrs. Sands incurred several serious injuries.

Judy Kottick, 110 Christopher Street, reported on a New York City traffic incident which took the life of her daughter. She also related two other accidents suffered by Montclair residents.

Chris Decker, 105 Orange Road, commented on the "indifference of drivers" where pedestrian safety is concerned. He is opposed to the increasing number of residents brought into the Township through new residential and hotel development which he believes will impact traffic safety.

Toby Stein, expressed concern regarding damaged curb ramps leading to the Crescent parking area. She also noted icy conditions from Bloomfield Avenue to the Montclair Public Library.

Beth Burstein, 530 Valley Road, reported dangerous conditions on Valley Road, especially at the crosswalk of Bellevue Avenue and Valley Road. She believes distracted drivers may be Montclair State University students and suggested that university representatives become part of any traffic safety conversation. Ms. Burstein also noted unsafe conditions with cars exiting commercial business driveways.

Mayor Jackson asked First Ward Councilor Hurlock to contact Jack Shannon of Montclair State University regarding this issue.

Monica Kurpiewski, 110 Lorraine Avenue, asked how drivers could be discouraged from using this street as a "thoroughfare". She suggested that speeding violations be subject to maximum fines.

Robert Predmore, 42 Brookfield Road, referred to the area between Bloomfield Avenue and Seymour Street and recommended an additional crossing path at Seymour Street.

Jocelyn Hassenfeld, 9 Victoria Terrace proposed that youngsters should be included in addressing traffic safety issues. Other concerns: drivers not stopping at crosswalks and texting while skate boarding.

Abraham Dickersen, 23 Oxford Street, highlighted the danger of individuals who jog in the middle of the street during snow events (especially women with double strollers). He recommended that Channel 34 utilize PSA's to publicize and educate the public regarding traffic and pedestrian safety.

Pedestrian Safety Committee Update

Councilor Schlager provided background on this group which she convened in 2013 and has been fully active. She introduced Norma Tassey, President of "Bike Walk Montclair" and Alex Kent, Coordinator of the "Drive with Care in Montclair" campaign.

The comprehensive report included the following areas:

- Mission statement and campaigns
- Analysis of Crash Data within the municipality between 2003 – 2014.
- Developing a case for grant funding
- Strategic Planning

The report also contained the following action items for consideration:

1. Increase police department resources
2. Re-evaluate speed limits
3. Re-evaluate "right turn" on red
4. Examine Valley Road intersections
5. Provide monthly pedestrian safety updates

A complete copy of the report may be found in the Municipal Clerk's office and on the Township's website.

NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

Councilor Spiller introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on March 10, 2015:

“ORDINANCE TO INCLUDE A CHAPTER IN THE TOWNSHIP CODE THAT IMPOSES A HOTEL AND MOTEL OCCUPANCY TAX” (O-15-007)

The motion was adopted by unanimous vote.

NEW BUSINESS – RESOLUTIONS

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

BE IT RESOLVED BY THE Council of the Township of Montclair, in the County of Essex, that Janice Talley, Director of Planning and Community Development and Councilor Renee Baskerville be and hereby are appointed to serve as Montclair’s representatives to the Essex County Community Development Representatives’ Committee for the year 2015. **(R-15-039)**

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

WHEREAS, the Township of Montclair and the Borough of Glen Ridge wish to engage a professional planning firm to provide professional planning and consulting services in connection with the proposed redevelopment of certain properties associated with Hackensack University Medical Center – Mountainside Hospital; 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 Borough of Glen Ridge and the Township of Montclair jointly issued a Request for Proposals (RFP) to provide the required professional planning services and, in response to the RFP, received two proposals from professional planning consultants; and

WHEREAS, after review of the proposals by Township staff, the Council has decided to award a contract to H2M Architects and Engineers to provide the required professional services at a cost not to exceed \$20,490; and

WHEREAS, the cost of this project will be split with the Borough of Glen Ridge as documented in a separate agreement and will be reimbursed by the developer to be designated; 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, H2M Architects and Engineers 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 H2M Architects and Engineers to provide professional planning and other services to the Township in connection with the proposed redevelopment investigation of the aforementioned properties, at a cost not to exceed \$10,245, and in a form approved by the Township Attorney; 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-15-040)**

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

WHEREAS all of Essex County has exposure to natural hazards that increase the risk to life, property, environment and the County’s economy; and

WHEREAS pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS a coalition of Essex County jurisdictions with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Essex County; and

WHEREAS the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy; now therefore

BE IT RESOLVED that the Township of Montclair:

- 1) Adopts in its entirety, the 2015 Essex County All Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years. **(R-15-041)**

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

WHEREAS, the Township Council has, without diminishing the quality of municipal services, sought to reduce debt, stabilize expenditures, avoid or minimize property tax increases, promote efficiency, and realize savings, large or small, in municipal government operations; and

WHEREAS, the school expenditures, which include both the operating budget and debt service, account for 55% of the total property tax levy; and

WHEREAS, the Township has elected to be a Type I school district (the "District"), in which members of the Board of Education are appointed by the Mayor, and a Board of School Estimate consisting of the Mayor, two Council members, and two Board of Education members, rather than the voters, adopts and certifies the school budget; and

WHEREAS, the Board of School Estimate is charged by statute with the solemn obligation to "fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year" to provide every student in the Township a thorough and efficient education; and

WHEREAS, the District is required to submit an itemized budget to the Essex County Superintendent of Schools no later than March 9, 2015; and

WHEREAS, the last day for Board of Education to provide the itemized budget to the Board of School Estimate is March 23, 2015; and the Board of School Estimate must hold a public hearing on the proposed itemized budget during the period March 23 to March 30, 2015, and must adopt and certify a school budget to the Township Council and the Board of Education no later than April 8, 2015; and

WHEREAS, this state-mandated schedule gives the Board of School Estimate a maximum of 16 days, which in practice has been less, to review the school budget, hold a public hearing, consider the opinions and information presented by the public, and approve and certify a school budget; and

WHEREAS, the members of Township Council, and particularly the three members of the Council who are also members of the Board of School Estimate, are committed to exercising their oversight responsibilities diligently and carefully, to assist the Board of Education in reviewing and submitting a budget that reflects both responsible spending and the high educational standards that our residents demand; now, therefore, be it

RESOLVED by the Township Council of the Township of Montclair, that the Council respectfully requests that the Board of Education provide the Township Council with the proposed budget as early as possible, but no later than March 9, 2015, when the proposed budget must be submitted to the Essex County Superintendent of Schools; and be it further

RESOLVED, that such early submission would be on an informal basis in order to give the Board of School Estimate an opportunity to perform a realistic review of the proposed school budget, and is not a substitute for the formal submission of a budget as required by statute. (R-15-042)

On motion made by Attorney, Ira Karasick and duly seconded, the following resolution was adopted by unanimous vote:

WHEREAS, on December 10, 2014, the Township of Montclair opened and read bids for year 2015 Roadway Milling and Paving (Bid #14-28), as prescribed by law; and

WHEREAS, in conformity with N.J.S.A. 40A:11-13.2, the governing body of the contracting unit has decided to use a State authorized contract pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12).

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that all bids received and opened by the Township on December 10, 2014 for year 2015 Roadway Milling and Paving (Bid #14-28) be and they are hereby rejected. (R-15-043)

REPORTS

Township Manager's Report

Mr. Stafford reported the following:

- Hiring of interim Animal Shelter Director
- Extended employment contract to Human Resources Director
- Scheduled hazmat and sexual harassment training sessions for all Township employees

Councilor Spiller announced that the YMCA, in collaboration with the Anti-Racism Alliance will present an "Undoing Racism" program on March 19, 20 and 21. For details please call: 973-783-0139

He thanked Jack Speers for his outstanding photography exhibit at the Montclair Public Library and his generous donation to both the library and the Community Food Bank.

Deputy Mayor Russo attended the Sixth Annual concert for Haiti. He expounded that education "should not be test driven but reflect the development of the relationship between teachers and students."

Councilor Baskerville thanked the numerous Montclair groups who have provided educational forums regarding testing within the municipality. She suggested that educators should reevaluate the connection between tests and high anxiety and stress levels. She also noted that several Montclair groups and residents were presented with 2015 Grammy Awards including Christian McBride, and Jazz House Kids.

Councilor Baskerville will hold a Fourth Ward Community meeting on February 24, at 7:00 p.m. at the Montclair Fire Headquarters. Topic: Mountainside Redevelopment Projects. She will also seek community input regarding this redevelopment project and the proposed elevator project at the Bellevue Avenue Branch library.

Councilor McMahan invited all to attend the Fourth Annual Montclair Ambulance Unit's St. Patrick's Day Benefit honoring Judith Schumacher Tilton on Saturday, March 7, at the Commonwealth Club. Call 973-783-7624

Councilor Hurlock thanked Township Manager, Timothy Stafford, Officer Rivera, Katie York, and Katya Wowk and Public Work's Superintendent Rob Bianco for attending his recent First Ward meeting. He announced that Saturday, April 11, 2015 between 10:00 a.m. and 2:00 p.m. will be the date of the third annual First Ward Beautification Day.

Councilor Schlager announced that she will hold Second Ward Community meeting on Thursday, February 19, 7:00 p.m. at Edgemont Park Shelter House. Guests: Township Manager, Timothy Stafford, and Sgt. Ricky Cook, Community Policing Officer. She also commented on a very successful concert for Haiti event featuring the Glenfield School band and an Outpost in the Burbs affair.

Councilor Spiller reported that the Sentinel Sixteen police group will hold its second annual Bowling Fundraiser on Saturday, February 28th at 5:30 p.m. Proceeds will be used for their scholarship fund. He asked that the Township provide whatever aid possible to residents with parking problems including enforcement or modification of procedures already in place. He also stated that he agreed with Deputy Mayor Russo and Councilor Baskerville regarding certain student tests.

Mayor Jackson asked for a report regarding underage drinking at a recent gathering between Bloomfield Avenue near Elm Street and what measures were taken to address this incident. He noted with sadness the passing of John Whitehead an outstanding Montclair resident.

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 Myrtle Avenue

Letter dated February 4, 2015 from Ecol Sciences, Inc. re: Site Remediation - 638 Bloomfield Avenue

Letter dated February 3, 2015 from Hatch Mott, McDonald re: Site Remediation – 11 Pine Street

Letter dated February 3, 2015 from Township of Verona, re: Notice Township of Verona Ordinance #2-15

Notice of Intent to Sell Seize Assets – Rorry, Inc. dated January 26, 2015.

Notice- New Jersey Division of Taxation re: Public Auction of Seize Property re: Rorry, Inc. (February 18, 2015)

Letter dated January 21, 2015 re: Former Social Security Building – 396 Bloomfield Avenue, Montclair

Planning Evaluation from Peter G. Steck dated October 2014 re: Montclair Center Redevelopment study

Letter dated 2/26/2015 re: Office of Emergency Management from Kenneth V. Miscia, Jr.

Letter dated 2/27/2015 re: Office of Emergency Management from Kenneth V. Miscia, Jr.

Contract dated December 22, 2014 re: Replacement of Water Mains in Midland Avenue, Wilfred Street and Norwood Avenue – Awarded to Contractor Metra Industries

Planning Board Agenda for the Monday, January 26, 2015 meeting.

Zoning Board of Adjustment – Approval of Resolutions – December 17, 2014 and January 21, 2015

Zoning Board of Adjustment – Sunshine Notice and Agenda for a special meeting on February 4, 2015

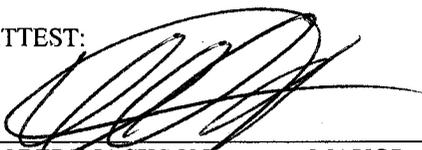
Zoning Board of Adjustment – Public Notice for special meeting on March 4, 2015 and April 1, 2015

Planning Board's Agenda for the Monday, February 9, 2015 meeting.

At 9:26 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