

MONTCLAIR, NEW JERSEY

March 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
PLEDGE OF ALLEGIANCE

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

On motion made by Mayor Jackson and duly seconded, the minutes of February 10, 2015, February 17, 2015 and March 3, 2015 were approved by the following votes.

PROCLAMATION

Councilor Hurlock presented the following proclamation to Rosemarie Mellody which was adopted by the following vote:

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

**CONGRATULATING
Rosemarie Lennon Mellody**

WHEREAS

Rosemarie Lennon Mellody, long time Montclair resident, has been chosen as the Grand Marshal of the 80th Newark St. Patrick's Day Parade – the first woman in the history of the parade to be honored in this way. The parade will be held on Friday, March 13, 2015 at 1 p.m.; and

WHEREAS

Ms. Mellody was born and educated in Ireland and emigrated to the United States in 1964. She and her husband, Harry Mellody, moved to Montclair, New Jersey in 1978 where they raised their three children. She has been involved with the Newark St. Patrick's Parade in various capacities for the past thirty years including serving as General Chairman in 2002. She was the 1999 Deputy Grand Marshal of the Nutley St. Patrick's Day Parade and was also named Irishwoman of the Year by the Montclair Ancient Order of Hibernians in 1996 and honored by the Friends of Brian Born in 1997; and

WHEREAS

Rosemarie Mellody was employed as a welfare representative for the Local 68 Welfare Fund. She currently serves as Corresponding Secretary of the Giblin Association, an Essex County-based civic and charitable organization. She is an active member of the County Longford Association of Greater New York, Inc.; the Cryan Association; the Nutley Irish American Association; the Montclair 4th of July Parade Committee; and the United States Golf Association. As an active fundraiser Ms. Mellody has shared her time and talents coordinating and organizing many benefits, particularly for her children's PTA and Troop 12 Boy Scouts of America in Montclair. An enthusiastic runner, she has participated in the New York and Dublin, Ireland Marathons and many half marathons; and

WHEREAS

Ms. Mellody hails from Ballinamuck, County Longford and is proud of and happy to share her Irish heritage with the residents of New Jersey on this festive occasion; now therefore

On motion made by Councilor Baskerville and duly seconded the following Proclamation was adopted by the following vote:

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

In Observance of
Welcome Home Vietnam Veterans Day on March 30

WHEREAS

In 2011 the United States Senate unanimously passed a resolution to establish a "Welcome Home Vietnam Veterans Day" commemorated each year on March 30 in recognition of the final withdrawal date of all combat and combat-support troops from Vietnam; and

WHEREAS

More than 58,000 members of the US Armed Forces lost their lives in Vietnam and more than 300,000 were wounded. In 1982 the Vietnam Veterans' Memorial was dedicated in the District of Columbia to commemorate those members of the Armed Forces who died or were declared missing-in-action in Vietnam; and

WHEREAS

We reaffirm one of our most fundamental obligations: to show all who have worn the uniform of the United States the respect and dignity they deserve, and to honor their sacrifice by serving them as well as they served us. We pay tribute to the fallen, the missing, the wounded, the millions who served, and the millions more who awaited their return; and

WHEREAS

The observance of "Welcome Home Vietnam Veterans Day" is an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; now therefore

BE IT RESOLVED that we, the Township Council of Montclair, observe March 30, 2015 as Welcome Home Vietnam Veterans Day and urge all citizens and communities to honor Vietnam veterans on this date, and to remember and honor the service of all veterans throughout the year.

Clarence Jackson, thanked the Council for recognition of this "Welcome Home Vietnam Veteran's Day".

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

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

Declaring
March 15-21, 2015 as National Poison Prevention Week in New Jersey

WHEREAS

Unintentional poisoning is the leading cause of unintentional injury death in New Jersey; the majority of these deaths occur in adults between the ages of 20 and 59 and approximately half of all reported poison exposures involve children under the age of six; and

WHEREAS

In 1961 Congress designated the third full week in March to be National Poison Prevention Week (NPPW) as a time to help raise national awareness of the dangers of potentially poisonous medicines, household chemicals and other substances. During this week poison centers across the country will focus the public's attention on identifying poisoning hazards at home as well as learning ways to prevent poisoning emergencies; and

WHEREAS

the New Jersey Poison Information and Education System (NJPIES) provides free, expert medical advice, drug information, and poison prevention education to New Jersey residents

PUBLIC COMMENT

Joyce Goldman, Director, Essex County Constituent Services, announced the following Essex County events:

- Cherry blossom Festival
- Spring/Summer Break Camps
- Arena Skating
- New parking lot at Turtle Back Zoo

Councilor Baskerville asked Ms. Goldman how to address the problems of potholes on Essex County roads. She thanked Ms. Goldman for her responsiveness. Mayor Jackson noted the fine job of snow clearance performed by Essex County during the past few storms.

Analilia Mejia and Marcia Marley provided an update on “earned sick leave initiatives” across the state. They suggested that the Township file an amicus brief in defense of Montclair’s ordinance which is similar to one adopted by the City of Trenton, New Jersey that has been challenged.

William Scott, 23 Cedar Avenue, asked why a January OPRA request regarding the Township’s water supply was not fully disclosed to him. Township Attorney Ira Karasick explained that redactions were necessary because they contained negotiation strategies.

Deputy Mayor Russo joined the meeting.

Audrey Hawley, 17 Granada Place, asked why Ordinances 15-4, 5 and 6 were considered emergency items. Other topics:

- recent conference meeting
- Mr. Bunny celebration
- Redevelopment area at Lackawanna Plaza (T.D. Bank)

Susan Baggs, 51 Cambridge Road, asked how municipal tax abatements (PILOTS) were used in connection with new or redevelopments. She believes that continued use of this strategy would have a negative effect on the municipality in the long term. Mayor Jackson explained the parameters of PILOT vehicles including the higher percentage of tax revenue the municipality is allowed to keep (and used to reduce property taxes).

Kalia Sweatt, 68 Elmwood Avenue, stated that she would like to see “more balance” regarding the location of Township events e.g., Mr. Bunny celebration. She also believes she was mistreated by a Township employee. Mr. Karasick replied that the Township takes complaints seriously and suggested that she report any incidents to the Township Manager.

Carmel Louchman, 26 Walnut Crescent resident, asked the Council to “take a stand” against any construction or demolition in her area in conjunction with any redevelopment or rehabilitation projects.

Nancy Lottinville, representing the A&P Company, owner of the local Pathmark store, expressed concern regarding her client’s inability to protest or present evidence regarding the Montclair Center area in need of redevelopment project. She asked the Council to remove any reference to the use of eminent domain as it applies to this property in resolution 2015—055. Mayor Jackson stated that it was the Township’s intention to work with the supermarket regarding their concerns.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING- CAMBRIDGE ROAD” (O-15-004) passed first reading February 3, 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.

The pending ordinance entitled: "ORDINANCE TO AMEND THE MANAGEMENT (NON-UNION) SALARY ORDINANCE CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF" (O-15-005) passed first reading February 3, 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 the following vote.

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

The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING OXFORD STREET—TIME LIMIT PARKING" (O-15-006) passed first reading February 3, 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 the following vote.

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

The pending ordinance entitled: "ORDINANCE TO INCLUDE A CHAPTER IN THE TOWNSHIP CODE THAT IMPOSES A HOTEL AND MOTEL OCCUPANCY TAX" (O-15-007) passed first reading February 3, 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 the following vote.

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

BLOCK	LOT	ADDRESS
3106	17	5 Seymour Street
3208	1	161-167 Glenridge Avenue
3206	13	4 Lackawanna Plaza
3206	14	160 Glenridge Avenue
3206	15	North Willow Street
3205	19.02	8 North Willow Street
3205	21	10 North Willow Street
3205	25	182 Glenridge Avenue
3205	26	Glenridge Avenue
3205	27	202 Glenridge Avenue
3213	2	11 Lackawanna Plaza
4202	4	Bloomfield Avenue
4202	4.01	233 Bloomfield Avenue

on the tax maps of the Township of Montclair, together with other lots not being designated, can be classified as an area in need of redevelopment; and

WHEREAS, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, on February 9, 2015 the Planning Board held a public hearing evaluating the findings of the "Montclair Center Redevelopment Study " dated October 2014 (the "Study") with respect to the above mentioned properties, and found that the following properties meet the criteria for an area in need of redevelopment;

BLOCK	LOT	ADDRESS
3106	13	43 South Fullerton Avenue
3106	17	South Fullerton Avenue (parking plaza)
3106	10.01	5 Seymour Street
3105	9	396 Bloomfield Avenue
3105	1	370-372 Bloomfield Avenue
3105	2	Seymour Street (South Willow parking plaza)
3213	2	1 Lackawanna Plaza
4202	4	4 Bloomfield Avenue
4202	4.01	233 Bloomfield Avenue

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Montclair, in the County of Essex that based upon the facts and findings contained in the Study, which are adopted by reference and made a part hereof, and the findings of the Planning Board, all made in accordance with N.J.S.A. 40A:12A-6, that the Council of the Township of Montclair does hereby declare the parcels of land known and described above on the Tax Maps of the Township of Montclair to be an area in need of redevelopment; and

BE IT FURTHER RESOLVED that the Township Clerk shall serve, by certified mail, Return Receipt Requested, a copy of this Resolution upon the owners of the above-mentioned lots, as well as any person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent; and

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested and authorized to prepare a redevelopment plan for the property designated by this Resolution as an area in need of redevelopment, which plan may include adjacent properties designated as areas in need of redevelopment or areas in need of rehabilitation.
(R-15-055)

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

Deputy Mayor Russo moved that the term "eminent domain" be removed from the following resolution. The amended motion was approved by the following vote:

WHEREAS, the Township Council desires to have a preliminary investigation made on certain lands and premises within the Township of Montclair to see if the areas hereinafter set forth is in need of redevelopment and/or in need of rehabilitation; and

WHEREAS, the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, excluding the power of eminent domain; and

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, New Jersey does hereby, pursuant to N.J.S.A. 40A:12A-4, request and authorize the Planning Board of the Township of Montclair to undertake a preliminary investigation as to whether the properties identified as the following on the Montclair Township Tax Map can be classified as an area in need of redevelopment or an area in need of rehabilitation;

Block	Lot	Address
4213	1	2 Walnut Crescent
4213	2	4 Walnut Crescent
4213	3	6 Walnut Crescent
4213	4	8 Walnut Crescent
4213	5	12 Walnut Crescent
4213	6	14 Walnut Crescent
4213	7	16 Walnut Crescent
4213	8	18 Walnut Crescent
4213	9	20 Walnut Crescent
4213	10	22 Walnut Crescent
4213	11	8 Claremont Avenue
4213	12	12 Claremont Avenue
4213	22	4 George Street
4213	23	2 George Street
4207	1	Bay Street
4207	2	Sherwood Street
4207	30	34 Sherwood Street
4207	31	32 Sherwood Street

and;

BE IT FURTHER RESOLVED that the Planning Board of the Township of Montclair shall conduct the aforesaid investigation in accordance with the requirements of N.J.S.A. 40A:12A-6; and

BE IT FURTHER RESOLVED that the redevelopment area determination, if such a determination is made, shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, excluding the power of eminent domain; and

BE IT FURTHER RESOLVED that in making its preliminary investigation, the Planning Board shall make its recommendations based upon a finding that the conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present. **(R-15-056)**

Ayes: Councilors Hurlock, Deputy Mayor Russo, Spiller and Mayor Jackson

Nays: Councilor Baskerville

Recuse: Schlager

Absent: Councilor McMahon

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

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Distribution License #0713-44-014-007 issued to Muralan, Inc. t/a A & M Liquors, 9 Park Street, Montclair, for the purpose of relocating the premises under the said license to 517 Bloomfield Avenue wherein the sale of alcoholic beverages is authorized, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the currently licensed term; notice of

On motion made by Mayor Jackson 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 BRUCE SILVER be and he hereby is APPOINTED to serve as member of the CAPITAL FINANCE COMMITTEE commencing immediately and terminating December 31, 2017. (R-15-058)

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

On motion made by Mayor Jackson 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 RICH McMAHON be and he hereby is RE-APPOINTED to serve as a CLASS III MEMBER of the PLANNING BOARD effective immediately and terminating December 31, 2015. (R-15-059)

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

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

WHEREAS, on March 10, 2015 the Township Council adopted Ordinances 15-004, 15-005, and 15-006; and

WHEREAS, N.J.S.A. 40:69A-181(b) provides that the governing body of a municipality may adopt a resolution declaring an emergency and providing for any duly-adopted ordinances to take effect less than twenty days after final passage; and

WHEREAS, the Township Council finds and declares that an emergency exists; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that pursuant to N.J.S.A. 40:69A-181(b), Ordinances 15-004, 15-005 and 15-006, adopted March 10, 2015, shall take effect immediately upon adoption of this Resolution. (R-15-061)

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

REPORTS

Township Attorney's Report

Mr. Karasick introduced Jason Santarcangelo, J.D., who will serve as outside Council to assist with enforcement of the new vacant properties regulations. Officer John Thomas also will assist in identifying properties which may also be labeled as fire hazards.

Mr. Karasick asked the Council if they would like him to pursue an amicus brief regarding the earned sick leave ordinance that is being challenged in Trenton.

Mr. Karasick presented the Council with a memo regarding the Complaint of "Montclair Kids First" stating that Councilor Spiller's participation on the Board of School Estimate is a conflict of interest. Mr. Karasick explained that the Council has no jurisdiction to consider this complaint. He further stated that the Local Finance Board has exclusive jurisdiction over applicable ethics law governing a Council's member's conduct.

She reminded all that the Township is known for outstanding special education and diverse learning experiences and it bothers her that this may change due to budgeting matters.

Deputy Mayor Russo:

- Congratulated Rosemarie Mellody on being named grand Marshall of the Essex County St. Patrick's Parade
- Participation in the Buzz Aldrin fan club
- Supports the "earned sick leave initiative but believes it should be state law.

Councilor Spiller:

- Blue Wave Ball (May 10, 2015)
- Fine job by Community Services with pot holes

Councilor Schlager:

- Thanked the residents of Ward II for attending the Ward II meeting.
- MFEE Chili Cook-off (April 11, 2015)
- Bikewalk Montclair Fund raising (March 13, 2015)

Councilor Hurlock:

- First Ward Clean-up Day (April 11, 2015)

Mayor Jackson:

- Commended the Community Services workers who provided extraordinary services during snow events,

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
32 Prescott Avenue
40 Bradford Avenue
4 Belvidere Place
188 Gates Avenue

TAX COLLECTOR'S MONTHLY REPORT: 1/1/2015 \$6,820,307.60

Contract between Shauger Property Services, Inc. and the Township of Montclair for replacement sanitary sewer piping in Edgemont Road, etc. dated February 19, 2015

Contract between P.M. Construction Corp. and the Township of Montclair for Sanitary Sewer Manhole Repairs dated March 3, 2015.

Letter from Office of the County Executive re: approval of grant award from Governor's Council on Alcoholism and Drug Abuse, dated December 22, 2014.

Letter from Horizon Blue Cross re: grant awards to Jazz House Kids, Montclair Art Museum and Montclair Film Festival dated February 10, 2015.

Letter from Kitvitz McKeever Lee, PC. re: nuisance or code violations property located at 102 Gates Avenue dated February 11, 2015.

Memo from Planning and Zoning re: Resolution – Montclair Loft Partners, LLC Forest Street Partners LLC and Warehouse Storage Associates dated February 9, 2015.

At 9:13 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: Legal matters
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 9:47 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

EXECUTIVE SESSION

March 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 an Executive Session at 9:14 P.M.

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

MAP URBAN RENEWAL

Receive: Gary Obszarny, Director of Montclair Water Bureau and Sewer Utility

Ira Karasick, Township Attorney and Mr. Obszarny provided an update on this water main extension installation project. The developer has told Mr. Obszarny that the cost would now be an additional \$500,000. The developer would like the Township to share this cost by reducing some of the connection fees. Mr. Obszarny indicated that although the Township would receive some benefits the cost for supplying material including water main, tee's, valves and hydrants would total \$85,000. If the developer was to move forward without the Township's involvement he may choose to use 8" pipes instead of the 12" which the township would have supplied. Also, the developer would not extend the pipeline past the fountain on Church Street to the businesses near Orange Road. The previous extension would have replaced the hydrant near the businesses in the Orange Road area.

The Council will ask Acting Township Manager, Timothy Stafford to send a letter stating that the Township will maintain their original position (Township will contribute pipe materials) as long as the developer builds the additional connections for the Township's benefit.

NEW JERSEY DISTRICT WATER SUPPLY

Gary Obszarny, Director of Montclair Water Bureau and Sewer Utility, reiterated the various options to obtain water to make up for the current municipal deficit. At this time the Township is ready to offer 3% as the premium for leasing the 1 million gallons of allocation from the NJDWSC. The original request was for 15%. He also reported that Kearny was unwilling to give their unused allocation to Montclair even though they currently are paying for water which they are not using. Mr. Obszarny stated that while the water has value, the cost avoidance for Kearny would be over \$400,000 per year. He discussed several strategies the Township might employ including leasing water from Kearny and/or use of the Wanaque South reservoir. A letter will be sent to the NJDWSC to begin the lease allocation in the near future. The term that will be negotiated will be 10 years, with 4 five year extensions. The Township will also receive right of first refusal if offers do occur.

At 9:45 P.M. on motion made by Mayor Jackson and duly seconded, the Executive Session was adjourned by unanimous vote.



ROBERT JACKSON MAYOR