

MONTCLAIR, NEW JERSEY

April 7, 2015

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 7:00 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

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 March 10, 2015, and March 17, 2015 were approved by the following votes.

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

PUBLIC COMMENT

James Poris, 21 Norwood Avenue and Robert Tuscanes, 9 Norwood Avenue reiterated their concerns regarding commuter and school professionals parking on this street for excessive periods of time. They asked for relief by limiting parking on the eastern side of Norwood between 8:00 a.m. and 6:00 p.m.

The Council introduced the following ordinance to address their concerns which passed by unanimous vote.

NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

Councilor Hurlock 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 May 19, 2015:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING NORWOOD AVENUE – TIME LIMIT PARKING” (O-15-012)

The motion was adopted by unanimous vote.

NEW BUSINESS - RESOLUTION

On motion made by Councilor Schlager 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 JASON DESALVO be and he hereby is APPOINTED to serve as FIRST ALTERNATE of the PLANNING BOARD effective immediately and terminating December 31, 2015. (R-15-069)

Mr. DeSalvo thanked the Council for the appointment.

Deputy Mayor Russo presented the following proclamation:

Acknowledging and Congratulating

*BlueWaveNJ
on their 10th Anniversary*

WHEREAS BlueWaveNJ, a grassroots political organization that has been a champion of progressive initiatives since its inception, will hold a 10th Anniversary Gala Celebration on Friday, April 10th at Mayfair Farms in West Orange. The event will honor several individuals, including

founder Marcia Marley, who have helped advance the organization's agenda through the years; and

WHEREAS Over the last ten years BlueWaveNJ has worked to fulfill their mission to protect and improve the rights, opportunities, and quality of life of all people through direct advocacy, public education on critical issues, and community mobilization; and

WHEREAS BlueWaveNJ is an issue oriented organization who work on a local, state, and when appropriate, federal level to address issues including electoral and campaign finance reform, marriage equality, global warming and climate change, and North Jersey anti-gun violence. Counted among its many undertakings was the support and promotion of the successful 2014 November ballot measure to allow private sector workers to earn paid sick leave enabling them to care for themselves or their families when illness strikes; and now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, recognize and congratulate

BlueWaveNJ

on their significant accomplishments and commend their membership for their commitment and hard work in seeking solutions through community.

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that STEPHEN ROONEY be and he hereby is APPOINTED to serve as CLASS A member to the Historic Preservation Commission effective immediately and terminating December 31, 2018. (R-15-063)

PUBLIC COMMENT

Brian Place, 2 Park Terrace, reported a Township sewer discharge which ruined a number of items stored in his basement. He was distressed that both the Township and the Joint Insurance Fund did not take responsibility for this occurrence. He asked the Council to reconsider his claim for damages. Township Attorney, Ira Karasick explained the legal responsibility regarding his claim under the N.J. Tort Claim Act (Chapter 159).

Sandy Sorkin, 3 Marquette Road, provided information regarding a "pot hole filler apparatus" which purports tha one man can fill up to 150-250 holes per day (60-90 seconds per hole). The equipment can be leased for \$3,000 per month.

He asked the Council to consider this option.

Mr. Sorkin requested a copy of a report from the Township's communications consultant so he can share it with the Communication Committee.

He also asked if the Board of Education posted their bill list on the Township website and who monitors same.

Frank Rubacky, 398 Upper Mountain Avenue, commented on the recent parking study. He also referred to a variance to justify parking in certain areas.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 297-31 SNOW AND ICE REMOVAL – TO AMEND THE DEFINITION OF SIDEWALK TO INCLUDE ACCESS RAMPS" (O-15-008) passed first reading on February 17, 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 on file in the office of the Municipal Clerk.

Mayor Jackson asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

There being no one wishing to be heard, Mayor Jackson closed the hearing.

On motion made by Mayor Jackson and duly seconded, the ordinance was POSTPONED by unanimous vote (Hearing on May 19, 2015).

The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 – VEHICLES AND TRAFFIC" (O-15-010) passed first reading February 17, 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.

NEW BUSINESS – RESOLUTIONS (continue)

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

WHEREAS, the Essex County Aggregate Energy Procurement Cooperative (hereinafter referred to as "ECAEPC") was formed by the County of Essex, with the County acting as Lead Agency, in September 23, 2011, to effect substantial economies in the provision of goods and services, specifically to provide the opportunity for local government units located within the County to join together with the County of Essex to take advantage of the benefits of bulk purchasing for energy, at no out-of-pocket expense to the participating local government units or the County, and to thereby minimize the cost of electric generation service (a.k.a. electricity supply) for participating local units, and the ECAEPC remains a cooperative pricing system duly-registered with the New Jersey Department of Community Affairs - Division of Local Government Service; and

WHEREAS, the Township of Montclair has been a Participating Member of the ECAEPC and has enjoyed the electricity supply cost savings resulting from prior bids conducted by the ECAEPC, and

WHEREAS, the ECAEPC will from time to time solicit bids from electric power suppliers for electric generation services in accordance with the "Local Public Contracts Law", N.J.S.A. 40A:11-11(5), the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-91.3 ("EDECA") and the regulations promulgated thereunder; and

WHEREAS, the Township of Montclair (hereinafter referred to as the Local Government Unit or "LGU"), as a Participating Member of the ECAEPC is eligible thereby to obtain electric generation services for its own use through one or more contracts to be awarded to electric power suppliers following said bids for electric generation services pursuant to the aggregation program; and

WHEREAS, due to significant volatility in the wholesale energy market there is a need for the Lead Agency to award contracts within a short period of time after the receipt of bids in order to lock-in favorable pricing; and

WHEREAS, the Lead Agency will from time to time issue one or more requests for Bids for electric generation services on behalf of the Participating Members of the ECAEPC which are reasonably forecasted to provide estimated savings to the Participating Members based upon their previous electric usage and utility-provided Basic Generation Service tariff rates; and

WHEREAS, the Lead Agency will only award contracts for electric generation services to electric power suppliers that submit bids with pricing reasonably estimated to be lower than the utility-provided Basic Generation Service tariff rates; and

WHEREAS, the LGU agrees to purchase all electricity supply needed for its own use (exclusive of on-site electric generation sources) through any electric power supplier(s) awarded a contract by the Lead Agency, it being understood that the term of any one contract shall be subject to the provisions of Local Public Contracts Law; and

WHEREAS, the Lead Agency will notify the Department of Community Affairs' Division of Local Government Services by mail prior to the issuance a Request for Bids for electric generation services, with the understanding that if the Division of Local Government Services does not respond within 10 business days, it will be deemed to have approved the issuance of the Request for Bids or the Request for Rebids.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montclair, County of Essex, State of New Jersey that the LGU binds itself to the ECAEPC, Cooperative Pricing System #198ECAEPC to purchase all electricity supply needed for its own use (exclusive of on-site electric generation sources) from the electric power supplier or suppliers awarded a contract for electric generation services by the Lead Agency; and

BE IT FURTHER RESOLVED that the Lead Agency of the ECAEPC Cooperative Pricing System is hereby authorized to execute a master performance agreement that obligates the LGU to purchase electricity at the terms and conditions stated therein with a third-party supplier or suppliers who have been awarded the

contract or contracts by the Lead Agency on behalf of the Participating Members of the ECAEPC Cooperative Pricing System #198ECAEPC (or any CPS number to be assigned in the future), and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the LGU relative to the price charged for Basic Generation Service by the electric public utility that would otherwise provide such service; and

BE IT FURTHER RESOLVED that ECAEPC is authorized to continue to bid to obtain electric generation services through a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the County of Essex pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5)), Administrative Code (N.J.A.C. 14:4-6.4) shall be valid throughout the life of the Cooperative Pricing System and its subsequent renewals. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration. (R-15-066)

Councilor Spiller asked the status of energy aggregation for use by residents. Gray Russell, Environmental Affairs Coordinator, explained that Gabel Consultants is researching the benefits of this proposal.

The Council requested that Mr. Russell invite representatives of Gabel Consultants to make a presentation to the Council at meeting of May 5th.

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 KATHLEEN BENNETT be and she hereby is APPOINTED to serve as CLASS A member to the Historic Preservation Commission effective immediately and terminating December 31, 2018. (R-15-067)

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 DEBRA DAVID be and she hereby is APPOINTED to serve as FIRST ALTERNATE to the Historic Preservation Commission effective immediately and terminating December 31, 2016. (R-15-068)

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 KEITH BRODOCK be and he hereby is APPOINTED to serve as CLASS IV MEMBER of the PLANNING BOARD as a Representative of the Environmental Commission to the Planning Board filling the unexpired term of the previous member effective immediately and terminating December 31, 2017. (R-15-070)

On motion made by Councilor Schlager 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 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: \$2,673,706.46

TOWNSHIP MANAGER'S REPORT

APRIL 14, 2015 AGENDA ITEMS

- A. Discussion of Parking Study RFP
- B. Withdrawn
- C. Proclamation of appreciation for Robert and Barbara Constable
- D. Proclamation thanking Eagle Scout (snow buddies project)
- E. Proclamation declaring May as Pre-eclampsia Month
- F. Proclamation declaring May as Mental Health Month
- G. Resolution authorizing electrical contract renewal
- H. Resolution of award for the arborist services contract

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- I. Proclamation congratulating Montclair Women's Club on 100th Anniversary
- J. Resolution authorizing renewal of Alcoholic Beverage Consumption License
- K. Proclamation declaring Municipal Clerk's Week – May 3 to May 9th
- L. Proclamation congratulating Montclair Film Festival

REPORT AND COMMUNICATION

Deputy Mayor Russo noted that he was a speaker at a recent Crawford Crews American Legion event

Councilor Baskerville reminded all to obtain their free tree seedlings at Edgemont Park on Saturday, April 11 from 9:00 a.m. – 12:00 noon.

Councilor Spiller announced that a Third Ward community meeting will be held 7:30 – 9:00 p.m. at the Montclair Inn, 27 Hillside Avenue.

Councilor Hurlock invited volunteers to participate in the third annual First Ward Clean-up Day.

Mayor Jackson highlighted the following:

- Blue Wave Dinner
- Montclair Celebrates Beef Steak Fundraiser
- Montclair Fund for Educational Excellence Chili Cook-off

At 8:35 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