

MONTCLAIR, NEW JERSEY

June 9, 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 7:04 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 May 19, 2015 was approved by unanimous vote.

PRESENTATION

Street Quilts: Hayley Winstead, Cadette Scout accompanied by mentor Laura Torchio presented her "silver" Girl Scout project to the Council. The plan calls for a series of painted intersection murals at four way stops throughout the community. The "Street Quilt" proposal has been implemented in a number of cities throughout the United States. She announced that the design for the project will be chosen by the public. Paint date and implementation will be August 16, 2015.

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, speaking on behalf of Friends of Bonsal Preserve, expressed opposition to a proposal by a local Eagle Scout to create a brand new entrance to the Bonsal Preserve. He believes the project will create a variety of problems for the users of the preserve and its neighbors. He asked the Council to discourage this proposal. He requested that the Friends of the Preserve be notified of any Council discussion regarding this topic prior to a Council meeting.

He also asked several questions regarding the bill list.

Barbara Adams, 18 Llewellyn Road questioned the sale of Montclair water to a "for profit" company (New Jersey American Water Supply). Mayor Jackson stated that, although the municipality has sold water to this company for a number of years, water will be now be sold at a profitable rate for the Township. Ms. Adams expressed opposition to this action.

William Scott, 23 Cedar Avenue, suggested that the Township utilize a different approach to the sale of municipal resources e.g. water. He believes contracts should be limited to one or two years.

Olivia Brinton, 818 Valley Road, animal groomer, and animal shelter volunteer, believes a project which would link pet adoptions with small business owners has been stalled and hopes that it will soon be fully implemented.

Dr. Nancy Katz, 545 Valley Road, thanked the Council for creating a positive change in the animal shelter. She believes that it is now a safe environment for both the animals and volunteers. Dr. Katz recommended that a veterinarian be hired for the shelter. She indicated that a good candidate is available and hopes that individuals can become a part of the shelter program.

Resident of 18 Waterbury Road, animal shelter volunteer, reported that the acting animal shelter Director is "professional and truly cares about the animals."

Kay Sherwood, 320 Linden Avenue, announced that a Code of Conduct has been implemented at the Animal Shelter.

Marie Christine, 301 Claremont, thanked the Council for their continuing support of the shelter and for the appointment of Nicole Dawson, Acting Director.

Toni Lequire Schotts, volunteer, reiterated praise for the shelter, its volunteers and director.

Karen Schinevar, urged the Council to pursue the permanent hiring of Nicole Dawson as shelter director.

Resident of 23 Carlisle Road, shelter volunteer, believes the shelter is now "on the right road."

Resident of 33 Bloomfield Avenue applauded the high level of customer service at the shelter.

Amendments to Land Use and Zoning Ordinance: Janice Talley, Director of Planning/Community Development

Ms. Talley reviewed the proposed amendments to this ordinance. The Council will act on these changes at the Council meeting of June 16, 2015. After introduction the Planning Board will review the proposals and make their recommendations to the Council.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTERS 153 AND 327 TO ESTABLISH FIRE ZONES AND FIRE LANES” (O-15-014) passed first reading on May 19, 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

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

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a), a municipal governing body has the power to cause a preliminary investigation to be made by the Planning Board pursuant to N.J.S.A. 40A-12A-5 to determine if an area meets the criteria for an area in need of redevelopment and/or an area in need of rehabilitation; and

WHEREAS, the Township Council desires to have a preliminary investigation made on certain lands and premises within the Township of Montclair to determine whether any, some or all of the properties specifically delineated below, should be included in and designated as an “area in need of redevelopment” pursuant to and in accordance with the criteria set forth in Section 5 of the LRHL or alternatively, an “area in need of rehabilitation,” pursuant to and in accordance with the criteria set forth in Section 14 of the LRHL; and

WHEREAS, any determination that a property is within an “area in need of redevelopment” shall either (1) authorize the Township to exercise all those powers provided by the Legislature to effectuate a redevelopment area, including the power of eminent domain, or alternatively (2) authorize the Township to use all those powers provided by the Legislature to effectuate a redevelopment area other than the use of eminent domain; and

WHEREAS, on March 19, 2002, the Township Council of Montclair designated Block 3208, Lot 1, Block 3206, Lots 13, 14 & 15 and Block 3205, Lots 19.02, 21, 25, 26 and 27 on the tax maps of the Township of Montclair as an area in need of redevelopment; and

WHEREAS, a redevelopment plan for the properties so designated was never adopted by the Township and an investigation is required to determine if the properties previously designated as an area in need of redevelopment continue to meet the criteria; now therefore

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 following described properties can be classified as an area in of redevelopment and/or an area in need of rehabilitation:

| Block | Lot | Address |
|-------|-------|---------------------------|
| 3105 | 1 | 370-372 Bloomfield Avenue |
| 3105 | 2 | Seymour Street |
| 3105 | 9 | 396 Bloomfield Avenue |
| 3106 | 10.01 | 5 Seymour Street |
| 3106 | 13 | 43 South Fullerton Avenue |
| 3106 | 17 | South Fullerton Avenue |
| 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 | 1 Lackawanna Plaza |
| 4202 | 4 | Bloomfield Avenue |
| 4202 | 4.01 | 233 Bloomfield Avenue |

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 either (1) authorize the Township to exercise all those powers provided by the Legislature to effectuate a redevelopment area, including the power of eminent domain, or alternatively (2) authorize the Township to use all those powers provided by the Legislature to effectuate a redevelopment area other than the use 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-15-081)

Ms. Talley noted the recent changes in this resolution including a Planning Board evaluation of the referenced properties.

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

WHEREAS, the Council of the Township of Montclair, in the County of Essex, State of New Jersey recognizes that one in five Americans have experienced some sort of mental illness according to the Substance Abuse and Mental Health Services Administration (SAMHSA); and,

WHEREAS, despite major accomplishments and the progress achieved, New Jersey must still overcome significant challenges before it can reach the goal of making quality mental health care available to all those who need it; and

WHEREAS, mental health problems are more common than cancer and heart disease combined (SAMHSA), and more than half of all Iraq and Afghanistan veterans hospitalized at Veteran's Administration ("VA") hospitals are treated for mental illness according to the VA, and the stigma associated with mental illness is the biggest roadblock to recovery; and

WHEREAS, The Codey Fund for Mental Health has initiated a statewide campaign requesting towns throughout New Jersey designate their municipality a Stigma Free Town; and

WHEREAS, by declaring Montclair a Stigma Free Town, the Township supports the elimination of stigma associated with mental health illness and will promote public awareness of mental health issues and work to overcome stigma, stereotyping, discrimination and removing any barriers to recovery; now therefore

BE IT RESOLVED by the Council of the Township of Montclair in the County of Essex, State of New Jersey, that the Township of Montclair is a Stigma Free Town. (R-15-082)

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Township of Montclair to apply for a 2014 Recycling Tonnage Grant will memorialize the Township's commitment to recycling and to confirm the assent of the Township

Council to the efforts undertaken by the Township and the requirements contained in the Recycling Act and recycling regulations; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Stephen Wood, P.E., Director of the Department of Community Services, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling. (R-15-083)

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: \$777,370.59.

DISCUSSION/JUNE 16, 2015 AGENDA ITEMS

Township Engineer, Kimberli Craft reviewed the parameters of these resolutions

- I. Resolution for Maintenance of Rectangular Rapid Flashing Beacons (triggered by Grove and Oxford)
- J. Resolution awarding contract for Chestnut/Park Traffic Signal
- K. Resolution awarding contract for Imprint Crosswalk removal
- L. Resolution of change order for Glenwood Road
- M. Resolution of change order for Fernwood Avenue

Acting Manager, Timothy Stafford reviewed the following agenda items for the June 16, 2015 Council meeting

- A. Ordinance to amend the Traffic Ordinance (MKA/Lloyd Road)
- B. Resolution directing the placement of lines or markings on the curb and/or street to prohibit parking within specified distance of driveways on certain portion of Park Street
- C. New Jersey American Water – Sale Agreement
- D. 20 Mission Street – Assessment Adjustment
- E. 186 Highland Avenue – Tom Cheltson – Resolution regarding Assessment Ownership Revision Tax Refund
- F. Resolution authorizing a contract with Montclair Neighborhood Development Corporation to provide summer youth employment services
- G. Resolution authorizing the application and agreement for funding under the Division of Criminal Justice's Safe and Secure Communities Grant Program
- H. Resolution awarding the contract for the repair and maintenance services for the Township of Montclair Police Department vehicles

REPORTS

Councilor Schlager requested that portions of Valley Road and the driveway apron to the Board of Education property that have been damaged due to recent construction in the area be addressed.

Councilor Schlager also noted that she has officially resigned from the Mountainside Hospital Hackensack University Medical Center. She announced a Second Ward meeting on Monday, June 15, 2015 at 7:00 p.m., Edgemont Park Shelter House.

Councilor McMahon stated that the Second Annual Tierney's Music Festival was a "resounding success."

Councilor Baskerville announced a discussion regarding the Lackawanna development area will take place at the Fire Headquarters on June 30, 2015.

Deputy Mayor Russo asked the Council to review the Senior Citizen Advisory Committee's suggestions for a Senior Citizen Center report distributed to the Council.

Acting Township Manager, Timothy Stafford announced the Health Department will hold a free male cancer screening. Interested individuals may make an appointment by calling the Health Department at 973-509-4970.

At 9:11 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: Advice of Counsel.
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 10:10 on motion made by Mayor Jackson and duly seconded, the Executive Session was adjourned by unanimous vote.

At 10:11, on motion made by Mayor Jackson and duly seconded, Mayor Jackson moved to accept Township Attorney, Ira Karasick's recommendations regarding the Birnbaum lawsuit.

At 10:12 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