

## MONTCLAIR, NEW JERSEY

June 16, 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 7:00 P.M.

STATEMENT OF SUNSHINE NOTICE  
ROLL CALL  
PLEDGE OF ALLEGIANCE

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

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On motion made by Mayor Jackson and duly seconded, the minutes of June 9, 2015 were approved by unanimous vote.

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PUBLIC HEARING ON THE 2015 MUNICIPAL BUDGET

Municipal Clerk Linda Wanat read the following:

“This is the Municipal Budget of the Township of Montclair, County of Essex, for the Fiscal Year 2015.”

Councilor

McMahon: “Mayor I have a resolution regarding the reading of the Budget by Title Only”

Mayor: “The Clerk will read the resolution”

Linda Wanat,  
Clerk:

“WHEREAS, N.J.S.A. 40:4-8 as amended provided that the Budget shall be read in full at the public hearing, or that it may be read by title only if:

- (a) Shall be made available for public inspection in the Free Public Library, if any, of the municipality, and in the Free County Libraries of regional libraries located in the municipality or, if no county libraries or regional libraries are located in the municipality, by the county or regional library of the county in which the municipality is located, and the public officer delegated responsibility for delivering copies of the approved budget to such library shall forward to the governing body an attestation that each such delivery was made, and
- (b) Is made available to each person requesting the same, during said week and during the public the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsection 1(a) and 1(b), have been met and therefore the Budget for 2015 shall be read by title only.”

Councilor

McMahon: “I offer the foregoing resolution and move its adoption”

Deputy Mayor

Russo: “I second the motion”

Mayor: “I called for a vote on this resolution, Clerk, please call the roll”

<u>Recorded Vote</u>	Ayes	Baskerville	
		McMahon	Nays
		Russo	
		Schlager	
		Spiller	
		Mayor Jackson	Absent: Hurlock

Mayor: “The resolution is adopted”

Mayor: “I will entertain a motion to open the hearing on the Budget”

Councilor  
McMahon: "I move that the budget hearing be opened"

Deputy Mayor  
Russo: "I second the motion"

Linda Wanat,  
Clerk: "Mayor, this is the time fixed for the public hearing on the Municipal Budget and Tax Resolution for 2015. The Budget was approved by the Governing Body on April 14, 2015, was advertised as required by law, on May 14, 2015, together with notice of hearing for this time. Printed copies have been made available to the public during the past week and a supply is here for anyone desiring a copy."

Mayor: "Anyone who has not secured a copy of the Budget may now do so"

Mayor: "Before opening this hearing wish to outline the procedure each person desiring to be heard will rise and give his or her name and address before speaking. I will recognize one speaker at a time in order of rising as nearly as I can determine.

Address all questions to the Chair where necessary they will be referred to individual members of the Governing Body or Municipal Officials.

Questions must be confined solely to the Municipal Budget before us; School or County matters are not proper subjects of this hearing and cannot be discussed or answered here tonight I now declare open the public hearing on the Municipal Budget and Tax Resolution for 2015."

Mayor: "Observing no further applicants for the floor, I will entertain a motion to close the hearing."

Councilor  
McMahon: "Mayor I move that the hearing be closed."

Deputy Mayor  
Russo: "I second the motion."

Mayor: "Clerk, please call the roll."

	Baskerville	
<u>Recorded Vote</u>	Ayes	McMahon
		Russo
		Schlager
		Spiller
		Mayor Jackson
		Absent: Councilor Hurlock
		Nays

On motion made by Mayor Jackson and duly seconded, the budget was adopted by unanimous vote.

Resolution to Adopt 2015 Municipal Budget

Municipal Clerk  
Linda Wanat Read the following resolution:

Be It Resolved by the Governing Body of the Township of Montclair, County of Essex that the Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated in the sum therein set forth as appropriations, and authorization of the amount of:

\$52,420,490.21	For Municipal Purposes
\$ 7,152,026.00	For School Purposes in Type 1 School District to be raised by Taxation
\$ 2,244,163.79	For Minimum Library Tax

Mayor: "Clerk, please call the roll."

	Baskerville	
<u>Recorded Vote</u>	Ayes	McMahon
		Russo
		Schlager
		Spiller
		Mayor Jackson
		Absent: Councilor Hurlock
		Nays

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 16<sup>th</sup> day of June, 2015.

It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2015 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 16<sup>th</sup> day of June, 2015.

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PROCLAMATION  
OF THANKS AND APPRECIATION FOR  
**Charles B. Ortman**

Councilor Baskerville presented the following proclamation honoring Mr. Ortman for his twenty year contribution to the Unitarian Congregation and the municipality which was adopted by the following vote.

- WHEREAS** Reverend Charles Bluestein Ortman,, pastor of the Unitarian Universalist Congregation at Montclair, is being honored at a reception to be held at 3:00 p.m. at 67 Church Street on Sunday, June 21, 2015; and
- WHEREAS** Reverend Ortman has shared his dedication to truth, vision of beauty, and demonstrable compassion with his congregation since the beginning of his tenure in 1995; and
- WHEREAS** Reverend Ortman is a graduate of Western Illinois University and Meadville Lombard Theological School where he obtained his Master of Divinity degree. He completed his ministerial internship at the Unitarian Universalist Fellowship of Burlington, Iowa and served as Parish minister at First Church Parish Unitarian Universalist in Fitchburg, Massachusetts. His desire to guide and serve has led to the creation of programs to address all the needs of his congregation – promoting dialogue with the younger members through the Coming of Age program and connecting with older members in the form of the Senior Lunch Bunch. He has encouraged the congregation to extend their compassion into the wider community by offering home-cooked meals to those who regularly face hunger and the homeless on Wednesday nights. He has been a tireless advocate of marriage equality and worked to encourage justice and respect in all matters including racism, homophobia, privilege, terrorism, and climate change; and
- WHEREAS** Charles Ortman’s enthusiasm for life, defense of the disenfranchised and help to those in need have made him much beloved by all whose lives he touched as he endeavored personally and encouraged others to become better agents of transformation during his tenure at Unitarian Universalist Congregation at Montclair; now therefore

**BE IT RESOLVED** that the Township Council of Montclair recognizes the many contributions  
*REVEREND CHARLES B. ORTMAN*

has made to our community and to his congregation and joins with his family, friends and fellow Montclair residents in wishing him well.

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

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PROCLAMATION  
Congratulating  
**Egan & Sons**  
on its 10<sup>th</sup> Anniversary

Councilors Schlager and McMahon presented the following proclamation to Sharon and Chris Egan who accepted with appreciation for being able to live, work and actively participate in this community, which was adopted by the following vote.

- WHEREAS** Christopher and Sharon Egan have been the owners and operators of Egan & Sons, located at 118 Walnut Street, since April 28, 2005 and will be marking the 10<sup>th</sup> anniversary of their opening on Saturday, June 20<sup>th</sup> with a gala celebration which will include live music and activities for young and old; and
- WHEREAS** Since their opening the Egan Family has provided an Irish pub experience with their warm atmosphere featuring over fifty pieces of contemporary art from some of Ireland’s most innovative artists; and
- WHEREAS** Egan & Sons also provides authentic fare which offers a taste of their proud culture’s simple Epicurean pleasures and a wide range of beers on tap including four house brewed seasonal ales; and
- WHEREAS** In addition to being business owners and operators, the Egan family have been active and notable members of our community generously holding fund raisers to support Township events such as the Fourth of July parade and other projects that benefit our schools and children; now therefore

**BE IT RESOLVED** that the Mayor and Council of the Township of Montclair, in the County of Essex, congratulate **Egan & Sons** on their 10<sup>th</sup> Anniversary, acknowledge the role they have played in the Montclair community and wish Christopher, Sharon and their sons Christopher Robin, Peter and Milo the very best in the years ahead.

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

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PUBLIC COMMENT

Joyce Goldman, Director of Constituent Services, Essex County, presented the schedule for free public concerts and fireworks sponsored by Essex County. She also noted that family-oriented movies can be viewed at Kips Castle and the top level of the Turtle Back Zoo parking deck throughout the summer.

Angela Engstrom, 38 Oxford Street, Cathy and Adam Profit, 34 Oxford Street, presented a petition for signage on Tremont Place highlighting parking regulations: two hour parking, Monday-Friday

Sandy Sorkin, 3 Marquette Road, reiterated his concern regarding the sale of water by the Township. He also asked if the Township had conducted an analysis indicating installation of a well at Nishuane Park would not be the most cost effective approach to acquiring more water for the municipality.

Bob Bonta, 71½ Glenridge Avenue, expressed concern with long term contracts for the sale of water by the Township especially in the case of unexpected municipal shortages. He urged the Council to consider shorter contract terms.

William Scott, 23 Cedar Avenue, inquired if any water contracts provided an opt-out provision under certain conditions.

Acting Township Manager, Timothy Stafford stated that, after an initial ten year contract term, there would be a one year opt out provision.

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NEW BUSINESS: RESOLUTION (Agenda Item 2)

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

WHEREAS, the Township of Montclair owns and operates a public water supply system and has a sufficient supply of water and is willing to make water available to New Jersey American Water Company, Inc. (NJAW) as provided herein; and

WHEREAS, NJAW requires bulk quantities of water and has requested that the Township provide it with such water for private and public use in accordance with the provisions of this Agreement; and

WHEREAS, NJAW has previously contracted with the Township to provide water, the most recent agreement having been executed in 2003; and

WHEREAS, the Township and NJAW have negotiated a new Water Purchase Agreement, the form of which is attached hereto and incorporated in its entirety in this Resolution; now, therefore be it

RESOLVED, that the Township Council approves an agreement with NJAW for the sale of potable water in accordance with the terms and conditions and in substantially the form of the Water Purchase Agreement; and be it further

RESOLVED, that the Manager or Mayor and the Township Clerk are authorized to execute and attest to this Water Purchase Agreement. **(R-15-085)**

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

Gary Obszarny, Director Utilities/Water & Sewer, responded to Mayor Jackson's questions regarding what percentage of the Township's water supply will be sold (5.5% of full capacity). He also stated that increased revenue derived from higher water sale rates would be reinvested in repairs and improving the municipality's water delivery systems.

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NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

Mayor Jackson 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 July 21, 2015:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING LLOYD ROAD – NO STOPPING OR STANDING CERTAIN HOURS” **(O-15-015)**

The motion was adopted by the following vote.

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

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Mayor Jackson 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 July 21, 2015:

“ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 347 FROM THE COE OF THE TOWNSHIP OF MONTCLAIR ENTITLED “ZONING” AND CHAPTER 202 FROM THE CODE OF THE TOWNSHIP OF MONTCLAIR ENTITLED “LAND USE PROCEDURES” (O-15-016)

The motion was adopted by the following vote.

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

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Mayor Jackson 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 July 21, 2015:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 249 – PROPERTY, VACANT AND ABANDONED” (O-15-017)

The motion was adopted by the following vote.

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

Jason Santarcangelo, J.D., stated that this ordinance now enables Code Enforcement to properly conduct inspections of vacant and abandoned properties. He also noted that new fees will now be in line with other municipalities and, hopefully, encourage owners to better maintain and rehabilitate their properties.

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NEW BUSINESS – RESOLUTIONS (Continued)

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

WHEREAS, pursuant to Montclair Code Section 327-24.1 the governing body is authorized in particular cases to authorize the Department of Community Services, by resolution, to place lines or markings on curbs and/or streets or other appropriate identification so as to prohibit parking within the below specified distance from the edge of driveways; and

WHEREAS, the Montclair Traffic/Parking Advisory Committee has recommended that the Township restrict parking adjacent to driveway at 76 Park Street; now therefore

BE IT RESOLVED that the Township Manager is hereby directed to arrange for the Department of Community Services to place lines or markings on the curb and/or street so as to prohibit parking within 6 feet on either side of the edge of the driveway at 76 Park Street. (R-15-084)

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

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

WHEREAS, the Township of Montclair is the owner of record of property located at 20 Mission Street, Montclair, New Jersey (the “Property”) by virtue of a Final Judgment of In Rem Foreclosure, Docket No F-8604-83, dated May 30, 1984 and recorded on August 1, 1984; and

WHEREAS, a Tax Sale Certificate sold to the Township was recorded against the Property on January 12, 1982.

WHEREAS, on February 11, 1985, it appears that an attorney on behalf of the then owner attempted to redeem the Tax Sale Certificate by paying \$575.44; and

WHEREAS, such redemption was ineffective because Final Judgment of in Rem Foreclosure had already been entered; and

WHEREAS, notwithstanding the Township's record ownership, the Property has been in the possession of the Worley family, or the Estate of Milton J. Worley, Sr., from at least 1984 until the present, and a member of the Worley family has been invoiced and has paid real estate taxes on the Property since the Judgment of Foreclosure until the present; and

WHEREAS, the Property is currently in poor physical condition, boarded up and uninhabitable, rendering the Property a public nuisance; and

WHEREAS, the Estate of Milton J. Worley, Sr. desired to convey fee ownership of the Property to Boris Neymar the "Purchaser"), but because the Township is the record owner, the Township needed to deed its interest in the Property to the purchaser in order to effectuate the sale; and

WHEREAS, the Purchaser agreed to undertake the renovation and restoration of the Property to habitability in a reasonable time frame once the purchase is complete, and agreed that the Township hold the Deed from the Township to the Purchaser in escrow until a Certificate of Occupancy has been issued for the Property; and

WHEREAS, in the unique circumstances of this transaction, the misunderstanding that arose in 1985 regarding title, and the limited nature of the Township's property interest, the Council found that the agreement by the Purchaser to improve the Property to habitable condition constituted adequate consideration for the conveyance of record ownership; now, therefore, be it

WHEREAS, Township Council of the Township of Montclair, authorized by Ordinance number O-14-21 the conveyance of title to the Purchaser, substantially on the terms and conditions set forth in the Deed and Escrow Agreement.

WHEREAS, the closing occurred on June 18, 2014, and the price was \$66,500 and taxes were fully paid up to the date of closing; and

WHEREAS, the Deed was held in escrow until the property was approved for occupancy, and the certificate of approval was issued on April 17, 2015, and

WHEREAS, the Council desires in this very unique situation to adjust the assessment and tax bills to reflect the actual ownership and valuation of the property,

NOW, therefore, be it resolved:

1. As of June 18, 2014, the property assessment should be recorded as \$66,500;
2. Ownership should be listed as Boris Neymar;
3. Tax bills should be issued to Boris Neymar for the period June 18, 2014 to April 17, 2015 based on that assessment, with no interest if paid within 30 days;
4. As of the date of the Certificates of Approval, the Assessor should impose an added assessment, as warranted, to reflect the improved condition; and
5. Tax bills should be issued from the date of approval thenceforth once the added assessment is booked. **(R-15-086)**

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

Ab: Councilor Hurlock

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

WHEREAS, Thomas R. Chletsos and Maria Eckert are the owners of property located at Block 501, Lot 23, known as 186 Highland Avenue, in the Township of Montclair; and

WHEREAS, on May 7, 2014, judgment was entered by Hon. Thomas M. Moore, J.S.C. in the matter of Thomas R. Chletsos and Maria Eckert, plaintiffs v. Annamaria Nucci, defendant, Superior Court, Essex County, Chancery Division, Docket No. C-67-11 (the "Judgment"); and

WHEREAS, the Judgment resolved a dispute between plaintiffs and defendant concerning the ownership of the rear 25-30 feet of plaintiff's property, which defendant claimed as hers (the "Disputed Area"), as described in paragraph 1 of the complaint and in a survey prepared by Falcon Surveying LLC dated July 22, 2010; and

WHEREAS, the Court determined that the Disputed Area is vested in and part of the property of plaintiffs; and

WHEREAS, the Judgment was recorded on October 7, 2014 in the office of the Essex County Register, at which time the Cover Sheet (Document Summary Form) recorded with the Judgment erroneously identified the property as Block 501, Lot 21.01; and

WHEREAS, based on the incorrect County record, the Tax Assessor erroneously revised the Tax Roll to reflect change of ownership of Block 501, Lot 21.01 from Annamaria Nucci to plaintiffs, which in turn caused tax bills for Block 501, Lot 21.01 to be sent to the plaintiffs; and

WHEREAS, upon review of the record at the request of Mr. Chletsos, the Township Attorney recommended that the Assessor's and Tax Collector's records be amended to state the correct owner of Block 501, Lot 21.01, and that tax bills for said lot be adjusted and any unwarranted payment be credited or refunded; now, therefore, be it

RESOLVED, that the Tax Assessor is authorized to amend the 2015 property tax records to remove Thomas Chletsos and Maria Eckert as the record owners of the property located at Block 501, Lot 21.01; and be it further RESOLVED, that the Tax Collector is authorized to modify her records for Block 501, Lot 21.01 to reflect the correction in ownership by the Assessor. **(R-15-087)**

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

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

WHEREAS, the Township of Montclair intends to provide low and moderate income youth, between the ages of 15-19, with a summer youth employment program that will productively engage them over the summer, introducing them to and preparing them for the world of work; and

WHEREAS, to administer such a program it was determined that a local not-for-profit organization could best provide these services in an efficient manner; and

WHEREAS, to solicit proposals from local not-for-profit organizations, a Request for Proposal was advertised in The Montclair Times on May 14, 2015, and the following proposal was received:

Montclair Neighborhood Development Corporation  
228 Bloomfield Avenue  
Montclair, New Jersey 07042; and

WHEREAS, this proposal was reviewed and the Montclair Neighborhood Development Corporation demonstrated that they had the experience and qualifications to provide the summer youth employment services; now therefore

BE IT RESOLVED, that the Township Council does hereby authorized the Township Manager to negotiate and sign an agreement with the Montclair Neighborhood Development Corporation; and

BE IT FURTHER RESOLVED that the Montclair Neighborhood Development Corporation shall receive funds in the amount of \$15,000.00 to provide the services indicated in the above mentioned agreement. **(R-15-088)**

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

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

WHEREAS, the Council of the Township of Montclair wishes to apply for funding for funding of approximately \$60,000 with match of \$143,308 for an approximate project total cost of \$203,308 for a project under the Safe and Secure Communities Grant Program; and

WHEREAS, the Township Council has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Montclair for the purpose described in this application; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that:

1. As a matter of public policy, the Township of Montclair wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the Township of Montclair.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized. **(R-15-089)**

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

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

WHEREAS, on April 22, 2015 the Township of Montclair opened and read bids for Repair and Maintenance Services for the Township of Montclair Police Department Vehicles (Bid #15-04), as described by law, and

WHEREAS, two (2) companies bid on the varying items included in the bid specifications for Repair and Maintenance Services for the Township of Montclair Police Department Vehicles; and

WHEREAS, all the prices are firm for a two (2) year period from the date of the award with the Township reserving the option to extend the contract for an additional one (1) year effective by resolution of the Township Council. All terms and conditions of the contract shall remain the same for the third year; and

WHEREAS, Montclair Motorwerks, Inc. of Montclair, NJ and Bergen Auto Enterprises of Wayne, NJ, each submitted the lowest responsible bid for separate varying items; and

WHEREAS, the bid of Bergen Auto Enterprises was rejected as the vendor failed to meet the bid specification that required that vendors must be located within a five (5) mile radius of the Montclair Police Department at 647 Bloomfield Avenue; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that Montclair Motorwerks, Inc. be and are hereby awarded the contract for Repair and Maintenance Services for the Township of Montclair Police Department Vehicles. The monies for these purchases will be appropriated as needed in the Police Department's Operating Budget. A summary of the bid results are attached hereto and made a part hereof. (R-15-090)

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

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

WHEREAS, the Township of Montclair supports the installation of solar-powered rectangular rapid flashing beacon warning devices (RRFBs) as a means of enhancing pedestrian safety and visibility on all streets within Montclair Township; and

WHEREAS, the Township of Montclair intends to install RRFBs at various unsignalized intersection locations throughout the Township; including locations under the jurisdiction of the County of Essex; and

WHEREAS, Essex County requires the Township of Montclair to assume responsibility for installation and maintenance of these warning devices and to hold the County harmless from any liability associated with their installation and maintenance; now therefore

BE IT RESOLVED, that the Township of Montclair does hereby agree to maintain all RRFBs installed by the Township of Montclair on roads under the jurisdiction of the County of Essex and to hold the County harmless from any liability associated with same; and

BE IT FURTHER RESOLVED that the Township of Montclair shall obtain proper Essex County permits in advance of such installations. (R-15-091)

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

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

WHEREAS, on May 6, 2015 the Township of Montclair opened and read bids for construction of upgraded traffic signal at Park Street and Chestnut Street, as prescribed by law; and

WHEREAS, this contract has been awarded pursuant to a "fair and open process" as defined in the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, J.C. Contracting Inc. of 25 Orange Street, Bloomfield, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$195,174.00; and

WHEREAS, funds for this purpose have been provided for in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; and

WHEREAS, there is a need for protection and maintenance of traffic during the course of construction, which shall be provided by off-duty officers of the Montclair Police Department; and

WHEREAS, funds for this purpose have been provided for in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with J.C. Contracting Inc. for construction of upgraded traffic signal at Park Street and Chestnut Street in the amount of \$195,174.00 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds; and

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that an agreement with Montclair Police for traffic control in the amount of \$9,800.00 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. (R-15-092)

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

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

WHEREAS, on June 3, 2015 the Township of Montclair opened and read bids for removal of Imprint crosswalks at various locations, as prescribed by law; and

WHEREAS, this contract has been awarded pursuant to a "fair and open process" as defined in the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Stanziale Construction LLC of PO Box 2597, Bloomfield, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$65,820.00 (Base Bid only); and

WHEREAS, funds for this purpose have been provided for in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; and

WHEREAS, there is a need for protection and maintenance of traffic during the course of construction, which shall be provided by off-duty officers of the Montclair Police Department; and

WHEREAS, funds for this purpose have been provided for in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with **Stanziale Construction LLC for removal of Imprint crosswalks at various locations** in the amount of **\$65,820.00** to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds; and

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the "Alternate Bid" for the removal of additional crosswalks at various locations is hereby rejected; and

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that an agreement with **Montclair Police for traffic control** in the amount of **\$9,800.00** to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. (R-15-093)

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

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Councilor Hurlock joined the meeting.

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

WHEREAS, by resolution adopted August 12, 2014, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to Lancha Construction for Glenwood Road roadway improvements, for an amount not to exceed 535,345.07; and

WHEREAS, by memorandum dated June 5, 2015, the Township Engineer recommended that the contract be amended to reflect an increase in the amount of work and/or materials actually required to fully complete the contract; and

WHEREAS, the Township Manager has indicated his concurrence with the Township Engineer's recommendation; and

WHEREAS, based on the foregoing, the Township Council has determined that it is necessary and appropriate to approve a change order to the subject contract (Change Order #1) in the amount of \$71,003.64; and

WHEREAS, funds for this purpose have been provided for in the 2009 Capital budget identified by Account Number C04-09-052-A00-107 and in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Lancha Construction for Change Order #1 in the amount of \$71,003.64 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. **(R-15-094)**

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

WHEREAS, by resolution adopted August 12, 2014, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to Lancha Construction for Fernwood Avenue roadway improvements, for an amount not to exceed 316,458.70; and

WHEREAS, by memorandum dated June 5, 2015, the Township Engineer recommended that the contract be amended to reflect an increase in the amount of work and/or materials actually required to fully complete the contract; and

WHEREAS, the Township Manager has indicated his concurrence with the Township Engineer's recommendation; and

WHEREAS, based on the foregoing, the Township Council has determined that it is necessary and appropriate to approve a change order to the subject contract (Change Order #1) in the amount of \$39,899.85; and

WHEREAS, funds for this purpose have been provided for in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Lancha Construction for Change Order #1 in the amount of \$39,899.85 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. **(R15-095)**

\*\*\*\*\*

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

WHEREAS, the Township of Montclair has a need to purchase a new evaporative condenser tower at the Clary Anderson Arena; and

WHEREAS, the Township issued a request for proposals to provide a new evaporative condenser tower at the Clary Anderson Arena and in response the Township received three proposals; and

WHEREAS, after review of the proposals by Township staff it is requested that the Township award a contract to Pennetta Industrial Automation to provide the supply and installation of a new evaporative condenser tower required for the operation of an ice arena; and

WHEREAS, this contract has been awarded in accordance with a fair and open process pursuant to N.J.S.A. 19:44a-20.5 et seq.; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township Manager be and he is hereby authorized to execute an agreement with Pennetta Industrial Automation to supply and install a new evaporative condenser tower to the Township of Montclair subject to the appropriation of funds and certification of available funds by the Chief Financial Officer. **(R-15-096)**

\*\*\*\*\*

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

WHEREAS, the Township of Montclair has received a proposed budget for the year 2014 from the Montclair Center Corporation, the district management corporation responsible for the management and operation of the Montclair Center Special Improvement District; and

WHEREAS, N.J.S.A. 40:56-84 and Montclair Code Section 293-3 provide that said budget be introduced and approved by the governing body and that the budget thereafter be advertised and a public hearing held with regard to same, prior to adoption; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the 2015 Budget received from the Montclair Center Corporation is hereby introduced and approved subject to final adoption in accordance with law upon the holding of a public hearing to take place at 7:00 P.M. on July 7, 2015; and

BE IT FURTHER RESOLVED that the Township Clerk shall publish a copy of the approved budget in the Montclair Times no later than June 25, 2015 and said publication shall include the date, time and place for the public hearing as set forth above. (R-15-097)

\*\*\*\*\*

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

WHEREAS, on January 27, 2015 the Council of the Township of Montclair approved a resolution to defer the local school district as provided by law; and

WHEREAS, the Township has been informed by the Director of the Division of Local Government Services that such a resolution is not required; now therefor

BE IT RESOLVED that the Council of the Township of Montclair proposes to rescind Resolution 15-32 at their next meeting of June 16, 2015; and

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of the Division of Local Government Services. (R-15-098)

\*\*\*\*\*

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

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Distribution License #0713-44-014-007 issued to Muranal, 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 intention to apply for such transfer has been duly published, and no objections have been raised,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, does hereby (amend) and approve, effective July 23, 2015, the relocation of premises of the aforesaid Plenary Retail Distribution licensed premises located at 9 Park Street, Montclair, to 517 Bloomfield Avenue, Montclair, NJ. (R-15-099)

\*\*\*\*\*

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JEANETTE JIMENEZ be and she hereby is APPOINTED to serve on the Senior Citizens Advisory Committee for a term commencing immediately and terminating December 31, 2017. (R-15-100)

\*\*\*\*\*

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 by drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: \$1,086,632.92.

\*\*\*\*\*

REPORTS

Township Attorney, Ira Karasick reported on the New Jersey Supreme Court June 15, 2015 decision in Grabowsky v. Township of Montclair concerning conflict of interest of Council and Planning Board Members. The Supreme Court has sent the case back to the trial court for final resolution.

\*\*\*\*\*

Township Manager's Report

Acting Township Manager, Timothy Stafford reported on a most successful "shred fest" and commended municipal employees and volunteers including Montclair State University students for their efforts. He also reminded residents of the 65<sup>th</sup> annual Fourth of July Parade and Festival.

\*\*\*\*\*

Councilor Spiller announced the following:

June 27, NAACP Luncheon at the Salvation Army  
June 17, Blue Wave "Moving Forward from Ferguson" meeting at the Bullock School.

\*\*\*\*\*

Councilor Schlager held a Second Ward meeting with special guest Deputy Manager, Brian Scantlebury. She noted the following:

- Opening of Farmer's Market
- Food and Wine Festival
- Montclair High School's graduation and Project Graduation events: June 23, 2015

\*\*\*\*\*

Councilor McMahon reported the following:

- Farmer's Market is opened year round.

\*\*\*\*\*

Councilor Baskerville thanked Steve McGuiness for his reporting efforts. She announced the following:

- June 17, 2015, Montclair High School Prom Night
- June 30, 2015, Fourth Ward Community Meeting, Fire Headquarters. Topic: Continuation of Lackawanna Discussion
- July 14, 2015, Partners for Health Golf event
- "Toast to the Teacher" events sponsored by the Montclair Fund for Educational Excellence

\*\*\*\*\*

Councilor Hurlock, apologized for being late as he happily attended his son's graduation from Mt. Hebron School.

\*\*\*\*\*

Deputy Mayor Russo congratulated Rev. Ortman on his new position.

The Deputy Mayor repeated a quote which he characterized Montclair as a "Progressive, multi-cultural mosaic". He also stated that "he is keeping his name in the mix as he explores all options for service on local, county and state levels."

\*\*\*\*\*

Mayor Jackson reported that milling and paving is now taking place on Park Street and Midland Avenue. He urged residents to be patient during this operation.

\*\*\*\*\*

COMMUNICATIONSFrom: NJDEP – No further Action Letter

16 Gardiner Place  
156 Lincoln Street  
25 Warren Place  
126 Clarewill Avenue  
95 Gordonhurst Avenue

Tax Collector's Monthly Report:

April 1, 2015 - \$14,112,917.65  
May 1, 2015 - \$31,488,771.00

Letter dated May 22, 2015, DEP – Site Remediation 323 Orange Road, Former Mobil Facility

Letter dated June 2, 2015 from Milstead & Associates re: Notice of Filing of Foreclosure, 15 Forest Street, Unit 8, Montclair, New Jersey

Letter dated May 29, 2015, Department of Transportation re: Gates Avenue, 2015 Municipal Aid Program, Agreement in the amount of \$221,544.00.

Letter dated June 3, 2015 from Township of Verona, re: Ordinance #1-15 – to adopt the Town Center Redevelopment Update Plan.

Letter dated June 4, 2015 from AvalonBay re: Affordable Housing Service List.

Letter dated June 9, 2015 from Betts Environmental & Alternative Fuel Services re: 694 Bloomfield Avenue, Groundwater Remedial Action Permit.

Letter dated June 11, 2015, re: 182 Glenridge Avenue, area in need of development.

Letter dated June 11, 2015 from Jaconda Wagner, Esq., re: Demand letter and Complete Tort Claims Notice

Letter dated June 15, 2015 from Viridian Environmental Consultants re: 210 Bellevue Avenue investigating ground water contamination.

Agreement between Township of Montclair and McManimon, Scotland & Baumann.

Certified copy of resolutions adopted by the Essex County Board of Chosen Freeholders on May 13, 2015.

\*\*\*\*\*

At 9:05 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.

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ROBERT JACKSON                      MAYOR

ATTEST:

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LINDA S. WANAT, MUNICIPAL CLERK

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