

MONTCLAIR, NEW JERSEY

July 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 June 16, 2015 was approved by unanimous vote.

TOWNSHIP ATTORNEY'S REPORT

Mr. Karasick reviewed the following agenda items O-15-18 Mobile Vendors and O-15-21 Special Permits: Mobile Vendors. R-15-102 Resolution of the Township and State of New Jersey authorizing the Township Attorney to file a Declaratory Judgment action with the Superior Court seeking judicial approval of the Township's compliance with its third round Affordable Housing obligation in accordance with the N.J. Supreme Court decision in the matter of the adoption of NJAC5:96 and 5:97 by N.J. Council on Affordable Housing.

William Scott, 23 Cedar Avenue, discussed the Township's affordable housing obligation and asked that the Housing Commission be allowed to submit comments on R-15-102. He stressed the need for transparency in this process.

Harold Simon, 24 Hillside Avenue urged the Council to integrate the Housing Commission in the affordable housing process in a more substantive way.

Township Attorney's Report (continued)

- Validity of the recycling ordinance
- Upon review of the gender discrimination ordinance proposed by the Civil Rights Commission, Mr. Karasick does not believe that the municipality has the authority to regulate certain areas such as price differential by gender.

PUBLIC COMMENT

Joe Kavesh, Steve Knox and other members of the Civil Rights Commission opined they believed gender discrimination can be addressed through enforcement by municipal code enforcement officers.

Mayor Jackson suggested that a meeting be held among affected parties to determine the proper legal measures before moving forward with any municipal action.

Nancy Erika Smith, J.D., and Kellia Sweatt a member of the Civil Rights Commission, also offered examples of pricing discrimination by gender, e.g., dry cleaning and hair styling services.

BID BUDGET

Township Attorney, Ira Karasick reviewed the procedure for adopting the Business Improvement District budget.

Councilor Spiller read a resolution declaring that all conditions had been met to allow the reading of the budget by title only.

PUBLIC HEARING ON BID BUDGET

The Business Improvement District reported that their total budget is \$\$495,016.00.

No one else wishing to be heard the Mayor closed the hearing.

Councilor Spiller read:

WHEREAS, N.J.S.A. 40:56-84 requires the 2015 Montclair Center Budget was introduced and published as required, and

WEHREAS, N.J.S.A. 40:56-84 requires a public hearing to be held for the 2015 Montclair Center BID Budget.

NOW, THEREFORE, 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 sums therein set forth as appropriations, and authorization of the amount of: \$495,016.00 for the 2015 Montclair Center BID Budget.

The BID Budget was adopted by unanimous vote.

Abandoned Properties: Jason Santarcangelo, J.D.

Mr. Santarcangelo provided an update on Township abandoned properties including new code enforcement fees, and the status of a ward by ward assessment of these properties. A complete assessment should be concluded by the end of the month.

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road asked that the BID Budget be posted on the Township website. He also recommended that eight stop signs be installed at the corner of Pine Street and Claremont Avenue and reinstalled at intersections at Bellevue and Lorraine Avenues.

Other issues:

- Explanation for the resolution addressing health benefits for employees;
- Use of combined mailings” as a cost saving measure;
- Bill list items.

Brendan McCarty, Chestnut Street, expressed concern with a recent Board of Education decision for the property located at 58 James Street. The board’s decision would allow for five structures to be constructed where one home currently exists. In addition the decision reduced the rear yard setbacks from 37 feet to 6 feet.

He asked what his resources would be to address this action by the Zoning Board.

Steve Trushell, 260 James Street, reiterated opposition to this recent decision by the Zoning Board of Adjustment.

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 TO AMEND CHAPTER 337 OF THE TOWNSHIP CODE – MOBILE VENDORS)” (O-15-018)

The motion was adopted by unanimous vote.

NEW BUSINESS – RESOLUTIONS

On motion made by Councilor Baskerville 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 MARCELLA SIMADIRIS is hereby APPOINTED to serve as a MEMBER of the CIVIL RIGHTS COMMISSION for a term commencing immediately and terminating December 31, 2016. (R-15-101)

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

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act (“FHA”) and the Mount Laurel Doctrine be returned from the NJ Council on Affordable Housing (“COAH”) to the

New Jersey Superior Courts, due to COAH's failure to adopt Third Round Rules on municipal affordable housing obligations; and

WHEREAS, the NJ Supreme Court ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have "Participating" status by COAH are permitted to file a declaratory judgment action with its County's Superior Court; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality's affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the Township may receive from the courts substantive certification and accompanying protection as afforded under the FHA; and

WHEREAS, the Supreme Court ruled that a municipalities' Third Round fair share obligation and housing plan must be evaluated under the prior round methodology; and

WHEREAS, the Township of Montclair received Third Round Substantive Certification on August 12, 2009; and

WHEREAS, the governing body deems it to be in the best interest of the Township and its residents to authorize the Township Attorney to file a declaratory judgment action seeking judicial determination that the Township's housing element and affordable housing plans are sufficient to meet the Township's constitutional obligation for affordable housing;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Montclair, in the County of Essex, and State of New Jersey, that the Township Attorney is hereby authorized to file a declaratory judgment action with the Essex County Superior Court seeking judicial approval of the Township's compliance with its Third Round affordable housing obligation, a judicial determination that the Township's housing element and affordable housing plans are sufficient to meet the Township's constitutional obligation for affordable housing; and any other actions deemed necessary in connection therewith.

BE IT FURTHER RESOLVED that the Mayor, Manager and/or Township Attorney are hereby authorized to execute any and all documents necessary to implement and effectuate this Resolution.

This Resolution will take effect immediately upon its passage. **(R-15-102)**

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

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Houston-Galveston Area Council Energy Purchasing Corporation, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on May 19, 2015 the governing body of the Township of Montclair, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; now therefore

BE IT RESOLVED as follows:

1. This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Montclair.
2. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage. **(R-15-103)**

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

WHEREAS, the State of New Jersey recently adopted its 2015-16 budget and therefore, due to late passage of said budget, the Essex County Board of Taxation is unable to certify the Township's tax rate at this time, and the Municipal Tax Collector will be unable to mail the Township's 2015 tax bills on a timely basis; and

WHEREAS, the Township of Montclair Tax Collector, in consultation with the Township of Montclair Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; now therefore

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

1. The Township of Montclair Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Third Quarter of 2015 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, C. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2015 is hereby set at \$201,883,443 which creates an estimated tax rate of \$3.514 per \$100 of assessed value.
3. In accordance with law, the Third Quarter Installment of 2015 taxes shall not be subject to interest until the later of August 10, or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue. (R-15-104)

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

WHEREAS, on June 17, 2015 the Township of Montclair opened and read bids for construction of various pedestrian safety improvements on Walnut Street between Forest Street and Depot Square, 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 \$148,101.00; 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 various pedestrian safety improvements on Walnut Street in the amount of \$148,101.00 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-15-106)

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: **\$1,163,213.99**.

TOWNSHIP MANAGER'S REPORT – Discussion of July 21, 2015 Agenda Items

- A. 2nd Reading/Public Hearing on Ordinance Amending Chapter 327 "Vehicles and Traffic Ordinance to amend the Traffic Ordinance (MKA/Lloyd Road) (O_15_015)
- B. 2nd Reading/Public Hearing on Ordinance amending and supplementing Chapter 347 from the Code 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)
- C. 2nd Reading/Public Hearing on Ordinance amending Montclair Code Chapter 249 – Property, Vacant and Abandoned (O_15_017)
- D. Introduction of 2014 Management (Non-Union) Salary Ordinance (O_15_019)
- E. Introduction of Ordinance to adopt the new zoning map (O_15_020)

Township Planner, Janice Talley and Assistant Planner, Graham Petto offered a new version of the Township zoning map developed using the GIS software system. The map illustrates each zone, and includes redevelopment plans, historic sites and historic districts with additional minimum lot widths.

F. Introduction of Ordinance amending Montclair Code Chapter 327 (Vehicles and Traffic), Article III: Parking, Standing and Stopping Special Permits (O_15_021)

G. Introduction of Ordinance creating Four-way stop at Pine Street and Claremont Avenue (O_15_-22)

Township Engineer, Kimberli Craft explained the state requirements for implementation of stop signs at intersections.

H. Resolution re Contract award for Keller and Kirkpatrick, Gates Avenue Section 2

I. Resolution adopting the provisions of N.J.S.A. 40A:10-23 under which a public employer may agree to pay for the health benefits program coverage for certain retirees

J. Talbot Street facility RFP

K. Resolution authorizing contract award for Walnut Street pedestrian safety improvements

Ms. Craft explained the positioning of the crosswalk for this Walnut Street pedestrian safety improvement.

Councilor Spiller inquired about the status of handicapped parking implementation in accordance with the recent ADA lawsuit.

L. Resolution authorizing an increase in the bid threshold

At 9:15 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.

ROBERT JACKSON MAYOR

ATTEST:

LINDA S. WANAT, MUNICIPAL CLERK

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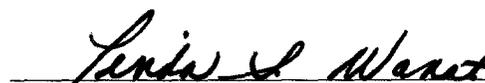
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