

MONTCLAIR, NEW JERSEY

August 25, 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, Councilors Baskerville, Hurlock, McMahon, Schlager and Spiller
Absent: Deputy Mayor Russo

On motion made by Mayor Jackson and duly seconded, the minutes of August 4, 2015 were approved by unanimous vote of members present.

Deputy Mayor Russo joined the meeting.

Councilor McMahon read the following proclamation remembering Jean Kidd, Community Leader.

PROCLAMATION

IN MEMORIAM
Jean Kidd

WHEREAS The Council of the Township of Montclair notes with sadness the passing of lifelong Montclair resident, active community volunteer and civic leader Jean Kidd; and

WHEREAS Jean Kidd was born in Montclair in 1933 and attended Watchung School, Montclair State College High School and the Katherine Gibbs School. She is a graduate of Caldwell College. She and her husband Duncan, who married in 1953, raised and educated their three children in Montclair. An involved parent, she held various offices in the Montclair PTA from 1960 to 1976; and

WHEREAS Jean Kidd was a key presence in Montclair, contributing her time and talent to many activities and initiatives throughout her life. She served Montclair with dedication and distinction holding responsible positions on many boards and organizations; serving as a powerful influence of good in the growth and progress of our community. Committed to diversity, fairness and equality Jean worked to desegregate Montclair's public schools, traveling with others to Trenton to begin the process of integrating the schools by launching a magnet school program. She served as the second Executive Director of the Adult School of Montclair from 1975 until she retired in 1982 to become a full-time college student. Continuing her involvement with the ASM she joined the Board, serving as Secretary and Vice President and rose to become President, a position she held from 1987 to 1989; and

WHEREAS Jean served as the head of the "May in Montclair" organization for many years during which time the weather obeyed her decree that it should never rain on May 1st in Montclair. She was also active in the Montclair Scholarship Fund, Montclair State University Community Advisory Board, and Montclair Roundtable. Both she and her husband, Duncan, were active in the Montclair Operetta Club. She was an involved congregant at Immaculate Conception Church, and in 2000 received a Community Volunteer Award from The Service Clubs Council of Montclair; and

WHEREAS Jean Kidd will be remembered as the embodiment of Ralph Waldo Emerson's definition of what it is to succeed: "To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived"; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, expresses the thanks of a grateful community for the life and contributions of Jean Kidd and extends its sympathy to all who will cherish her loving memory, especially her husband, children, grandchildren and host of friends.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “2014 MANAGEMENT (NON-UNION) SALARY ORDINANCE AN ORDINANCE CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF.” (O-15-019) passed first reading July 21, 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.

Councilor Baskerville suggested that the maximum salary range for the Deputy Manager’s position be increased from \$74,458 to \$80,000.

The Council decided to pass O-15-019 as presented. However, a new ordinance reflecting the suggested increase will be presented at a Council meeting of September 1, 2015

The pending ordinance entitled: “ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 347 FROM THE CODE OF THE TOWNSHIP OF MONTCLAIR ENTITLED “ZONING”” (O-15-020) passed first reading July 21, 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.

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING SPECIAL PERMITS” (O-15-021) passed first reading July 21, 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

The pending ordinance entitled: “ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – MULTIWAY STOP INTERSECTION AT PINE STREET AND CLAREMONT AVENUE” (O-15-022) passed first reading July 21, 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

The pending ordinance entitled: "ORDINANCE AMENDING CHAPTER 327 -- VEHICLES AND TRAFFIC CONCERNING HANDICAP PARKING" (O-15-023) passed first reading July 21, 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

The pending ordinance entitled: "BOND ORDINANCE APPROPRIATING \$2,637,440 FOR VARIOUS IMPROVEMENTS TO SCHOOL BUILDINGS AND GROUNDS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,637,440 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF" (O-15-024) passed first reading July 21, 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 – 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 September 29, 2015:

"ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS 202 AND 347 FROM THE CODE OF THE TOWNSHIP OF MONTCLAIR ENTITLED "LAND USE PROCEDURES" AND "ZONING." (O-15-025)

The motion was adopted by unanimous vote.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year ended December 31, 2014 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Township Council* of the Township of Montclair, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance. **(R-15-125)**

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

WHEREAS, Section F-3103.3 of the New Jersey State Fire Prevention Code provides that a municipal governing body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the above fire code regulation; and

WHEREAS, Fireworks by Castilione, hired by the St. Sebastian Society, has submitted an application to the Montclair Fire Department to conduct a fireworks display on the afternoons of August 29 and 30, 2015; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes a fireworks display by Fireworks By Castilione at the St. Sebastian Society on the aforesaid dates. All requirements with regard to same have been satisfied and verified by the Montclair Fire Prevention Bureau. **(R-15-126)**

On motion made by Councilor McMahon 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 TIMOTHY BARR, be and he hereby is APPOINTED to serve as a member of the Traffic/Parking Advisory Committee effective immediately and terminating December 31, 2017. **(R-15-127)**

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

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

Whereas, impaired driving crashes cost the United States almost \$50 Billion a year; and

Whereas, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; now therefore

Be It Resolved that the Township of Montclair declares it's support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.. **(R-15-128)**

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

WHEREAS, application has been filed for a Person-to-Person and Place-to-Place transfer of the Plenary Retail Consumption License **0713-32-016-006**, issued to Rosen Montclair, LLC, with a mailing address of 5 Seymour Street, to BSREP II Wellmont Theater NJ, LLC for its premises located at 5 Seymour Street and 398 Bloomfield Avenue, and

WHEREAS, the submitted application form is complete in all respects including receipt of a N.J. State Tax Clearance Certificate, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW THEREFORE, BE IT RESOLVED that the Council of the Township of Montclair, in Essex County, does hereby approve, effective September 18, 2015, the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Distribution License to BSREP II Wellmont Theater NJ, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to BSREP II Wellmont Theater NJ, LLC effective August 25, 2015." **(R-15-129)**

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 recognition of the 65th Anniversary of the Montclair- Graz Sister City relationship hereby authorizes an allocation of \$3,500.00 to provide an all access piece of playground equipment for installation at the Kindergarten Ziegelstrasse Park in Graz-Andritz. **(R-15-130)**

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

WHEREAS, on August 25, 2015 the Township Council adopted Ordinances 15-021 and 15-022; and

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

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that pursuant to N.J.S.A. 40:69A-181(b), Ordinances 15-021 and 15-022, adopted August 25, 2015, shall take effect immediately upon adoption of this Resolution. **(R-15-131)**

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: **\$1,991,540.03**.

ACTING TOWNSHIP MANAGER'S REPORT: Timothy Stafford announced the following:

New Jersey Transit will begin work on the North Fullerton grade crossing on August 27th to be completed by September 4, 2015. Residents are advised to use alternate routes.

The Water Department has sent a request to all residents asking them to conserve water due to the dry summer season.

COUNCIL REPORTS

Councilor Hurlock will hold his 14th First Ward meeting on Thursday, August 27, 2015 at the Bellevue Avenue Branch library.

Councilor Spiller announced a Third Ward community meeting on Thursday, September 10, 7:30 -9:00 p.m. at the Montclair Public Library.

Councilor Schlager congratulated Haley Winstead on the successful completion of her crosswalk art project at the corner of Forest and Chestnut Street. Installation was completed on August 16, 2015.

Sunday, September 20 - 3rd Annual Multi-Pride Fun Run

Montclair High School will welcome Joe Walsh, Saturday, October 3, 2015, 8:00 p.m.

Councilor Baskerville reported that she is still awaiting a report on appropriate traffic calming measures for Pleasant Way/Orange Road and Willowdale and Washington.

Fourth Ward Community Meeting: September 29, 2015 at Fire Headquarters.

Councilor McMahon announced the 17th Annual Montclair Ambulance Unit Golf outing on Tuesday, September 29, 2015 at the Rock Spring Golf Club.

Deputy Mayor Russo congratulated all who made the Montclair Jazz Festival so successful. He also discussed possible public office opportunities.

Mayor Jackson announced the retirement of Township Tax Assessor Joan Kozeniesky and thanked her for many years of service to Montclair residents.

He also expressed the following concerns:

- Status of the installation of a traffic signal at the corner of Park and Chestnut streets in time for the beginning of the school year.
- Milling and repaving of Park Street from Chestnut Street to Bloomfield Avenue. Mr. Stafford reported that milling and paving would take place on August 27 and 28 to be completed by August 31 or September 1. Mayor Jackson emphasized that this work must be concluded before the opening of schools.
- Status of Crosswalk repairs. Mayor Jackson suggested that start dates for repair work be included in all bid documents. Deputy Mayor Russo also added that a completed date be included.
- Mayor Jackson also asked the status of storm drainage repair at Warman Street. Township Engineer, Kimberli Craft reported that a Preliminary plan and budget (\$85,000) for repair of Warman Street had been submitted. Both the Mayor and Councilor Spiller expressed frustration regarding the failure to address the issues involved in this project. Acting Township Manager, Timothy Stafford stated that he would look into freeing up funds so repairs could go forward as soon as possible.
- The Council, having previously passed a resolution to remove fake-brick crosswalks, questioned the delay of replacing them at the intersection of North Willow, an area heavily trafficked by students and school buses.

Councilor Spiller asked the status for enforcing the Township street opening ordinance which requires utilities to restore streets upon completion of their work. Deputy Mayor Russo suggested putting a moratorium on all non-emergency street cuts as a measure to induce utilities to follow ordinance guidelines.

COMMUNICATIONS

From: NJDEP – No further Action Letter

6 Belvidere Place
128 Cooper Avenue
272 North Fullerton Avenue

TAX COLLECTOR'S MONTHLY REPORT – 6/1/2015 - \$2,048,526.80

Contracts:

Contract between J.C. Contracting Inc. re: Imprint Crosswalk Removal – Stanziale Construction, LLC

Letter dated August 6, 2015 from Trenk/DiPasquale re: Cecere Restaurant to Steven Z. Jurista, Assignee

Letter dated August 7, 2015 from United Way to Mayor Jackson re: Building at 58-60 S. Fullerton

Letter dated June 22, 2015 from PARS Environmental re: Remedial Action 575 Valley Road

Summons and Complaint dated July 29, 2015 re: Berning vs. Township of Montclair

Letter dated August 20, 2015 from Kleinfelder re: 323 Orange Road

Letter dated August 19, 2015 re: Site Remediation Program – 641 Bloomfield Avenue

Letter dated July 31, 2015 re: Notice of PSE&G customers

Letter dated August 10, 2015 from Environmental Alliance, Inc. re: Site Remediation Program

At 8:10 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