

MONTCLAIR, NEW JERSEY

September 29, 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 7:02 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

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

On motion made by Mayor Jackson and duly seconded, the minutes of September 8, 2015 was approved by unanimous vote of the members present.

Mayor Jackson asked all in attendance to observe a moment of silence in remembrance of Peter "Yogi" Berra, a Montclair favorite son.

PROCLAMATION

Commending
Omicron Xi Omega Chapter,
Alpha Kappa Alpha Sorority

WHEREAS Alpha Kappa Alpha Sorority, Inc. is America's first Greek-letter organization established by Black college women. Conceived as an instrument for enriching the social and intellectual aspects of college life by providing mental stimulation through interaction with friends and associates, the Sorority gradually branched out to become the channel through which selected college-trained women improved the socioeconomic conditions in their city, state, nation, and the world; and

WHEREAS On October 4, 2015 the Omicron Xi Omega Chapter, Alpha Kappa Alpha Sorority Inc., of Montclair which was the second of three chapters chartered in Essex County, New Jersey, is hosting its annual fund raising event in support of its scholarship and community programs at Mayfair Farm's; and

WHEREAS Over the years, the chapter has served the community through programs such as the Ivy Reading AKAdemy, child ID safety programs, and Shoe Boxes for Africa. Soros have raised money for the Sickle Cell Disease Association of America and the Susan G. Komen Breast Cancer Foundation through their participation in numerous walk-a-thons; and

WHEREAS At this year's event Lois and Mitchell McGuire, husband and wife proprietors of several McDonald franchises are being honored for their philanthropic and community service; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, commend the Montclair Chapter of the Alpha Kappa Alpha Sorority, Incorporated Omicron Xi Omega Chapter for its years of service to the community and congratulate Lois and Mitchell McGuire on this well-deserved honor.

**PROCLAMATION
Declaring
Mental Illness Awareness Week
October 4 – 11, 2015**

WHEREAS, mental illness is a term used for a group of disorders causing severe disturbances of thinking, feeling and relating; and

WHEREAS, mental illness can affect persons of any age, sex, race, religion, social and economic background; and

WHEREAS, during the course of any given year, 5.5 million Americans are disabled by severe mental illnesses; and

WHEREAS, nearly two-thirds of all people with diagnosable mental disorders do not seek treatment because of stigma, ignorance, or lack of appropriate service and treatment options; and

WHEREAS, mental illness impacts 1 in 4 individuals; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, recognize and proclaim the week of October 4 – 11, 2015 as

Mental Illness Awareness Week

Councilor Hurlock introduced Ruth Hood, his new intern from Montclair State University.

PUBLIC COMMENT

Sandy Sorkin, 3Marquette Road, asked if Rutgers had completed a prioritization list for Township street maintenance and requested a copy of same.

He also asked for an explanation of the pilot parking meter program.

Mr. Sorkin questioned the amount for payment of veterinary services on the bill list. He requested information regarding the source i.e., stray/owner surrendered of all animals sheltered at the Township facility.

Mr. Sorkin referenced the encroachments at the Bonsal preserve property and asked the Township to create a plan to address these encroachments.

Robin Woods, 50 Pine Street, expressed concern regarding the closing of the Pathmark Supermarket and highlighted the negative impact it will have on neighborhood residents and the local taxi stand.

Mayor Jackson provided an update including a possible shuttle service to other supermarkets in the area pending new development at that site.

Trina Paulas, 86 Elm Street, reiterated concern regarding the closing of the Pathmark Supermarket at Lackawanna Plaza. She asked if the Township had any control over this situation. The council noted that this is a private matter; however the Township's future redevelopment plans for the area do not preclude another food market at that site.

Robert Middleton, 549 Highland Avenue voiced his support for "sensible leaf blower restrictions." He believes any relaxing of these restrictions will have a serious effect on the health and safety of Montclair residents.

Silke Springorum, 180 Summit Avenue, would like to see the current leaf blower ordinance remain in effect with better enforcement.

Steve Buckingham, 163 Alexander Avenue, stated that he is continually harassed by leaf blower noise.

Councilor Schlager also raised the issue of noise created by "sanding" houses in preparation for painting.

Millicent Milner, a resident of Pine Street also reiterated concern over the "demise" of the Pathmark Supermarket.

Pat Kenschaft, 56 Gordonhurst Avenue stated there is no research that use of leaf blowers saves time. She is in favor of banning all leaf blowers.

Fred Chichester, 56 Gordonhurst Also opposes the use of leaf blowers for both noise and health reasons (allergies). He expressed concern over the lack of code enforcement of the municipal leaf blower ordinance.

Sheila Boyd, 12 Orange Road, noted that parking on Orange Road is limited. She was recently turned down when applying for a variance to create a parking space on this property. Ms. Boyd urged the Township to address the lack of parking in this area.

PRESENTATIONS

Finance Department: Receive CFO Padmaja Rao

- OpenGov implementation
- Preliminary Operating and Capital Budget considerations
- Leasing v. buying of fire equipment

Human Resources: Receive Director Tracy Villaverde

Performance Management Programs: includes job descriptions and analysis, training, and due process.
Cost: approximately \$50,000.

- Funding for Police and Fire Testing (Municipality must be at "arms length")
- Criteria for promotions (must be measureable and consider recommendation of the chief)
- Recruiting Tools (length of time before one can take a promotional exam)

Fire Department: Receive Chief John Herrmann

- Specifications for new apparatus
- Staffing levels
- Code Enforcement hiring
- Property Pilot

Planning & Community Development: Receive Director Janice Talley

- Permit turnaround
- Property Pilot
- 399 Orange Road
- CDBG Orange Road loop

Community Services: Receive Director Steve Wood and Township Engineer Kimberli Craft, Township Engineer

- Salt Dome
- Alternate salt storage e.g. Woodman location
- Beautification: parks, plazas
- Purchasing turnaround
- Warman Street
- Rutgers road evaluation project
- 2014 cold joint repairs
- Park/Chestnut Street intersection
- Private road paving
- Street opening ordinance
- Evaluation of "completed" paving projects
- New handicap parking in lots (# spaces lost and type e.g. permit, meter)

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "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) passed first reading August 25, 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: "AMENDMENT TO O-15-019 THE 2014 MANAGEMENT (NON-UNION) SALARY ORDINANCE" (O-15-026) passed first reading September 1, 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 – HANDICAPPED PARKING ON WALNUT STREET" (O-15-027) passed first reading September 8, 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 292, ARTICLE II, ENTITLED "NEWSPAPERS, GLASS, AND OTHER RECYCLABLES" (O-15-028) passed first reading September 8, 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 TREMONT PLACE – TIME LIMIT PARKING" (O-15-029) passed first reading September 8, 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 meeting of the Township Council to be held on October 20, 2015:

"ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE II: TRAFFIC REGULATIONS" (O-15-030)

The motion was adopted by unanimous vote.

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 meeting of the Township Council to be held on October 20, 2015:

"2014 MANAGEMENT (NON-UNION) SALARY ORDINANCE AN ORDINANCE AMENDING O-15-19 CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF" (O-15-031)

The motion 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:

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that EVAN CUTLER be and he hereby is APPOINTED to serve as a member of the Communications Advisory Committee effective immediately and terminating December 31, 2018. **(R-15-143)**

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

WHEREAS, N.J.S.A. 40A:9-140.10 requires every municipality in the State of New Jersey to have a Chief Financial Officer to be appointed by the governing body; and

WHEREAS, Montclair Code Section 3-29 provides that the Director of the Department of Finance shall be the Chief Financial Officer; and

WHEREAS, the Township is presently operating with a temporary Chief Financial Officer, who accepted the position only until a Chief Financial Officer can be appointed; and

WHEREAS, the Township Council has determined that Padmaja Rao, of Bridgewater, New Jersey, who is a Certified Municipal Finance Officer and a Certified Public Accountant in the State of New Jersey, has the qualifications and experience to hold the position and perform the duties of Chief Financial Officer; and

WHEREAS, Ms. Rao has agreed to serve in said position, commencing retroactive to September 14, 2015; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:9-140.10, Ms. Rao's term of office shall be four years, beginning for purposes of statutory tenure on January 1, 2015 and ending on December 31, 2018; now, therefore,

BE IT RESOLVED, that PADMAJA RAO is hereby appointed to the position of Chief Financial Officer of the Township of Montclair, also serving as Director of the Department of Finance; and

BE IT FURTHER RESOLVED, that Ms. Rao's appointment shall commence retroactive to September 14, 2015, and that pursuant to the provisions of N.J.S.A. 40A:9-140.10, Ms. Rao's term of office shall be four years, beginning for purposes of statutory tenure on January 1, 2015 and ending on December 31, 2018; and

BE IT FURTHER RESOLVED, that the salary of the Chief Financial Officer shall be determined by the Manager, within the parameters established by the applicable currently effective salary ordinance. **(R-15-144)**

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

WHEREAS, on September 16, 2015 the Township of Montclair opened and read bids for Montclair Parking Lots Snow Removal Services, as prescribed by law; and

WHEREAS, three bids were received; and

WHEREAS, all three bids exceed the project's allocated budget; and

WHEREAS, New Jersey Statutes, N.J.S.A.40A:11-13.2.a. state that a contracting unit may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposals received for Montclair Parking Lots Snow Removal Services be and they are hereby rejected; and

BE IT FURTHER RESOLVED that this bid shall be immediately re-bid. **(R-15-145)**

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

WHEREAS, on August 5, 2015 the Township of Montclair opened and read bids for Mountainside Park Terrace and Parkside Place Street Improvements, as prescribed by law; and

WHEREAS, only one bid was received; and

WHEREAS, the bid exceeds the project's allocated budget; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposal received for Mountainside Park Terrace and Parkside Place Street Improvements be and they are hereby rejected; and

BE IT FURTHER RESOLVED that this project shall be immediately re-bid for construction start no later than April 2016. **(R-15-146)**

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

WHEREAS, the Township of Montclair and the Borough of Glen Ridge wish to engage a professional planning firm to provide professional planning and consulting services to prepare a redevelopment plan for certain properties located in the vicinity of Hackensack University Medical Center (HUMC)/Mountainside, referred to as the HUMC/Mountainside Redevelopment Area, that has been designated as either an area in need of redevelopment or an area in need of rehabilitation; and

WHEREAS, the Township of Montclair and the Borough of Glen Ridge have agreed to equally share the cost of preparing the redevelopment plan; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, authorizes municipalities to enter into contracts for professional service without public bidding; and

WHEREAS, the Borough of Glen Ridge issued a Request for Proposals (RFP) to provide the required professional planning services and, in response to the RFP, the Borough received three proposals from professional planning consultants; and

WHEREAS, after review of the proposals the Borough of Glen Ridge Redevelopment Subcommittee recommends retaining H2M Associates, Inc. to prepare the redevelopment plan; and

WHEREAS, Montclair Township's Department of Planning and Community Development has reviewed the proposals and also recommends that the Township retain H2M Associates, Inc. to prepare the redevelopment plan; and

WHEREAS, the Township Council has reviewed the Department's recommendation and decided to award a contract to H2M Associates, Inc. to provide the required professional services at a cost not to exceed \$32,338 which is equal to half the total cost of the contract; and

WHEREAS, this contract is being awarded in accordance with the requirements of the New Jersey "Pay-to-Play" Law, N.J.S.A. 19:44a-20.5 et seq.; and

WHEREAS, H2M Associates, Inc. has completed and submitted a Business Entity Disclosure Certification certifying that it has not made any reportable contributions to any political or candidate committee in the Township of Montclair in the previous one year period, and the subject contract will prohibit said corporation from making any reportable contributions during the term of this contract; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and are hereby authorized to execute and attest an agreement with H2M Associates, Inc to provide professional planning and other services to the Township in connection with the preparation of the HUMC/Mountainside Redevelopment Plan at a cost not to exceed \$32,338 and in a form approved by the Township Attorney and subject to a certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that notice shall be published in the Montclair Times stating the nature, duration, service and amount of the attached agreement and that copies of this Resolution and the agreement are on file and available for inspection in the office of the Township Clerk. **(R-15-147)**

On motion made by Councilor Schalger 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: **\$1,569,573.68**

TOWNSHIP MANAGER'S REPORT

DISCUSSION/OCTOBER 6, 2015 AGENDA ITEMS

Resolution awarding contract for 2015 Fall Tree Planting

Resolution authorizing submission of grant application to Partners for Health for the Snow Buddies Project

Resolution authorizing submission of grant application to Partners for Health for the Edgemont Community Center Programming/Supplies for fall/winter grant cycle

Resolution authorizing submission of grant application to Partners for Health for the "Montclair Shop Healthy" bodega healthier food items project

Resolution authorizing disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 6H2 at 50 Pine Street as part of the voluntary extension of Affordability Controls Program

Resolution authorizing disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 6J2 at 50 Pine Street as part of the voluntary extension of Affordability Controls Program

Resolution regarding amendment to Safe and Secure Communities Program grant application and agreement

Municipal Clerk, Linda Wanat distributed a revised version of the Montclair Volunteer Handbook.

Township Attorney, Ira Karasick reported that he continues to research neighborhood lighting issues.

He noted that all attorney appointments will be eligible for renewal shortly.

At 10:21 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: Legal matters
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 10:31 P.M. the Conference meeting resumed.

On motion made by Mayor Jackson a resolution appointing George F. Librizzi to the position of Tax Assessor was adopted by the following vote:

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

WHEREAS, N.J.S.A. 40A:9-146 requires every municipality in the State of New Jersey to have a Tax Assessor, who in the Council-Manager Plan is to be appointed by the governing body; and

WHEREAS, the currently-serving Tax Assessor, whose term would have expired on June 30, 2016, has retired and resigned as of September 1, 2015; and

WHEREAS, the Township Council has determined that George F. Librizzi, of North Caldwell, New Jersey, who is a Certified Tax Assessor in the State of New Jersey, has the qualifications and experience to hold the position and perform the duties of Tax Assessor; and

WHEREAS, Mr. Librizzi has agreed to serve in said position; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:9-146, Mr. Librizzi's term of office shall be for the unexpired term of his predecessor, ending on June 30, 2016; now, therefore, be it

RESOLVED, that George F. Librizzi, CTA is hereby appointed to the position of Tax Assessor; and be it further

RESOLVED, that Mr. Librizzi's appointment shall commence immediately, and that pursuant to the provisions of N.J.S.A. 40A:9-146, shall be for the unexpired term of the previous Tax Assessor ending on June 30, 2016; and be it further

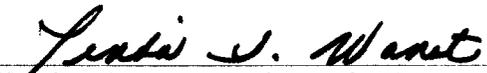
RESOLVED, that the salary of the Tax Assessor, and additional terms and conditions of employment, shall be determined by the Manager, within the parameters established by the applicable salary ordinance. **(R-15-148)**

At 11:07 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