

MONTCLAIR, NEW JERSEY

October 20, 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
PLEDGE OF ALLEGIANCE
ROLL CALL

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 October 13, 2015 were approved by unanimous vote.

PROCLAMATION

Councilor Baskerville presented the following proclamation to Major Jennings in recognition of his outstanding accomplishments (both "on and off" the field)

*CONGRATULATING
Major Jennings*

WHEREAS Lifelong Montclair resident, Major Jennings, is being inducted into the American International College Athletic Hall of Fame on Friday, October 23, 2015; and

WHEREAS Major Jennings is a graduate of Montclair High School, where he lettered in Varsity Basketball for two years. He attended American International College on an athletic scholarship, where he was a four year starter, voted the Most Outstanding Athlete for four consecutive years and the Bob Cousy Award recipient in his junior year. Mr. Jennings set the school record for points – 1,730 – and remains the program’s fourth all-time leading scorer. His basketball prowess earned him a tryout with the NBA;s Denver Nuggets; and

WHEREAS Following a brief career in finance, Major Jennings returned to Montclair where he began his career in education at Mt. Hebron Middle School in 1993. Mr. Jennings taught technology at Mt. Hebron for 19 years before assuming the position of interim Assistant Principal in 2009; he was named to the position permanently in 2012; and

WHEREAS Major Jennings served as the Montclair High School Boys Varsity Basketball coach for 19 years, accumulating over 300 wins, six Northern New Jersey Interscholastic League conference championships, the 1995 Group IV Sectional State championship and also named Essex County Coach of the Year in 2005. He also coached the Montclair High School Girls Varsity Volleyball team for 16 years, winning an NNJIL Conference title in 2005; and

WHEREAS Mr. Jennings has been recognized for his achievements with the Superintendent’s Award for Outstanding Commitment and Community Service in 2002; honored as the Montclair Neighborhood Development Corporation’s Citizen of the year in 2001 and the Mercier Club’s 2007 Monsignor Edward Lark Award of Distinction. He continues to contribute to the Montclair community in many ways. He has been the Director of the Project Oasis summer program since 1995; now therefore

BE IT RESOLVED that the Township Council of Montclair recognizes the many contributions

MAJOR JENNINGS

has made to this community and joins with his family and friends in congratulating him on this most recent, well-deserved honor.

Mayor Jackson acknowledged this and called Mr. Jennings both a “man’s man” and a “hero”.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE II: TRAFFIC REGULATIONS.” (O-15-030) passed first reading September 29, 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: "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) passed first reading September 29, 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 November 10, 2015:

"ORDINANCE APPROPRIATING \$1,600,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE REFURBISHMENT OF THE SANITARY SEWER SYSTEM IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY AND CANCELING BOND ORDINANCE O-11-54." (O-15-032)

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 regular meeting of the Township Council to be held on November 10, 2015:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – CREATE BUS STOP AT CHURCH STREET BETWEEN BLOOMFIELD AVENUE AND SOUTH PARK STREET" (O-15-033)

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 regular meeting of the Township Council to be held on November 10, 2015:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – CHURCH STREET AT BLOOMFIELD AVENUE" (O-15-033)

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:

WHEREAS, the Township of Montclair has undertaken a comprehensive debt management program over the past few years, and

WHEREAS, certain aged, unused funded and unfunded capital improvement (project) balances, in the sum of \$5,890,260.87, are reflected on the records of the Township of Montclair, which the Mayor and Township Council find it appropriate and necessary to cancel these unused capital improvement authorization balances as more specifically set forth below in attachment Schedule A so as to continue the comprehensive debt management program, having as the primary objective the reduction of outstanding debt.

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 certain such ordinances as listed on Schedule A attached are hereby declared to be completed and canceled and all funds remaining shall be allocated to the General Capital, School, Water and Sewer Utility Capital Surplus or Reserve for Payment of Debt which will be used to offset the debt service associated with these projects as provided and allowed by law and determined by the Chief Financial Officer. (R-15-166)

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

WHEREAS, Permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates; and,

WHEREAS, the Township receives program contributions for the Drug Awareness Council (Municipal Alliance Contribution); and

WHEREAS, these contributions shall only be used for the activities of the Drug Awareness Council (Municipal Alliance Contribution); and

WHEREAS, NJS 40A:5-29 provides for Program Contributions by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, the allowance of a Dedication by Rider for the collection and expenditure of said funds would provide for a more orderly method of accounting for said funds;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Montclair, County of Essex, that in accordance with N.J.S.A. 40A:4-39 the dedication of funds collected as program contributions dedicated for drug awareness council activities taking place in the Township are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

BE IT FURTHER RESOLVED that the Township Council of the Township of Montclair, in the County of Essex hereby request permission of the Director of Local Government Services to pay expenditures of said purpose which said revenue is dedicated by statute or other legal requirement.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed in the office of the Director of the division of Local Government Services. (R-15-167)

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

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates; and,

WHEREAS, the expenditure of funds related to Affordable Housing will be an exact offset to Affordable Housing receipts; and

WHEREAS, N.J.S. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Montclair, County of Essex, State of New Jersey as follows:

1. The Township Council hereby requests permission of the Director of the Division of Local Government Services to establish a Dedication by Rider for Affordable Housing as per N.J.A.C. 5:92-18.1 et seq.
2. The Municipal Clerk of the Township of Montclair is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services. (R-15-168)

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

WHEREAS, the Township of Montclair intends to submit an application for Municipal Aid for Gates Avenue between Eagle Rock Way and Undercliff Road; now therefore

BE IT RESOLVED that Council of the Township of Montclair formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to officially submit the electronic grant application identified as MA-2016-Gates Avenue Section 3-00427 to the New Jersey Department of Transportation on behalf of Montclair.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montclair and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement. (R-15-169)

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

WHEREAS, by resolution adopted May 5, 2015, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to TC Landscape Contracting, Inc. for reconstruction of historic brick road and drainage repairs, for an amount not to exceed \$56,120.00; and

WHEREAS, by memorandum dated October 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 \$8,640.00; 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; 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 TC Landscape Contracting, Inc. for Change Order #1 in the amount of \$8,640.00 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-15-170)

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

WHEREAS, by resolution adopted June 16, 2015, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to Stanziale Construction for removal of Imprint (faux brick) crosswalks at various locations and replacement with thermoplastic striping, for an amount not to exceed \$65,820.00; and

WHEREAS, by memorandum dated October 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 \$13,164.00; 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; 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 for Change Order #1 in the amount of \$13,164.00 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-15-171)

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

WHEREAS, Michael Murphy (the "Owner") is the owner of property located at 131-139 Lloyd Road, identified on the Tax Map as Block 204, Lots 15.01 and 15.02 (together, the "Property"); and WHEREAS, the Property contains an unfinished residence which has been under construction for more than 10 years; and

WHEREAS, the on April 9, 2015 the Township entered into an agreement with the Owner, attached hereto; to allow the owner to construct a retaining wall on the Property within a sewer utility easement benefitting the Township, subject to multiple terms and conditions (the "Agreement"); and

WHEREAS, the Agreement was approved by the Township Engineer and the Township Attorney, and signed by the Mayor; and

WHEREAS, a neighbor opposing the owner's construction on the Township easement has by letter dated October 13, 2015 questioned the authority of the Mayor to execute the Agreement without approval of the governing body; and

WHEREAS, without conceding such lack of authority on the Mayor's part, the Council has decided to ratify the Agreement nunc pro tunc in order to eliminate any such claim; now, therefore, be it

RESOLVED, the Township Council of the Township of Montclair hereby ratifies and approves the Agreement, as attached hereto, and gives its authority to the Mayor to execute the Agreement nunc pro tunc. (R-15-172)

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: \$1,073,196.52

TOWNSHIP MANAGER'S REPORT:

Acting Township Manager, Timothy Stafford announced the following:

- Flu Vaccine Clinic, November 4, 2015, Municipal Building 2:00 – 6:00 p.m.
- Fall Recreation Program Schedule can now be found on the Township Website: www.montclairnjusa.org
- Annual Veteran's Day Observance, Wednesday, November 11, 2015 at 11:00 a.m., Edgemont Memorial Park.

Deputy Mayor Russo recently attended the Aging in Montclair "Folk Fest Fundraiser".

Councilor McMahon, recently returned from Montclair's Sister City Graz, Austria, reported that the visit was "unbelievable".

At 7:54 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