

MONTCLAIR, NEW JERSEY

December 1, 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 7:04 P.M.

STATEMENT OF SUNSHINE NOTICE
PLEDGE OF ALLEGIANCE
ROLL CALL

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

PUBLIC COMMENT

Margaret Whitsett, 50 Madison Avenue, reported that the change to four hour parking (later two hour) parking on Oxford Street has made parking extremely difficult in the area for her tenants.

Deputy Mayor Russo joined the meeting.

She asked for an exemption for all day parking for her tenants. Ms. Whitsett also stated that she had not been alerted to the change in parking prior to implementation.

Sandy Sorkin, 3 Marquette Road, expressed concern regarding the following:

- Bill list items including Pinnacle Consulting and telephone repairs.

Councilor Spiller joined the meeting.

- “Senior Designation” only signifies that the Township is on a path to become senior friendly.

Pat Kenschaft, 56 Gordonhurst Avenue, shared her continued concern over climate change. She also reiterated her requests that idling of Township vehicles cease.

Fred Chichester, 56 Gordonhurst Avenue, reported that there have been new advances in technology which could be applied to auto engine idling and subsequent effect on climate change. He addressed traffic congestion on certain streets within the Township and encouraged the use of public transportation.

William Scott, 23 Cedar Avenue, questioned the under assessment of certain properties within the Township including the parking decks.

RECEIVE: Edwin Schmierer, Esq., Special Counsel, Affordable Housing

Mr. Schmierer provided background on the N.J. Supreme Court’s March 2015 decision concerning municipal affordable housing obligations. He will keep the Council apprised of new developments going forward.

PROCLAMATIONS

PROCLAMATION
OF THANKS AND APPRECIATION FOR
Montclair Police Officer Curt Briscoe

WHEREAS Police Officer Curt Briscoe is being honored by the Montclair-Verona Rotary Club as an exemplar of “Service Above Self” at its Festive Holiday Luncheon being held on Tuesday, December 8th, at Noon, at the Upper Montclair Country Club; and

WHEREAS The Rotary Club is an international service club whose purpose is to bring together business and professional leaders in order to provide humanitarian services, encourage high ethical standards in all vocations, and help build goodwill and peace in the world; and

WHEREAS Montclair police officers accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and terrorism. They are trained to respond to all types of emergencies and provide aid in many different situations. On March 31, 2015, Officer Briscoe, who has been a member of the Montclair Police Department for six years, responded to a report of an unresponsive male exhibiting signs of severe respiratory distress. As a result of his training and quick thinking Officer Briscoe was able to use an automated external defibrillator while providing oxygen to the stricken gentleman and, working with another Montclair Police officer, was successful in aiding the patient until the Montclair Ambulance Unit responded; now therefore

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

has made to our community and to the Montclair Police Department and join with his family, friends, co-workers and Montclair residents in congratulating him on this recognition from the Montclair-Verona Rotary Club.

**PROCLAMATION
OF THANKS AND APPRECIATION FOR
Montclair Police Officer Garth Guthrie**

WHEREAS Police Officer Garth Guthrie, a member of the Montclair Police Department since January of 2001, is being honored by the Montclair-Verona Rotary Club as an exemplar of "Service Above Self" at its Festive Holiday Luncheon being held on Tuesday, December 8th, at Noon, at the Upper Montclair Country Club; and

WHEREAS The Rotary Club is an international service club whose purpose is to bring together business and professional leaders in order to provide humanitarian services, encourage high ethical standards in all vocations, and help build goodwill and peace in the world; and

WHEREAS Montclair police officers accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and terrorism. They are trained to respond to all types of emergencies and provide aid in many different situations including community policing assistance. Officer Guthrie has worked on initiatives which include registering residents for a mobile medical vehicle for free health related services, identifying and providing assistance to the homeless, working with Toni's Kitchen to provide meals for those in need and helping local residents find employment opportunities. As a mentor for Montclair's Brother to Brother program, Officer Guthrie serves as a positive role model to the children of our community; now therefore

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

has made to our community and to the Montclair Police Department and join with his family, friends, co-workers and Montclair residents in congratulating him on this recognition from the Montclair-Verona Rotary Club.

**PROCLAMATION
OF THANKS AND APPRECIATION FOR
Montclair Police Officer Kevin Ortiz**

WHEREAS Police Officer Kevin Ortiz, a member of the Montclair Police Department for over three years, is being honored by the Montclair-Verona Rotary Club as an exemplar of "Service Above Self" at its Festive Holiday Luncheon being held on Tuesday, December 8th, at Noon, at the Upper Montclair Country Club; and

WHEREAS The Rotary Club is an international service club whose purpose is to bring together business and professional leaders in order to provide humanitarian services, encourage high ethical standards in all vocations, and help build goodwill and peace in the world; and

WHEREAS Montclair police officers accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and terrorism. They are trained to respond to all types of emergencies and provide aid in many different situations. On March 31, 2015, Officer Ortiz, while off-duty nearby on an extra duty assignment, overheard dispatchers assign a call regarding an unresponsive male exhibiting signs of severe respiratory distress. As a result of his training and quick thinking Officer Ortiz, after checking for a pulse with negative results, began CPR and, working with another Montclair Police officer, was successful in aiding the patient until the Montclair Ambulance Unit responded. Officer Ortiz, his family and the recovered gentleman have since become good friends; now therefore

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

has made to our community and to the Montclair Police Department and join with his family, friends, co-workers and Montclair residents in congratulating him on this recognition from the Montclair-Verona Rotary Club.

**PROCLAMATION
OF THANKS AND APPRECIATION FOR
Montclair Firefighter
Sebastian “Butch” Covello**

WHEREAS Montclair Firefighter Sebastian “Butch” Covello is being honored by the Montclair-Verona Rotary Club as an exemplar of “Service Above Self” at its Festive Holiday Luncheon being held on Tuesday, December 8th, at Noon, at the Upper Montclair Country Club; and

WHEREAS The Rotary Club is an international service club whose purpose is to bring together business and professional leaders in order to provide humanitarian services, encourage high ethical standards in all vocations, and help build goodwill and peace in the world; and

WHEREAS Firefighting is a hazardous profession, requiring physical strength, stamina, extensive training, courage, and selfless concern for the welfare of our citizens. A twenty-six year veteran of the Montclair Fire Department, Butch Covello, a graduate of Montclair High School, is the current President of the FMBA Local #20 Union, now therefore

BE IT RESOLVED that the Council of the Township of Montclair recognizes the many contributions
FIREFIGHTER SEBASTIAN “BUTCH” COVELLO

has made to our community and to the Montclair Fire Department and joins with his family, friends, co-workers and Montclair residents in congratulating him on this recognition from the Montclair-Verona Rotary Club.

**PROCLAMATION
OF THANKS AND APPRECIATION FOR
Montclair Fire Department
Battalion Chief Stephen Miscia**

WHEREAS Battalion Chief Stephen Miscia is being honored by the Montclair-Verona Rotary Club as an exemplar of “Service Above Self” at its Festive Holiday Luncheon being held on Tuesday, December 8th, at Noon, at the Upper Montclair Country Club; and

WHEREAS The Rotary Club is an international service club whose purpose is to bring together business and professional leaders in order to provide humanitarian services, encourage high ethical standards in all vocations, and help build goodwill and peace in the world; and

WHEREAS A lifelong Montclair resident and thirty-six year veteran of the Montclair Fire Department, Battalion Chief Miscia assists in the management and discipline of the municipal uniformed fire department. At fires, the Battalion Chief takes charge of responding companies, deploys firefighting forces, orders needed reinforcements, and supervises firefighting activities. He participates and supervises in the investigations of violations of fire laws, ordinances, codes, fire hazards, and institutes needed action. Battalion Chief Miscia is also an active community volunteer, serving as an usher at Our Lady of Mt. Carmel Church, working as a member of the Board of Trustees for Unico, a service organization of Italian Americans, and as a coach of girls softball; now therefore

BE IT RESOLVED that the Council of the Township of Montclair recognizes the many contributions
BATTALION CHIEF STEPHEN MISCIA

has made to our community and to the Montclair Fire Department and joins with his family, friends, co-workers and Montclair residents in congratulating him on this recognition from the Montclair-Verona Rotary Club.

**PROCLAMATION
Congratulating Raymond R. “Skip” and Bernice Connell
and
Commemorating the 50th Anniversary of the 100 Club**

WHEREAS Raymond R. “Skip” Connell and his wife Bernice are being honored for their many contributions to the Township of Montclair by The 100 Club at its 50th annual dinner being held on Wednesday, December 2, 2015 at the Montclair Golf Club in West Orange. The Connells will be presented with the Community Service Award named in honor of former Police Chief Edward M. Giblin and former Fire Chief John W. Gardner; and

WHEREAS Raymond R. ‘Skip’ Connell’s father, Raymond C. Connell, was born in Montclair and attended Immaculate Grammar School, Seton Hall Prep and University and the Mercer Beasley School of Law. He was admitted to the bar of New Jersey in 1934 and became an FBI agent. In 1938 he

returned to Montclair and set up a law practice. During the Second World War he was in Army Air Force Senior Intelligence and later in the Navy as a Lieutenant with the Pacific Fleet Air Force. He was discharged as a Lieutenant Commander. After the war he returned to Montclair where he practiced law until his death in 1974. He was very proud of his country and very much concerned with doing what he could to insure its continued greatness; and

WHEREAS Fifty years ago Raymond C. Connell and Joseph Hahn, as advocates of law enforcement and public service, formed the 100 Club. They were concerned that police officers and fire fighters would not get the proper and necessary remuneration they had earned should they be injured or killed in the line of duty. They were also concerned that their families would not get the necessary financial support they deserved. This led them to form the 100 Club to establish, maintain and grow a fund to be used for such emergencies and to assist police and fire families in need. In absence of those exigent circumstances, which thankfully have not occurred in recent years, the funds are utilized to give college scholarships to the children of Montclair firefighters and police officers; more recently The EMT's of the Montclair Ambulance Unit have been included; and

WHEREAS Like his Dad, Skip Connell was also born and raised in Montclair and followed a similar trajectory. After graduating Seton Hall Law School, Skip worked for the FBI, as a claims representative for NJM and as an Assistant Prosecutor in Essex County. He subsequently practiced law in Montclair for many years and now practices in Fairfield. Skip holds the rank of Advocate in the American Board of Trial Advocates and has been Chairman of the Bench Bar Committee of the Essex County Bar Association for many years. He has also long been the Secretary of St. Patrick's Guard of Honor; and

WHEREAS Bernice Connell has spent a great deal of what spare time she has had on charitable and good will endeavors. She has worked tirelessly with Immaculate Conception grammar school volunteering as the librarian and as a teacher's aide, as well as running the Christmas wreath sales for the church. She has served for over a decade as a hospice worker, and has cooked meals for the needy and homeless. Bernice ran the Phillip Lamonaco golf outing for the New Jersey State Police for years, and is a past president of Essex Fells Country Club women's group; and

WHEREAS Together, Bernice and Skip Connell have raised 5 wonderful children. They have carried on the leadership of the 100 Club over the years in the tradition of Raymond C. Connell and Joseph Hahn, that of being immensely supportive of the triad of public safety - police, fire and ambulance. They have dedicated themselves to keep this fine organization thriving; now therefore

BE IT RESOLVED that we, the Township Council of Montclair, join with the family and friends of Skip and Bernice Connell in honoring them for their many contributions to this community and their deep and continuing dedication to the 100 Club which is celebrating its fifty years of support to the men and women who insure Montclair's public safety.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE APPROPRIATING \$1,788,105.47 FROM THE CAPITAL SURPLUS FUND FOR THE ACQUISITION OF VEHICLES, EQUIPMENT AND INFORMATION TECHNOLOGY EQUIPMENT IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY." (O-15-035) passed first reading November 10, 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 December 15, 2015:

"ORDINANCE AUTHORIZING AND APPROVING FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF MONTCLAIR AND HP ORANGE 2013 URBAN RENEWAL, LLC FOR THE PROJECT LOCATED IN MONTCLAIR CENTER GATEWAY REDEVELOPMENT AREA PHASE ONE AT BLOCK 1404, LOT 1.01" (O-15-038)

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 January 19, 2016:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 74-ALCOHOLIC BEVERAGES” (O-15-039)

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 January 19, 2016:

“ORDINANCE REGULATING MOBILE FOOD TRUCK SAFETY” (O-15-040)

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, on October 12, 2010, in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Local Redevelopment and Housing Law”), the Township Council of the Township of Montclair (the “Township Council”) established an area in need of redevelopment within the Township consisting of Block 1404, Lots 1.01, 11, 12.01 and 13, on the current Tax and Assessment Map of the Township (the “Redevelopment Area”); and

WHEREAS, Lot 1.01 within Block 1404 has since been lawfully subdivided, creating a new Lot 1.02, which is included within the Redevelopment Area; and

WHEREAS, by Resolution adopted at the Township Council’s regular meeting on December 6, 2011, the Township Council conditionally designated Montclair Acquisition Partners, LLC (“MAP”) as the redeveloper for the Redevelopment Area for purposes of negotiating a redevelopment agreement for redevelopment of the Redevelopment Area; and

WHEREAS, pursuant to the Township Council’s resolution of February 21, 2012, MAP assigned to MAP Urban Renewal, LLC all redevelopment rights in and to the Redevelopment Area; and

WHEREAS, HP ORANGE 2013 URBAN RENEWAL LLC (the “Entity”) has acquired that property within the Redevelopment Area identified as Block 1404, Lot 1.01 (the “Project Site”); and

WHEREAS, MAP Urban Renewal, LLC assigned its redevelopment rights with respect to the Project Site to Entity pursuant to separate agreement between those parties, which assignment is being approved by the Township pursuant to this Resolution; and

WHEREAS, the Entity, in accordance with and pursuant to the Redevelopment Agreement, plans to develop the Project Site with a project (the “Project”) comprised of an 8-story hotel with approximately 150 rooms, 13,000 square feet of office/conference/meeting space, a restaurant, a rooftop bar, a public atrium and public outdoor plaza;

WHEREAS, the Entity received Preliminary and Final Site Plan approval for the Project pursuant to a resolution of the Montclair Township Planning Board dated August 27, 2014; and

WHEREAS, the Township and the Entity have negotiated a Redevelopment Agreement to govern the parties respective obligations and responsibilities in the implementation of the Project, the form of which is attached to this resolution; now, therefore, be it

RESOLVED, that the Township Council approves the transfer of redevelopment rights and designation from MAP Urban Renewal, LLC to HP ORANGE 2013 URBAN RENEWAL LLC; and be it further

RESOLVED, that the Township Council approves the Redevelopment Agreement in substantially the form attached hereto; and that the Mayor is hereby authorized to sign said Redevelopment Agreement. **(R-15-208)**

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

WHEREAS, the Township issued Request for Proposals #15-06 (the “RFQ”) seeking proposals for the lease of Township-owned property at 17 Talbot Street (the “Property”) in accord with the terms and conditions set forth in the RFQ; and

WHEREAS, four proposals were received in response to the RFQ; and

WHEREAS, the proposal submitted by Homes of Montclair Ecumenical Corp. (“HOMECorp”), a New Jersey nonprofit corporation, is determined to be the most suitable proposal that can most likely and practically make the best use of the Property in the public interest; now, therefore,

BE IT RESOLVED, that the Manager is authorized to negotiate and the Mayor and Clerk to execute and attest to a lease for the Property, in substantial conformance with the terms and conditions set forth in Request for Proposals #15-06. **(R-15-209)**

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

WHEREAS, on October 12, 2010, in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Local Redevelopment and Housing Law”), the Township Council of the Township of Montclair (the “Township Council”) established an area in need of redevelopment within the Township consisting of Block 1404, Lots 1.01, 11, 12.01 and 13, on the current Tax and Assessment Map of the Township (the “Redevelopment Area”); and

WHEREAS, Lot 1.01 within Block 1404 has since been lawfully subdivided, creating a new Lot 1.02, which is included within the Redevelopment Area; and

WHEREAS, by Resolution adopted at the Township Council’s regular meeting on December 6, 2011, the Township Council conditionally designated Montclair Acquisition Partners, LLC (“MAP”) as the redeveloper for the Redevelopment Area for purposes of negotiating a redevelopment agreement for redevelopment of the Redevelopment Area; and

WHEREAS, pursuant to the Township Council’s resolution of February 21, 2012, MAP assigned to MAP Urban Renewal, LLC all redevelopment rights in and to the Redevelopment Area; and

WHEREAS, HP ORANGE 2013 URBAN RENEWAL LLC (the “Entity”) has acquired that property within the Redevelopment Area identified as Block 1404, Lot 1.01 (the “Project Site”); and

WHEREAS, MAP Urban Renewal, LLC assigned its redevelopment rights with respect to the Project Site to Entity pursuant to separate agreement between those parties, which assignment is being approved by the Township pursuant to Resolution adopted December 1, 2015; and

WHEREAS, the Entity, in accordance with and pursuant to the Redevelopment Agreement, plans to develop the Project Site with a project (the “Project”) comprised of an 8-story hotel with approximately 150 rooms, 13,000 square feet of office/conference/meeting space, a restaurant, a rooftop bar, a public atrium and public outdoor plaza;

WHEREAS, the Entity received Preliminary and Final Site Plan approval for the Project pursuant to a resolution of the Montclair Township Planning Board dated August 27, 2014; and

WHEREAS, on November 18, 2015, the Entity filed an application with the Township for a long term tax exemption for the Project, pursuant to the Long Term Tax Exemption Law (“LTTEL”), a copy of which is attached hereto as Exhibit 1 (the “Application”); and

WHEREAS, the form of Financial Agreement attached to the application was the subject of prior negotiations which resulted in changes and modifications to the proposed agreement; and

WHEREAS, the Mayor by letter dated November 30, 2015 now submits the Application and proposed Financial Agreement to the Township Council with his recommendation of approval as required by N.J.S.A. 40A:20-8; now, therefore, be it

RESOLVED, that the Township Council approves the application of HP ORANGE 2013 URBAN RENEWAL LLC for a tax exemption pursuant to the LTTEL as required by N.J.S.A. 40A:20-8. **(R-15-210)**

TOWNSHIP MANAGER’S REPORT:
DISCUSSION/DECEMBER 8, 2015 AGENDA ITEMS

1. Resolution requesting approval of items of Revenue and appropriation N.J.S.A. 40A:4-87 (2015 Partners for Health-Snow Buddies Grant \$1,500)
2. Resolution requesting approval items of Revenue and Appropriations N.J. S.A. 40A:4-87 (2015-2016 Pedestrian Safety Grant \$16,000)

COUNCIL COMMENTS

Mayor Jackson announced that Sgt. Tyrone Williams of the Montclair Police Department and Shai Carr will be awarded the prestigious Essex County Valor Award. On December 4, 2015. This honor is bestowed to outstanding Public Safety Professionals by the Essex County Board of Chosen Freeholder.

At 8:55 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