

MONTCLAIR, NEW JERSEY

December 8, 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 6:30 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 November 24, 2015 and December 1, 2015 were approved by unanimous vote.

CDBG HEARING

Receive: Janice Talley, Director of Planning and Zoning

Ms. Talley reported that the Township has received CDBG applications from eight service agencies, with requests that total \$262,800. The projects are summarized on the attached table. The Township is expected to receive approximately the same level of funding as last year, which totaled \$321,650. It is anticipated that only \$166,100 will be available for the service agencies in 2016.

The Township has identified two potential CDBG capital projects for 2016. The preferred Township project is a \$155,550 streetscape improvement project for Orange Road in the South End Business District. The project includes extending the sidewalks in front of the stores on the west side of Orange Road and reducing the width of the lanes between Washington Street and Cedar Avenue.

The County has stated in the past that they will not fund this project because it is located at the border of the eligible census tract and does not qualify for CDBG funds because the benefits are shared with a non-qualifying census tract. The plans have been changed so that the improvements are limited only to the sidewalks in front of the properties in the qualifying census tract. If the County still maintains that this project will not qualify, a second project has been added. The second project is to reconstruct Willowdale Avenue between Woodland Avenue and Lincoln Avenue. The cost for this project is \$143,825.

The following organizations proffered their 2016 requests.

Organization	Description	2015 Amount Received	2016 Amount Requested
COPE Center Inc.	Grant will be used to support salaries for staff who provide individualized, evidence-based counseling and outreach services to over 400 extremely low, very low and low-income Montclair residents.	\$20,000	\$39,500
Interfaith Hospitality Network (IHN)	Grant will be used to support staff salaries for the Home for Good project which is designed to implement longer-term solutions for 5 low-income Montclair families (10 individuals) to achieve economic and housing stability.	\$20,000	\$32,500
Succeed2-gether	Grant will be used to support staff salaries and consultant expenses required to maintain and manage the increase in enrollment and student volunteers. The program anticipates providing tutoring, workshops and a summer enrichment program to 185 low-income children.	\$20,000	\$40,000

Homes of Montclair Ecumenical Corporation (HOME Corp)	Grant will be used to support staff salaries for the Housing, Opportunity, Preparation and Education Program which is a financial education program for residents of all income levels with a particular concentration on low and moderate income adults and youth.	\$12,000	\$25,000
Montclair Neighborhood Development Corporation	Grant will be used to support staff salaries for the Project Oasis Youth Empowerment Program, which supports services to youth aged 13 through 18 years of age from low-income families.	\$20,000	\$40,000
United Way	Grant will be used to support staff salaries for the Job Resource and Financial Skill Building Center.	\$12,000	\$20,000
Start Out Fresh Intervention Advocates (S.O.F.I.A.)	Grant will be used to support staff salaries for the Soar to Success program which provides workshops to assist women, children and men that have experienced domestic violence to transition to positive, healthy lifestyles.	\$12,000	\$45,800
Mindful Breath Foundation	Grant will be used to train teachers to provide mindfulness based attention training and emotional management teaching to 12 - 15 children from the Mission Street areas in grades K - 5.	\$0	\$20,000
Total		\$116,000	\$262,800

Deputy Mayor Russo joined the meeting.

Joe Davis, Executive Director, Brother to Brother provided an update on this program. Currently they are offering a series of employment training workshops to young men interested in entering the job market. These include mentoring, financial and resume building skills. Mr. Davis reported that the focus of the program was “not just to get clients a job but to build a career.”

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE REGULATING INVASIVE LIGHT” (O-15-036) passed first reading November 16, 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 **AMENDED** and reintroduced by the following vote.

Ayes: Councilors Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson
Nay: Councilor Baskerville

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 347, ARTICLE XIV TO MAKE HEAD SHOPS A PROHIBITED USE IN N-C ZONES” (O-15-037) passed first reading November 16, 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 January 19, 2016:

“ORDINANCE REGULATING INVASIVE LIGHT” (O-15-036)

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 AUTHORIZING THE DECLARATION OF DEED RESTRICTION WITH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR 399 ORANGE ROAD” (O-15-041)

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, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, now therefore

BE IT RESOLVED, that the Mayor and Council of the Township of Montclair in the County of Essex, New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$1,500, which is now available from 2015 Partners For Health-Snow Buddies grant in the amount of \$1,500; and

BE IT FURTHER RESOLVED, that the like sum of \$1,500 is hereby appropriated under the caption 2015 Partners For Health-Snow Buddies Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from 2015 Partners For Health-Snow Buddies Grant in the amount of \$1,500. **(R-15-211)**

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, now therefore

BE IT RESOLVED, that the Mayor and Council of the Township of Montclair in the County of Essex, New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$16,000, which is now available from 2015 Pedestrian Safety Grant in the amount of \$16,000; and

BE IT FURTHER RESOLVED, that the like sum of \$16,000 is hereby appropriated under the caption 2015 Pedestrian Safety Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from 2015 Pedestrian Safety Grant in the amount of \$16,000. **(R-15-212)**

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

WHEREAS, the Township of Montclair is a party to a cooperative purchasing agreement with the New Jersey Parking Cooperative Pricing System , a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly-formed cooperative purchasing system without advertising for bids; and

WHEREAS, the Township is in need of 768 single space parking meters for use by the public; and

WHEREAS, the New Jersey Parking Cooperative Pricing System has awarded a Contract to IPS Group, Inc. for the purchase of 768 single space parking meters; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an "open and fair process" under the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.5 et seq.; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township enter into an agreement with IPS Group, Inc. for the purchase of 768 single space parking meters in accordance with the aforementioned Contract and the specifications attached hereto, in an amount not to exceed \$364,305.00, pending certification of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that the funds for this acquisition have been appropriated in the 2015 Operating Budget, Account Number 5-24-55-200-200-200. Complete details of the agreement are attached hereto and made a part hereof. (R-15-213)

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 Janice Talley, Director of Planning and Community Development and Councilwoman Renee Baskerville be and they hereby are appointed to serve as Montclair's representatives to the Essex County Community Development Representatives' Committee for the year 2016. (R-15-214)

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

WHEREAS, the Township Council of the Township of Montclair has determined that it is the interest of the Township to enter into a Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA as prepared identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA required modification; and

WHEREAS, an Amendment to the MSSDA ("Amendment") was prepared to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, the Township Council of the Township of Montclair recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Council of the Township of Montclair has determined that it is in the best interests of the citizens of the Township of Montclair to approve the MSSDA as amended, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Montclair, as follows:

1. The terms and conditions of the MSSDA as amended are hereby approved, and/or ratified and confirmed.

2. The Mayor and Township of Montclair Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Agreement.
3. The Township Council of the Township of Montclair hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Montclair with Econsult Solutions, Inc.
4. The Township Council of the Township of Montclair hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Montclair with the approval of the Township's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
5. The Township Council of the Township of Montclair further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.
6. In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Montclair shall only be responsible for such funding if it authorizes same.
7. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.

This Resolution shall take effect immediately. (R-15-215)

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: **\$1,094,858.47**.

PUBLIC COMMENT

Kay Sherwood, 320 Linden Avenue, encouraged the Council to fill vacancies on the Animal Welfare Advisory Committee.

William Scott, 23 Cedar Avenue, expressed concern regarding comments made by Township Attorney, Ira Karasick about the affordable housing obligation for the Township. Mayor Jackson emphasized it was not the intention to reduce the obligation to zero. Rather, the Council would prefer to award any affordable housing units to Montclair residents at former residents.

Joyce Goldman, Director, Essex County Constituent Services, invited all to the Essex County Holiday Light Spectacular. (5:00 p.m. – 9:00 p.m. through December 30th) She also announced that several children's camp programs are available over the holiday. Additional information is available on the county website.

Sandy Sorkin, 3 Marquette Road, questioned several bill list items including a payment to Glen Ridge and a payment for auditing services for a "pilot" agreement.

REPORTS AND COMMUNICATIONS

COUNCIL REPORTS

Councilor Schlager, reported a request from the Montclair Bread Company for installation of a loading zone in front of this business. She also asked for two hour parking on Forest Friendship and Fidelity. Councilor Schlager reported that the border collie herding initiative at Edgemont Pond has been successful.

Councilor Baskerville thanked the Council for adopting the deed restriction on 399 Orange Road to be used as a pocket parks. She continues to seek information on the placement of pedestrian crossings and the status of a "drop of zone" in front of the Neighborhood Child Care Center. Councilor Baskerville asked that the municipality investigate the condition of a cherry tree in front of the Marlboro Bakery on Grove Street. She also announced the grand opening of the Old Mogul Theatre.

Councilor Spiller reported a most successful Montclair Education Association "Wrap and Roll" event.

Deputy Mayor Russo announced that several of his Montclair State University students are available for internships with the municipality.

Councilor McMahon noted the recent Rotary event honoring Montclair Police Officers, Curt Briscoe, Garth Guthrie and Kevin Ortiz and Montclair Firefighters Sebastian Covello and Steph Miscia.

Councilor Hurlock thanked his Montclair State University intern Ruth Hood. He recently attended the Township tree lighting event which ushered in the Township's holiday season.

The Council expressed Best Holiday wishes to all!

COMMUNICATIONS

From: NJDEP – No further Action Letter

14 Greenview Way
147 South Mountain Avenue – Lot 18
147 South Mountain Avenue – Lot 19

Tax Collector's Monthly Report - \$14,162,449.35

Letter dated November 23, 2015 from Wasserman, Jurista & Stolz re: General Assignment for the Benefit of Creditors of Rorry, Inc. t/a Richie Cecere's Restaurant & Supper Club.

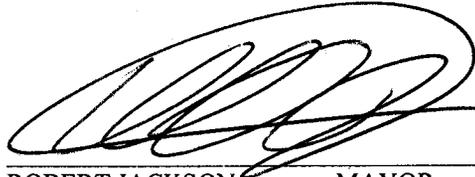
Letter dated November 23, 2015 from Verizon re: Consent to jointly use existing facilities lawfully erected in the public right of way to be placed on the next available agenda for consideration by the Council.

Letter dated November 17, 2015 from Essex County Utilities Authority (ECUA) re: decrease in tipping fee for municipal processible waste.

Letter dated November 23, 2015 to Reverend Daniel Ying re: Parking accommodations on North Willow Street on Sunday mornings.

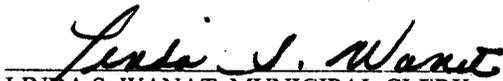
Letter dated December 8, 2015 from Senior Citizens Advisory Committee and Aging in Montclair to Mayor Jackson re: Funding request for Interim Senior Resource and Activities Hub

At 9:25 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