

.MONTCLAIR, NEW JERSEY

January 12, 2016

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 7:01 P.M.

STATEMENT OF SUNSHINE NOTICE
PLEDGE OF ALLEGIANCE
ROLL CALL

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

On motion made by Mayor Jackson and duly seconded, the minutes of December 15, 2015, were approved by unanimous vote by the members present.

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, reiterated concern regarding Montclair's indebtedness. He asked why debt service was increasing so dramatically and if this was linked to a rapid payment of Montclair's bonds. Mayor Jackson explained the current structure of financing which allows for permanent bonding and larger debt payment to reduce the Township's indebtedness.

RECEIVE: IMAC - Insurance Management Team and Consultant:

Joe Maruillo, Tom Ucko, and Joe Ciampa presented options for a health care plan for all Township employees. Following an extensive discussion the Council decided to continue with the current Horizon plan with the added option of Horizon's new two-tiered OMNIA plan. In determining their decision the Council gave significant consideration to the difficulties employees might experience in moving to a different plan.

On motion made by Mayor Jackson and duly seconded the contract with Horizon Blue Cross for Medical insurance services remain the same for 2016.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Municipality is a political subdivision of the State of New Jersey (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the governing body of the Municipality ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality; and

WHEREAS, the Township of Montclair has determined to acquire a one piece aerial ladder apparatus from Pierce Manufacturing, Inc. and to structure the acquisition as a lease in the principal amount of \$847,159.55; and

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Municipality; and

WHEREAS, Pierce Manufacturing Inc. or its assignee, if any ("Lessor") shall act as Lessor under said Leases; and

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality:

Section 1. The Manager (an "Authorized Representative") acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in a principal amount not to exceed \$847,159.55 substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. The Authorized Representative acting on behalf of the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the

Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the Municipality.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Municipality as set forth therein.

Section 4. The Municipality's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality's obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Municipality reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c) (3) bonds") during the fiscal year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval. **(R-16-001)**

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

WHEREAS, the Township of Montclair recognizes that there is a need to provide aid and assistance to persons and families in the Township who are homeless, and seeks to provide such support; and

WHEREAS, homeless services are provided by non-profit organizations like the Montclair Emergency Services for the Homeless (MESH) who are best able to provide the services needed for the Township's homeless population; and

WHEREAS, it is necessary for the public health, safety and welfare, and in the best interests of the residents and taxpayers of the Township of Montclair, for the Township to assist in the coordination and support of aid to Montclair's homeless population; and

WHEREAS, the Township Council resolves to provide \$25,000 in support of aid to Montclair Emergency Services for the Homeless (MESH) to provide respite care for 2016; and

WHEREAS, the Township has provided in their 2016 temporary budget an appropriation in the amount of \$25,000 for Montclair Emergency Services for Homeless (MESH) to provide respite care; now therefore

BE IT RESOLVED that the Council of the Township of Montclair hereby authorizes the payment of \$25,000 to Montclair Emergency Services for the Homeless (MESH) to provide respite care for the remainder of 2016. **(R-16-002)**

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

WHEREAS, the Township website is outdated, both as to technology and security, and does not adequately meet the current needs of the Township for interactive communication with residents and others; and

WHEREAS, the Township's Information Technology office received proposals from three vendors that implement and maintain websites; and

WHEREAS, the Township Council finds, relying on the Township's IT professionals, that the proposal of Civic Live, Inc. (CivicLive), a wholly-owned subsidiary of Reliance Communications, LLC is determined to best meet the needs of the Township; and

WHEREAS, the total price of this contract is \$35,000; and

WHEREAS, pursuant to N.J.S.A. 40A:11-3, this contract is not required to be submitted to public bidding as the amount is below the bid threshold; and

WHEREAS, this contract provides for ongoing services to be performed by CivicLive at the Township's order; and

WHEREAS, this resolution authorizes the contract to be in effect for 12 months from the contract's Effective Date, subject to renewal at the discretion of the governing body; now, therefore, be it

RESOLVED, by the Township Council of the Township of Montclair, that the Manager is authorized to enter into a contract with Civic Live, Inc. and/or its parent corporation, Reliance Communications, Inc in substantially the form attached hereto, for a term of 12 months and a price not to exceed \$35,000; and be it further

RESOLVED, that this contract is conditioned on the certification of the Chief Financial Officer that funds are available. (R-16-003)

(Still awaiting wording of “friendly amendment”)

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

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Township of Montclair; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONTCLAIR, COUNTY OF ESSEX, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Montclair, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by The Township of Montclair.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Montclair, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Montclair.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Montclair as an additional insured.
 - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
 - F. Notwithstanding any provision contained herein, neither the Township of Montclair nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
 - G. This instrument shall be adopted on behalf of the Township of Montclair by the Township Council of the Township of Montclair and attested to by the Township of Montclair Clerk who shall affix the Township of Montclair Seal thereto.

- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using. **(R-16-004)**

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

WHEREAS, the Township wishes to contract for the services of a municipal auditor; and

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

WHEREAS, O'CONNOR DAVIES, LLP is qualified by the State of New Jersey to perform municipal audits; and

WHEREAS, this contract is being awarded in accordance with requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; and

WHEREAS, O'CONNOR DAVIES, LLP, 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 term of this contract; 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 O'Connor Davies LLP to serve as municipal auditor for the year 2016, for the sum of \$78,000.00, in accordance with the proposal on file in the Township Clerk's Office; 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-16-005)**

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

WHEREAS, the State of New Jersey Local Fiscal Affairs Law, N.J.S.A. 40A:5 et seq. requires that the Governing Body of a Municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate a public depository or depositories for the investment of local funds in interest bearing accounts and other permitted investments; and

WHEREAS, N.J.S.A. 40A:5 – 15.1 amended by Chapter 148, P.L. 1997 established requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

WHEREAS, the Mayor and Council of the Township of Montclair wish to comply with the above statutes; now therefore

BE IT RESOLVED, that the Mayor and Council of the Township of Montclair adopt the attached cash management plan, including the official depositories for the Township of Montclair for the calendar year 2016. **(R-16-006)**

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

WHEREAS the Council of the Township of Montclair in the County of Essex desires to further the public interest by obtaining a grant from the State of New Jersey Historic Preservation Office in the amount of approximately \$24,999 to fund the following project: Cultural Resource Survey of Glenridge Avenue and Walnut Street Areas.

WHEREAS the governing body resolves that Timothy Stafford, Esq., or the successor to the title of Township Manager is authorized:

- (a) to make application for such a grant;
- (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$9,000 and not more than \$24,999; and
- (c) to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT RESOLVED, the Council of the Township of Montclair authorizes the Township Manager to submit a CLG Grant Application for the preparation of a Cultural Resource Survey of Glenridge Avenue and Walnut Street Areas and hereby agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement. **(R-16-007)**

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

WHEREAS, on December 16, 2015 the Township of Montclair, opened and read bid proposals for cleaning services to be provided to the Township Municipal Building and Fire Headquarters Building; and

WHEREAS, eight (8) companies submitted bids for the cleaning service in accordance with the bid specifications; and

WHEREAS, Best Cleaning Building Services, Inc. of Ridgefield, New Jersey submitted the lowest responsible bid for the required services, in accordance with the bid specifications as follows:

<u>Building</u>	<u>Per Year Bid Amount</u>
Municipal Building	\$27,000.00
Fire Headquarters Building	<u>\$ 6,480.00</u>
Total Bid Amount	\$33,480.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that Best Cleaning Building Services, Inc. be and is hereby awarded a contract to provide cleaning services to the Township of Montclair Municipal Building and Fire Headquarters Building for the period from February 1, 2016 through January 31, 2017, with annual options on the part of the Township to renew said contract for two additional years, pending certification of funds by the Chief Financial Officer. **(R-16-008)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that DR. STEVE STEFANSKI be and he hereby is APPOINTED to serve as a (non-voting) Member of the Animal Welfare Advisory Committee for a term commencing immediately and terminating December 31, 2018. **(R-16-009)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JASON DE SALVO and ANTHONY IANUALE be and they hereby are APPOINTED to serve as FULL MEMBERS of the PLANNING BOARD effective immediately and terminating December 31, 2019.

BE IT FURTHER RESOLVED by the Council of the Township of Montclair, in the County of Essex, that CARMEL LOUGHMAN (FIRST ALTERNATE) and TIMOTHY BARR (SECOND ALTERNATE) be and they hereby are APPOINTED to serve on the PLANNING BOARD effective immediately and terminating December 31, 2016. **(R-16-010)**

COUNCIL COMMENTS

Councilor Baskerville requested that a resolution be placed on the Council agenda of January 19th waiving the 20 day period before implementation of the Tuxedo Road new parking guidelines.

Mayor Jackson offered a letter of support for assistance with federal grants from the Hon. Rodney Frelinghuysen.

He also directed attention to a resident's letter concerning uneven implementation of bagged meters. Council Spiller suggested that the Township research the use of reusable materials for this initiative.

Other Items:

- Martin Luther King, Jr. breakfast, Monday, January 18, 2016
- Implementation of loading zones in front of the Montclair Bread Company and the Neighborhood Child Care Center.

At 8:57 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: Appointments
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 9:55 P.M. Conference meeting resumes.

On motion made by Mayor Jackson and duly seconded the Council approved the following appointments to the Montclair Planning Board by unanimous vote:

Jason De Salvo and Anthony Ianuale - Full Members terminating December 31, 2019.

Carmel Loughman (First Alternate) and Timothy Barr (Second Alternate)

At 10:02 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