

.MONTCLAIR, NEW JERSEY

March 1, 2016

The Council of the Township of Montclair, in the County of Essex, met in the Second Floor Council Chamber 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, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson
Absent: Councilor McMahon

On motion made by Mayor Jackson and duly seconded, the minutes of February 16, 2016, were approved by unanimous vote:

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, asked if bond ordinance "16-10" would replace notes for finished projects. He also asked the parameters of the N.J. State "pay to play" laws. He suggested that the one year provision regarding this legislation be extended.

Councilor McMahon joined the meeting.

Mr. Sorkin also made the inquiries regarding the bill list: including: card readers, geese migration, tee shirt purchases, springs for the senior bus.

William Scott, 23 Cedar Avenue, asked for information regarding R-16-043 "Resolution authorizing application for a loan from the New Jersey Environmental Infrastructure Financing Program for the Sanitary Sewer Collection Rehabilitation.

Steve Levitt, 10 Roosevelt Place, reiterated concerns regarding enforcement of parking issues in areas surrounding the Wellmont Theatre. He also asked who had the authority to close Seymour Street when the Wellmont Theatre is open. He suggested that the Council place the "closing" of any streets on a Council agenda for a 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 council meeting of the Township Council to be held on March 15, 2016:

"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$5,872,880 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,579,236 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" **(O-16-010)**

The motion was adopted by unanimous vote.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget; now therefore

BE IT RESOLVED, by the Governing Body of the Township of Montclair that, based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Account#	Description	Temporary Budget	Amendment
6-01-44-901-901-2xx	Capital Improvement Fund	\$187,500	\$300,000

Water Utility Fund

Account#	Description	Temporary Budget	Amendment
6-06-55-511-511-3xx	Capital Outlay	\$0.00	\$850,000

(R-16-042A)

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

Name of Applicant: **Township of Montclair**

WHEREAS, the Township of Montclair intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for Sanitary Sewer Collection Rehabilitation for reduction in infiltration and inflow; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that Gary Obszarny, Director of Utilities, be authorized to act as the Authorized Representative to represent the Township of Montclair in all matters relating to the project undertaken pursuant to the above-referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative, Gary Obszarny, may be contacted at the Montclair Department of Utilities, 54 Watchung Avenue, Montclair, New Jersey 07043 [Telephone Number: (973) 744-4600]. **(R-16-043)**

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

WHEREAS, the Township has a need to engage a professional engineering firm to provide professional engineering services to the Township’s water and sewer utility, in order to continue investigations and to report on environmental conditions, not related to water quality, at the utility’s Watchung Avenue facility; 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 public bidding; and

WHEREAS, this contract is being awarded in accordance with the requirements of N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, Gannett Fleming, 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 Township enter into an agreement with Gannett Fleming, Inc. for the provision of professional engineering services for a period of one year, in an amount not to exceed \$75,000; to be charged to utility budget; and

BE IT FURTHER RESOLVED, that this resolution is conditional on the certification of Chief Financial Officer of availability of funds; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to execute and attest an agreement with Gannett Fleming, Inc. in accordance with this resolution, the form of which shall be approved by the Township Attorney; 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-16-044)**

On motion made by Councilor Spiller 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 New Jersey State Contract; 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 of Montclair is in need of acquiring one new heavy duty garage lift for use by the Department of Community Services; and

WHEREAS, the New Jersey State Contract, contract number A80126 has awarded a contract to Stertil-Koni USA 200 Log Canoe Circle, Stevensville, MD 21666; 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, that the funds for this purchase have been appropriated in the 2015 Capital Budget, account number C-04-15-035-000-DPW; now therefore

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Stertil-Koni USA 200 Log Canoe Circle, Stevensville, MD 21666 for a new Heavy Duty Garage Lift in the amount of \$49,675.00 to be charged to the accounts above or as otherwise determined to be correct by the Chief Financial Officer’s pending certification of funds. **(R-16-045)**

On motion made by Deputy Mayor Russo 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 Morris County 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 of Montclair is in need of acquiring one new 2016 Ford F350 Rack Body vehicle for use by the Department of Community Services; and

WHEREAS, the Morris County Cooperative Pricing System, Contract number 15-C, Item #27 has awarded a contract to Route 23 Auto Mall, 1301 Rt. 23 South, Butler, New Jersey 07405; 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, that the funds for this purchase have been appropriated in the 2015 Capital Budget, account number C-04-15-035-000-DPW; now therefore

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Route 23 Auto Mall, 1301 Rt. 23 South, Butler, New Jersey 07405 for one new 2016 Ford F350 Rack Body Vehicle in the amount of \$49,312.00 to be charged to the accounts above or as otherwise determined to be correct by the Chief Financial Officer’s pending certification of funds. **(R-16-046)**

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

WHEREAS, on January 26, 2016, the Township of Montclair opened and read bids for the *2016 Tree Removal* services required by the Township, as prescribed by law; and

WHEREAS, two companies submitted bids to provide tree and stump removal services in accordance with bid specifications; and

WHEREAS, Dujets Tree Experts submitted the lowest responsible bid in accordance with the bid specifications; 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 Dujets Tree Experts for *2016 Tree Removal* services in an amount not to exceed \$100,000.00 (based upon the unit prices bid as follows – 6”-12” DBH - \$45.00, 13”-24” DBH - \$425.00, 25”-36” DBH - \$685.00, Over 36” DBH - \$1,025.00) pending Certification of Funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the funds for this contract have been appropriated in the 2015 Capital Budget C-04-15-0009-000-104 and additional funds will be appropriated in the 2016 Capital Budget. Complete details of the contract are attached hereto and made a part hereof. **(R-16-047)**

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

WHEREAS, the Township of Montclair wishes to engage a professional architecture and design firm to provide design review assistance in the preparation of redevelopment plans and review of site plan associated with redevelopment plans, 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 Township received a proposal from Smith Maran Architecture and Interiors to provide architectural services;

WHEREAS, the contract may be awarded without public bidding as an exception to the bidding requirements of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5(1)(a)(i) as a professional service because engineering services are rendered by persons authorized by law to practice their recognized profession, whose practice is registered by law and because such services are of a qualitative nature which will not reasonably permit the drawing of specifications or the receipt of competitive bid; 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, Smith Maran Architecture and Interiors 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 Smith Maran Architecture and Interiors to provide architectural services to the Township in connection with the preparation of design standards for redevelopment plans and design review of site plan associated with redevelopment plans in an amount not to exceed \$75,000 and a form approved by the Township Attorney; 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-16-048)**

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

WHEREAS, on November 10, 2015, the Township of Montclair appropriated funds for the purchase of miscellaneous vehicles and equipment for the Department of Community Services in ordinance number 0-15-035; and

WHEREAS, an unfunded environmental analysis of an ongoing underground storage tank remediation project located at the Department of Community Services facility at 219 North Fullerton Avenue must be completed by May 7, 2016 in accordance with New Jersey Department of Environmental Protection requirements; and

WHEREAS, a proposal for the required analysis dated January 11, 2016 was submitted by Matrix New World Engineering, P.C. (Matrix) who has been the Township's Licensed Site Remediation Professional (LSRP) working on this remediation project at 219 North Fullerton Avenue since 2011 when they were selected in an open Request For Proposals; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township authorize the use of the following existing Capital Budget Account Number to fund the Matrix Underground Storage Tank Remediation analysis at 219 North Fullerton Avenue based upon their proposal dated January 11, 2016 in an amount not to exceed \$82,700.00 pending Certification of Funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the funds for this purchase have been appropriated in the 2015 Capital Budget, Account Numbers C-04-15-035-000-000. **(R-16-049)**

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

WHEREAS, on February 3, 2016 the Township of Montclair opened and read bids for construction of streetscape improvements on Orange Road West, as prescribed by law; and

WHEREAS, the lowest bid received significantly exceeds the project budget; and

WHEREAS, the Township Engineer recommends and the Township Manager concurs that the design be revised in order to reduce the construction cost and then re-bid at the earliest opportunity; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposals received be and they are hereby rejected. **(R-16-050)**

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: **\$366,981.74**

TOWNSHIP MANAGER’S REPORT

DISCUSSION/MARCH 15, 2016 AGENDA ITEMS

1. Resolution awarding contract for professional services for environmental testing and analysis at Department of Community Services yard
2. Resolution authorizing purchase of two vehicles for the Building Department
3. Resolution authorizing payment to subrecipients for the 2015 Community Development Block Grant (CDBG) program
4. Resolution suspending parking fees in designated locations during the Montclair Film Festival 2016

The Council discussed deferring the resolution authorizing the purchase of two vehicles for the building department until more information could be obtained.

COUNCIL COMMENTS

Councilor Baskerville asked when the electricity could be turned on to those properties who had been closed due to a recent fire in Glenridge Avenue.

Councilor Baskerville also requested an update on the “Meet the Bunny” celebration including the purchase of a tent to use in case of rain. She suggested that “Mr. Bunny” visit all of the wards during the celebration perhaps utilizing a fire truck for transportation.

Councilor McMahon reminded all that the Montclair Ambulance Unit ST. Patrick’s Day celebration honoring Judy and Josh Weston will be held on March 7, 2016.

Deputy Mayor Russo invited Councilor McMahon to attend his Montclair State University class.

At 7:55 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 8:32 the meeting resumed to open.

On motion made by Deputy Mayor Russo and duly seconded, the following resolution was adopted by unanimous vote.

WHEREAS, the Montclair Film Festival will be held throughout the Township from April 29, 2016 to May 8, 2016; and

WHEREAS, the Film Festival will conduct activities and screen films at the Bellevue and Clairidge Theaters and other locations in Montclair during the Festival; and

WHEREAS, the Township Council desires to facilitate the activities of the Film Festival; now therefore

BE IT RESOLVED, that free parking will be available at the below locations, on dates stipulated and at times listed below:

LOCATION	DATE	TIME
Bellevue Avenue Lot METERED SPACES ONLY	Saturday, April 30	All day
	Friday, May 6	Noon - 7
	Saturday, May 7th	All day
Upper Montclair Train Station Lot METERED and PERMIT SPACES	Saturday, April 30	All day
	Saturday, May 7	All day
	North Fullerton Deck - top level Friday, April 29 to Sunday May 8	All day
South Willow Lot METERED SPACES ONLY	Saturday, April 30	All day
	Saturday, May 7	All day

(R-16-051)

On motion made by Councilor Baskerville 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 SUZANNE APTMAN be and she hereby is APPOINTED to serve as FIRST ALTERNATE member of the Environmental Commission commencing immediately and terminating December 31, 2017.

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that CATHERINE OUTLAW be and she hereby is APPOINTED to serve as SECOND ALTERNATE member of the Environmental Commission commencing immediately and terminating December 31, 2016.

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JESSICA STOLZBERG be and she hereby is APPOINTED to serve as a full member of the Environmental Commission commencing immediately and terminating December 31, 2017. **(R-16-052)**

On motion made by Councilor Baskerville 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 KEVIN ALLEN is hereby APPOINTED to serve as a MEMBER of the CIVIL RIGHTS COMMISSION for a term commencing immediately and terminating December 31, 2018. **(R-16-053)**

On motion made by Councilor Baskerville 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 DAVID GREENBAUM be and he hereby is APPOINTED to serve as SECOND ALTERNATE member to the Historic Preservation Commission effective immediately and terminating December 31, 2017. **(R-16-054)**

On motion made by Councilor Baskerville 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 **JONATHAN MOORE** be and he hereby is APPOINTED to serve as a MEMBER of the Board of Adjustment effective immediately and terminating December 31, 2019. **(R-16-055)**

At 8:44 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