

MONTCLAIR, NEW JERSEY

March 15, 2016

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 7:00 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

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 March 1, 2016 was approved by unanimous vote by the members present.

PUBLIC COMMENT

Rich Galioto, landscaper, Bloomfield, speaking on behalf of landscapers serving Montclair referenced a report listing complaints (32 in a two month period) regarding use of leaf blowers.

Joyce Goldman, Director of Constituents Services, Essex County, outlined the many festivities taking place during the Essex County Cherry Blossom Festival.

Robin Woods, 50 Pine Street, thanked Councilor Spiller for addressing concerns of Glenridge/Bloomfield Avenue merchants impacted by a recent fire. She announced that the League of Women Voters may hold a “meet and greet” rather than a debate with Municipal Election candidates. Ms. Wood will also provide color commentary on Channel 34 the night of the local May 10th election.

Mr. Haywood Woods, 50 Pine Street, stated that the number provided to report a broken parking meter does not function.

William Scott, 23 Cedar Avenue, expressed concern regarding the amount of affordable housing provided for in the Hackensack UMC Mountainside Hospital redevelopment plan. He does not believe it will adequately compensate for the thirteen houses in the area which will be lost to the project.

Mayor Jackson welcomed members of Dr. Johnson’s family and presented her with a proclamation outlining her outstanding career and community activities.

**PROCLAMATION
Commending
DR. BYERTE W. JOHNSON**

WHEREAS, Dr. Byerte W. Johnson, a longtime Montclair resident, has provided over sixty years of service to the Township of Montclair and the greater Essex County community through her teaching, conducting, writing and composing; and

WHEREAS, Dr. Byerte W. Johnson who has a PhD in philosophy and religion, three master’s degrees and an honorary doctorate in music, has served as Minister of Music for several Montclair churches including St. Marks United Methodist Church, St. Paul’s Baptist Church and Trinity Presbyterian Church; was a professor at Bloomfield College and Kean University for over twenty-five years, educated young people at the JAMAS school in East Orange and at St. James Preparatory School in Newark and taught piano lessons for over fifty years to both young and senior residents of Montclair; and

WHEREAS, Dr. Byerte W. Johnson wrote, produced and directed the “Crucifixion”, a passion play which has been performed several times in Montclair during the Easter season and directed a production of The Messiah for over forty years; and

WHEREAS, For many years, as part of African American History Month, Dr. Johnson presented a program entitled “Proud Moments in Black History” at St. Mark’s United Methodist Church which she and a colleague produced to fill a need to bring more African-American culture to children through music and dance as part of her mission of cultural enrichment; and

WHEREAS, Dr. Johnson is an active member of Delta, Sigma, Theta, Sorority Inc., a member of the National Association of Negro Musicians, established the Edward J. Johnson Scholarship to encourage and support local high school graduates in their collegiate endeavors and, with her late husband, created and managed Camp Edbert for the benefit of urban and suburban youth populations for nearly ten years; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, commends **Dr. Byerte W. Johnson** and thanks her for the many contributions she has made to our community.

Dr. Johnson thanked the Council for this recognition and quoted Albert Goodson “I’ve come this far by faith, don’t expect to turn around”. She continued from Henry Wadsworth Longfellow’s “A Psalm of Life” Let us, then, be up and doing, with a heart for any fate; still achieving, still pursuing, learn to labor and to wait.

Receive:

Glenridge Avenue Merchant’s Association representatives Maureen O’Brien and Nicole Silva, co-chairs, of the 2016 festival event. They announced that this year the fair will concentrate on “arts and cultural happenings.” They thanked the Montclair Police Department and all the merchant sponsors of this event. They also asked if the Township would waive meter fees for that day.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE DESIGNATING THE “MONTCLAIR WOMEN’S CLUB” (82 UNION STREET) AS A HISTORIC LANDMARK PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MONTCLAIR” (O-16-006) passed first reading February 16, 2016 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 by the members present.

The pending ordinance entitled: “ORDINANCE DESIGNATING THE “SOCIAL SERVICES BUILDING” (60 SOUTH FULLERTON AVENUE) AS A HISTORIC LANDMARK PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MONTCLAIR” (O-16-007) passed first reading February 16, 2016 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 by the members present.

Graham Petto, Assistant Planner, liaison to the Historic Preservation Commission proffered the full support of these nominations from the Historic Preservation Commission.

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-16-008) passed first reading February 16, 2016 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 by the members present

The pending ordinance entitled: "ORDINANCE TO AMEND THE TRAFFIC ORDINANCE: ESTABLISHING A SCHOOL LOADING ZONE ON MAPLE AVENUE" (**O-16-009**) passed first reading February 16, 2016 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 by the members present

The pending ordinance entitled: "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**) passed first reading March 1, 2016 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 by the members present.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Township of Montclair has a need to contract for professional services to provide for environmental testing and analysis at the Department of Community Services yard as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A- 20.5 et seq.; and

WHEREAS, the Township's Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, Matrix New World Engineering of 26 Columbia Turnpike, Florham Park, New Jersey has submitted a proposal dated January 11, 2016 in the amount of \$82,700.00 to provide the aforementioned goods and/or services; and

WHEREAS, in the opinion of the Township Engineer and the Township Manager, said proposal is beneficial to and considered to be in the best interests of the Township of Montclair; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended 1 time as approved by this governing body; and

WHEREAS, Matrix New World Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Matrix New World Engineering has not made any reportable contributions to a political or candidate committee in the Township of Montclair in the previous one year, and that the contract will prohibit Matrix New World Engineering from making any reportable contributions through the term of the contract, and

WHEREAS, funds for this purpose have been provided for as identified in the accounting records of the Township as Account Number C-04-15-035-000-DPW; 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 Matrix New World Engineering for environmental testing and analysis at the Department of Community Services yard in the amount of \$82,700.00 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. Details of the contract are attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution. (**R-16-056**)

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

WHEREAS, the Township of Montclair participates in the Essex County Community Development Program; and

WHEREAS, the Township Council of the Township of Montclair held a public hearing on December 9, 2014 at which ten applicants requesting more than \$10,000 in CDBG funding presented details of their funding request; and

WHEREAS, the Township Council of the Township of Montclair adopted a resolution listing and prioritizing the Community Development Block Grant applications to be submitted to Essex County; and

WHEREAS, the County of Essex adopted an Action Plan on April 20, 2015 that included the projects listed below, with the stated funding allocation, and the Township has executed a contract with the County and the subrecipients for each of these projects and the Montclair Township budget has been amended to include these revenues; now, therefore,

Organization	Project Summary	Allocation
Montclair Township	Orange Road West Streetscape Improvement	\$155,650
Montclair Township	Edgemont Park Shelter House/Senior Center - ADA improvements	\$9,000
Succeed2Gether	After school tutoring and summer enrichment program	\$20,000
Interfaith Hospitality Network	Case management services for 6 families/26 individuals	\$20,000
MNDC	Project Oasis Youth Program	\$20,000
COPE	Families Empowered Program	\$20,000
Human Needs Food Pantry	Façade replacement	\$20,000
S.O.F.I.A	Services to victims of domestic violence	\$12,000
HOMECorp	HOPE financial literacy program	\$12,000
United Way	Family Success Center	\$12,000

BE IT RESOLVED, by the Council of the Township of Montclair, Essex County, New Jersey that the Chief Financial Officer is authorized to make payment to each of the following subrecipients up to the amount stated subject to compliance with the appropriate regulations pertaining to the distribution of Community Development Block Grants.

Montclair Township	\$155,650
Montclair Township	\$9,000
Succeed2Gether	\$20,000
Interfaith Hospitality Network	\$20,000
MNDC	\$20,000
COPE	\$20,000
Human Needs Food Pantry	\$20,000
S.O.F.I.A	\$12,000
HOMECorp	\$12,000
United Way	\$12,000

(R-16-057)

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

WHEREAS, various 2015 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2015 Budget in the last two months of 2015; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding fiscal year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, County of Essex, State of New Jersey, (not less than two-thirds of the full membership voting affirmative), that transfers be made between 2015 appropriation reserves as set forth in the attached Schedule A:

(R-16-058)

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 wishes to engage a professional service firm to provide Human Resources Information Systems (“HRIS”) services to Payroll and Human Resources in connection with the benefit, pension, time and attendance, Affordable Care Act (“ACA”) compliance and other Finance reporting services; and

WHEREAS, the Township issued a Request for Proposals (“RFP”) to provide the required HRIS services and, in response to the RFP, the Township received three (3) proposals from HRIS service providers; and

WHEREAS, after review of the proposals by Township Finance, Human Resources and Information Technology representatives, the Council has decided to award a contract to Primepoint, LLC to provide the required professional services at a cost not to exceed \$115,000.00; and

WHEREAS, this contract is being award in accordance with requirements of the New Jersey “Pay-to-Play” Law, N.J.S.A. 19:44A-20.5 et seq.; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, in the State of New Jersey, approves the proposal of Primepoint, LLC and authorizes the Township Manager to execute a contract to provide Human Resources Information Systems services to the Township of Montclair for the period of one year with an option on the part of the Township to renew said contract for one additional year, pending certification of funds by the Chief Financial Officer; 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 shall be on file and available for inspection in the office of the Township Clerk. **(R-16-059)**

On motion made by Deputy Mayor Russo 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, State of New Jersey, recognizes that the Montclair Township Animal Shelter is a resource for the community; and

WHEREAS, the Council further recognizes that it is incumbent upon not only public officials but also the entire community to take action to prevent the occurrence of unwanted animals in the community; and

WHEREAS, the Montclair Township Animal Shelter and Township Department of Health and Human Services have an opportunity to make application to Best Friends Network Partners “Save Them All” grants, for funding that will allow the creation of a clinic room within the Shelter where spay/neuter surgeries can be performed onsite for both shelter animals and pets owned by community members who normally would not be able to afford the cost of surgery; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, State of New Jersey, hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for the “Save Them All” grant, in the amount of \$10,000.; and
2. The Township Council supports the Montclair Township Animal Shelter project to provide spay/neuter services onsite for the Shelter and the community.

(R-16-060)

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

WHEREAS, the Township Council is desirous of providing high-quality, reliable transportation services for its senior residents; and

WHEREAS, Meadowlands Transportation Brokerage Corporation d/b/a Meadowlink (“Meadowlink”) is a non-profit public-private partnership engaged in providing transportation and shuttle service programs for various organizations in Essex County, among other counties; and

WHEREAS, Meadowlink has extensive experience for over 30 years in providing shuttle services and senior transportation, and has been recognized by prominent trade associations for its senior transportation programs; and

WHEREAS, Meadowlink has submitted a proposal to operate senior citizen transportation services in the Township; now, therefore, be it

RESOLVED by the Township Council of the Township of Montclair, that the Montclair is authorized to enter into a contract with Meadowlands Transportation Brokerage Corporation d/b/a Meadowlink, on substantially the terms set forth in the proposed Shuttle Services agreement attached hereto; and be it further

RESOLVED, that the term of the contract shall not exceed three (3) years from the commencement of the service, and that the amount of the contract shall not exceed \$120,000 per year. **(R-16-061)**

The Executive Director of Meadowlik proffered information regarding the services to be provided for senior transportation within the Township.

Ann Lippel, Chair, Senior Citizen Advisory Committee stated that the committee fully supports this relationship. She urged all the stake holders (Senior Citizen Advisory Committee, Meadowlink and Aging in Montclair) to engage in “continuous process improvements.”

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

WHEREAS, the Council of the Township of Montclair wishes to apply for funding of approximately \$60,000 with a match of \$143,308 for an approximate project total cost of \$203,308 for a project under the Safe and Secure Communities Grant Program; and

WHEREAS, the Township Council has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Montclair for the purpose described in this application; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that:

1. As a matter of public policy, the Township of Montclair wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the Township of Montclair.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the application for said funds. **(R-16-062)**

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

WHEREAS, the Montclair Center Corporation (MCC), the district management corporation organized pursuant to N.J.S.A. 40:56-65 et seq. and Montclair Code Chapter 293, is responsible for the management and operation of the Montclair Center Special Improvement District; and

WHEREAS, the Township of Montclair recognizes the importance of the role MCC has played in the economic revitalization of Montclair Center; and

WHEREAS, it is appropriate for MCC to support the ongoing efforts to make Montclair Center a regional destination through on-street events, and the associated Project by submitting an application for a \$79,000 loan to pay for bollards and cleaning equipment; and

WHEREAS, the New Jersey Department of Community Affairs, Office of Main Street New Jersey & Improvement District Programs of the Downtown Business Improvement Zone Loan Fund requires a governing body resolution in support of the application;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Montclair, County of Essex, State of New Jersey hereby supports the application of the Montclair Center Corporation to the New Jersey Department of Community Affairs, Office of Main Street New Jersey & Improvement District Programs Downtown Business Improvement Zone Loan Fund. **(R-16-063)**

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 is a Type I school district in which a Board of School Estimate is established as part of the school budget process; and

WHEREAS, pursuant to N.J.S.A. 18A:22-1, the governing body appoints two of its members to serve on the Board of School Estimate; now, therefore, be it

RESOLVED, that the Township Council hereby reappoints Councilor William Hurlock and appoints Councilor Rich McMahan to serve on the Board of School Estimate for budget year 2016. **(R-16-064)**

On motion made by Councilor Schlager 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 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: **\$2,534,422.20**.

REPORTS

COUNCIL REPORTS

Councilor Baskerville moved a resolution to schedule every other meeting of the Traffic/Parking Advisory Committee to an evening time slot.

Councilor McMahon responded that currently several evening meetings are scheduled; unfortunately in the past when evening meetings were scheduled, business could not be conducted either because there was not a quorum or no members of the public attended.

The Council will consider various scenarios.

Mayor Jackson thanked Acting Township Manager, Timothy Stafford and David Hinckley and the Montclair Public Library for providing a contingency plan in the event of a transit strike.

Deputy Mayor Russo gave a “shout out” to Assemblyman Tom Giblin, Michael Byrne and Peggy Dunn who participated in the Essex County St. Patrick Day festivities.

Councilor Hurlock announced the Fourth Annual First Ward clean-up day, a planning meeting will be held at St. James Church on March 21, 2016, 7:30 p.m.

Councilor Spiller reported that the Montclair Public Library will host sessions on the Affordable Care Act on March 24, April 21, 2016 between 4:00 – 5:30 p.m.

Councilor Baskerville announced the Sixth Annual Fourth Ward Collaborative “Spring Fling” with new partners, Toni’s Kitchen and the Mindful Breath Foundation on March 26, 11:00 – 2:20 p.m. She also encouraged all to attend the African American Foundation fundraiser on April 9, 2016.

COMMUNICATIONS

From: NJDEP – No Further Action Letter

7 The Fairway
46 Beverly Road
1 Nassau Road
3 Macopin Avenue

TAX COLLECTOR’S MONTH REPORT:

December 1, 2015 - \$2,463,957.58
January 1, 2016 – 7,584,540.20

Letter dated February 2016 from Kleinfelder, Remediation Professional Program material –Site: 23 Orange Road

Service Agreement from Motorola Solutions re: Wide Radio System dated March 11, 2016

Letter from Passaic Valley Sewerage Commission dated March 10, 2016 re: overpaid user charges to PVSC in the amount of \$91,686.29.

Recorded Deed Restriction for 50 Pine Street, Unit 6E1 dated February 11, 2016.

Letter dated March 3, 2016 from Passaic Valley Sewerage Commission re: Municipal Sewer Collection System Planning.

Detailed Service Agreement Calculation re: Motorola Solutions dated March 1, 2016.

Letter dated March 3, 2016 from Trenk-DiPasquale re: General Assignment form the Benefit of Creditors of Rorry, Inc. – Orders Entered March 3, 2016 regarding 2 Erie Street, Montclair.

Letter from Robert Farina to the Mayor and Council re: Uber

Letter dated February 19, 2016 from the Essex County Educational Services Commission.

Letter dated February 25, 2016 from Passaic Valley Sewerage Commission re: User Charges Issue.

Letter dated February 22, 2016 from Essex County Board of Chosen Freeholders re: Amended Ordinance 0-2013-0014 permitting the services of Alcohol at Essex County Turtle Back Zoo Café.

Contract dated February 11, 2016 re: Cleaning Service for Municipal Fire Headquarters building.

Letter dated November 6, 2015 re: Municipal Sewer Collection System Planning.

At 8:25 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 9:49 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