

.MONTCLAIR, NEW JERSEY

April 5, 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 7:02 P.M.

STATEMENT OF SUNSHINE NOTICE
PLEDGE OF ALLEGIANCE
ROLL CALL

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

On motion made by Mayor Jackson and duly seconded, the minutes of March 15, 2016, were approved by unanimous vote:

SUPPLEMENTAL DEBT STATEMENT:

Municipal Clerk, Linda S. Wanat reports filing of Supplemental Debt Statement.

PROCLAMATION

**CELEBRATING
FAMILY MEAL WEEK**

WHEREAS, the Alcohol and Drug Abuse Prevention Team, better known as ADAPT, along with other local organizations, in conjunction with the Montclair Community Intervention Alliance (“MCIA”), are celebrating Family MEAL Week from April 17-23, 2016; and

WHEREAS, these organizations are working to decrease substance abuse in Montclair by encouraging families to sit down and eat a meal together, which is shown to develop good habits and decrease the opportunity for substance use among youth; and

WHEREAS, the National Council on Alcoholism and Drug Dependence (NCADD) states that a supportive family environment is associated with lowering rates of alcohol use among youth; and

WHEREAS, children who have conversations with their parents and learn a lot about the dangers of alcohol and drugs use are 50% less likely to use alcohol and drugs than those who don’t have such conversations; and

WHEREAS, families are encouraged to visit local restaurants during Family MEAL Week to enjoy discounted meals and a productive discussion; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, join ADAPT and MCIA and do hereby proclaim the week of April 17-23, 2016, as:

Family MEAL Week

in Montclair; and

BE IT RESOLVED that we call upon our local residents to visit participating restaurants with their family to bond and have meaningful conversations to prevent substance use. Through these efforts, we can prevent substance use and keep our community healthy and safe.

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, questioned several agenda and bill list items pertaining to redevelopment issues.

Other items: Alto film equipment for the Planning Board; geese hazing. (Mr. Sorkin questioned the effectiveness of this program).

RECEIVE: Montclair Arts Advisory Committee:

Elaine Molinaro
Ruth Perretti
Jim Prive

Ms. Molinaro update on this newly created committee touching all areas of the arts. The committee proposed a Township-wide arts festival (September 25, 2016) with both curated and non-curated events.

The group suggested a multi-location format with both gallery spaces and performance spaces. Ms. Molinaro noted the committee’s long range plans including arts education, repertory theatre, mural projects (high school) and other public art projects. She submitted the following proposed budget for the festival.

**ARTS FESTIVAL 2016
ESTIMATED BUDGET**

ADMINISTRATIVE/STAFF

Liability insurance \$1,000
Lighting Technician \$ 500
Sound Technicians \$ 500
Production/Stage Manager \$ 500

MARKETING

Graphic Design \$1,000 flyer, brochure, logo design
Webmaster \$1,500
Social Media \$1,000
Printer \$1,000 for signs or banners
Filmographer \$ 500

STAGE/EQUIPMENT

Sound/Lighting rentals \$3,000
Instrument rentals (drums) \$1,000

ARTIST STIPENDS

Dance, Theater, Music, Visual \$8,000 4 groups in each category, \$500 per group

MISCELLANEOUS \$ 500

TOTAL \$20,000

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 May 24, 2016:

“ORDINANCE APPROPRIATING \$450,000 FROM THE CAPITAL SURPLUS FUND TO PROVIDE FOR THE PROJECT COSTS ASSOCIATED WITH VARIOUS REDEVELOPMENT PROJECTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY” **(O-16-011)**

The motion was adopted by unanimous vote of all the members present.

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 May 24, 2016:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO SCHOOL BUILDINGS AND GROUNDS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,701,920 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,701,920 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREO” **(O-16-012)**

The motion was adopted by unanimous vote of all the members present.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Mayor and Council of the Township of Montclair desire to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$10,000 to fund the following project: Community Forestry Program: Community Stewardship Incentive Program (CSIP) for Resiliency Planning to fund a pilot study for the Tree Inventory for the Township of Montclair; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair authorize **Timothy Stafford** or the successor to the office of Administration (a) to make an 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 \$1.00 and not more \$10,000.00 and (c) to execute any amendments thereto; and

BE IT FURTHER RESOLVED that the Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement. **(R-16-065)**

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

WHEREAS, the Township of Montclair has received a proposed budget for the year 2016 from the Montclair Center Corporation, the district management corporation responsible for the management and operation of the Montclair Center Special Improvement District; and

WHEREAS, N.J.S.A. 40:56-84 and Montclair Code Section 293-3 provide that said budget be introduced and approved by the governing body and that the budget thereafter be advertised and a public hearing held with regard to same, prior to adoption; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the 2016 Budget received from the Montclair Center Corporation is hereby introduced and approved subject to final adoption in accordance with law upon the holding of a public hearing to take place at 7:00 P.M. on May 24, 2016; and

BE IT FURTHER RESOLVED that the Township Clerk shall publish a copy of the approved budget in the Montclair Times no later than April 14, 2016 and said publication shall include the date, time and place for the public hearing as set forth above. **(R-16-066)**

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

WHEREAS, on March 16, 2016 the Township of Montclair opened and read bids for the purchase, delivery and planting of trees for the Township's 2016 Spring Tree Planting program, as prescribed by law; and

WHEREAS, four companies submitted bids to provide trees in accordance with the bid specifications; and

WHEREAS, Louis Barbato Landscaping, Inc. submitted the lowest responsible bid in accordance with the bid specifications in the amount of \$45,075.00; 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 Louis Barbato Landscaping, Inc. for the purchase, delivery and planting of trees for the Township's 2016 Spring Tree Planting program in the amount of \$45,075.00 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 2014 and 2015 Capital Budgets, Account Numbers C-04-14-026-000-100 and C-04-15-009-000-104. Complete details of the contract are attached hereto and made a part hereof. **(R-16-067)**

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

WHEREAS, the Township of Montclair of Montclair is a party to a cooperative purchasing program 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 purchase goods and services through a duly-formed cooperative purchasing system without advertising for bids; and

WHEREAS, the Morris County Cooperative Pricing Council has awarded a Contract for the Road Resurfacing (Contract #6) to Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, New Jersey 07110; and

WHEREAS, the Township of Montclair is in need of Road Resurfacing for the Department of Community Services; 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 of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Cifelli & Son General Contracting, Inc.; and

BE IT FURTHER RESOLVED, that funds for road resurfacing projects have been appropriated in the various street paving capital accounts pending Certification of Funds by the Chief Financial Officer. **(R-16-068)**

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

WHEREAS, the Township of Montclair received a Certified Local Government grant from the New Jersey Department of Environmental Protection/State Historic Preservation Office (SHPO) in the amount of \$23,500 to prepare historic preservation design guidelines; and

WHEREAS, the Township of Montclair wishes to engage a professional historic preservation firm to complete the project pursuant to the Scope of Work approved by SHPO; and

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

WHEREAS, the Township issued a Request for Proposals (RFP) to provide the required professional historic preservation services and, in response to the RFP, the Township received three proposals; and

WHEREAS, the Township Department of Planning and Community Development, after review of the proposals and consultation with the State Historic Preservation Office, recommended the Township retain Building Conservation Associates, Inc. because the firm has the staff and experience necessary to complete the scope of services within the designated timeframe and budget; and

WHEREAS the cost proposal for the project provided by Building Conservation Associates, Inc. is not to exceed \$23,000, which is within the established budget; 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, Building Conservation Associates, 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 Mayor and Township Clerk be and are hereby authorized to execute and attest a contract with Building Conservation Associates to provide historic preservation services in connection with the preparation of a historic preservation design guidelines for Montclair Township, as specified in the scope of services and the grant agreement with SHPO, at a cost not to exceed \$23,500, and in a form approved by the Township Attorney; and

BE IT FURTHER RESOLVED that this Resolution is contingent on certification by the Chief Financial Officer of the availability of funds; and

BE IT FURTHER RESOLVED that the Township Clerk shall publish a notice in the Montclair Times stating the nature, duration, service and amount of the Contract and that copies of this resolution and the Contract are on file and available for inspection in the Office of the Township Clerk. **(R-16-068)**

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

WHEREAS, on February 3, 2016 the Township of Montclair opened and read bids for replastering of pools at Mountainside Park, as prescribed by law; and

WHEREAS, this contract has been awarded pursuant to a “fair and open process” as defined in the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, All State Technology of 10 Lark Lane, Oak Ridge, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$105,500.00; and

WHEREAS, funds for this purpose have been provided for in the 2016 Capital budget, in the account(s) to be determined by the Chief Financial Officer.; 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 **All State Technology** for **replastering of pools at Mountainside Park** in the amount of **\$105,500.00** to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer’s pending certification of funds.**(R-16-069)**

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

WHEREAS, on February 3, 2016 the Township of Montclair opened and read bids for replastering of pools at Mountainside Park, as prescribed by law; and

WHEREAS, this contract has been awarded pursuant to a “fair and open process” as defined in the New Jersey Pay-to-Play law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, All State Technology of 10 Lark Lane, Oak Ridge, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$105,500.00; and

WHEREAS, funds for this purpose have been provided for in the 2016 Capital budget, in the account(s) to be determined by the Chief Financial Officer.; 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 **All State Technology** for **replastering of pools at Mountainside Park** in the amount of **\$105,500.00** to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer’s pending certification of funds. **(R-16-070)**

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

WHEREAS, the Township of Montclair continues to participate in the Essex County Community Development Program, and a resolution of the Township Council ranking applications for such funding is a requirement of the 2016 Community Development Program; and

WHEREAS, the Township Council of the Township of Montclair held a public hearing on December 8, 2015 at which eight applicants requesting more than \$10,000 in CDBG funding presented details of their funding request; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the following 2016 Community Development Block Grant applications be submitted by Montclair Township with the following designated priority and proposed funding allocation:

Rank	Organization	Description	2016 Amount Allocated
3	Succeed2-gether	Grant for 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

(R-16-071)

Ayes: Councilors Hurlock, McMahon, Schlager, Spiller and Mayor Jackson

Recuse: Councilor Baskerville

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

WHEREAS, the Township of Montclair and the Township of Nutley wish to enter into a contract for the furnishing of health services of a technical and professional nature; and

WHEREAS, the Township of Montclair agrees to pay the Township of Nutley during the contract period, January 1, 2016 to December 31, 2018, thirty-seven dollars (\$37) per hour of nursing time which includes administrative costs for 15 hours per week of nursing time; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township -Manager be and are hereby authorized to execute the attached agreement with the Township of Nutley for Professional Public Health Nursing Services. **(R-16-072)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **LOGAN LaVAIL**, be and he hereby is APPOINTED to serve effective immediately as **FIRST ALTERNATE** of the Board of Adjustment effective immediately and terminating December 31, 2017. **(R-16-073)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **DYLAN WALSH** be and he hereby is APPOINTED to serve as a MEMBER of the Pre-K Board of the Montclair Early Childhood Corporation for a term commencing immediately and terminating July 1, 2018. **(R-16-074)**

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

WHEREAS, the Township of Montclair continues to participate in the Essex County Community Development Program, and a resolution of the Township Council ranking applications for such funding is a requirement of the 2016 Community Development Program; and

WHEREAS, the Township Council of the Township of Montclair held a public hearing on December 8, 2015 at which eight applicants requesting more than \$10,000 in CDBG funding presented details of their funding request; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the following 2016 Community Development Block Grant applications be submitted by Montclair Township with the following designated priority and proposed funding allocation:

Rank	Organization	Description	2016 Amount Allocated
1	Montclair Township	Willowdale Avenue Street Improvements	\$143,825
2	Interfaith Hospitality Network (IHN)	Grant for 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
4	Montclair Neighborhood Development Corporation	Grant for 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
5	COPE Center Inc.	Grant 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
6	Start Out Fresh Intervention Advocates (S.O.F.I.A.)	Grant 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
7	Homes of Montclair Ecumenical Corporation (HOMECorp)	Grant 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

8	United Way	Grant to support staff salaries for the Job Resource and Financial Skill Building Center.	\$12,000
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(R-16-075)

Ayes: Councilors Hurlock, McMahon, Schlager, Spiller and Mayor Jackson
Recuse: Councilor Baskerville

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that subject to compliance by the licensees with the provisions of R.S. 33:1-25, the Municipal Clerk be and she hereby is authorized to issue Plenary Retail Alcoholic Beverage Consumption License, terminating June 30, 2016 to the following:

NAME

LOCATION OF LICENSED PREMISES

Sun Restaurant Corp T/A V Bar
0713-33-022-006

2-30 South Park Street

(R-16-076)

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: **\$1,929,918.48**

ACTING TOWNSHIP MANAGER’S REPORT: Timothy Stafford

1. Ordinance to amend the Traffic Ordinance – establishing bus stops on Orange Road and Harrison Avenue
2. Ordinance to amend the Traffic Ordinance – establishing midblock crosswalks at Maple Avenue (Glenfield School) and Bellevue Avenue (Mt. Hebron School)
3. Ordinance to amend Traffic Ordinance – Maple Avenue
4. Resolution awarding contract for Gates Avenue Section 2 (Eagle Rock Way to Orange Road) roadway improvements
5. Resolution authorizing the execution of a professional services agreement with Piazza & Associates, Inc. to serve as Administrative Agent of the Affordable Housing Units in the Township of Montclair
6. Resolution authorizing the execution of a contract with HomeCorp to provide housing counseling services in the Township of Montclair
7. Resolution authorizing the use of competitive contracting for the purpose of obtaining grant writing services
8. Resolution authorizing the use of competitive contracting for the purpose of contracting for Senior Citizen Transportation Program

COUNCIL COMMENTS

Councilor Baskerville expressed concern regarding work conducted by PSE&G which affected municipal streets. She asked if there were specific guidelines or requirements for companies working on municipal thoroughfares.

Councilor Baskerville asked if the minutes of the Economic Development Committee could be posted on-line. She also asked for a price quote on tents that could be utilized for Township events.

Councilor Baskerville requested that Traffic/Parking Advisory Committee alternate their meetings between morning and evening time slots.

Mayor Jackson commended Township staff members of the Police, Fire, Department of Community Services, the Montclair Ambulance Unit personnel, and all of the volunteers who assisted with the recent fire at the Montclair Animal Shelter.

Township Attorney, Ira Karasick provided a report on tax appeals for the Township for the period ending April 1, 2016.

Residential appeals (class 2)	68
Commercial appeals (class 4)	37
Vacant land (class1)	3
Total	108

Total assessed value (not equalized) of property on appeal -- \$ 96,221,800
(approximately 1.7% of the unequalized tax base of \$5,710,374,200)

The unequalized value is the assessed value without the ratio (84.17%) to gross the assessed value up to market value (\$6,784,334,323)

HEARING CONCERNING POSSIBLE BID DISQUALIFICATION

Township Attorney, Ira Karasick outlined the procedure for this hearing.

RECEIVE: Daniel Bevere, Attorney for bidder
Vito A. Paradise, Principal of LTI

Mr. Bevere stated that an employee of LTI was non-responsive to any communications from the Township requesting that LTI meet and discuss park maintenance schedule. Mr. Paradise reported that LTI management only become aware of this in June after the employee had been dismissed.

Mayor Jackson noted that the Council had no judgment regarding the information presented by LTI this evening.

Township Attorney, Ira Karasick swore in Steven Wood, Director of Community Services Rob Bianco, Superintendent of Public Works

Both Mr. Wood and Mr. Bianco maintained their positions that LTI had failed to respond to any communication from the Township.

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

Because the bidder did not show good cause why LTI should not be disqualified the disqualification stands. The disqualification will be in effect for a period not to exceed three years.

WHEREAS, on January 27, 2016, the Township of Montclair opened and read bids for the *2016 Parks Maintenance Services* required by the Township, as prescribed by law; and

WHEREAS, four companies submitted bids to provide park maintenance services in accordance with bid specifications; and

WHEREAS, the LTI, Inc. contract has been terminated on by resolution date May 14, 2013 for non-responsive to meet and discuss requirements for the performance of the contact Edgemont Memorial Park; and

WHEREAS, the New Jersey Statues, N.J.S.A.40A:11-4.b. (2). A contracting unit may reject the bidder for “prior negative experience”, the bidder defaulted on a contract, thereby requiring the local unit to utilize the services of another contractor to provide the goods or perform the services or to correct or complete the contract; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township disqualifies the bid submitted by LTI, Inc. for 2016 Parks Maintenance Services due to the Township’s prior negative experience with LTI Inc. pursuant to N.J.S.A. 40A:11-4(b)(2). **(R-16-077)**

At 9:02 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 9:28 P.M. on motion made by Mayor Jackson and duly seconded, the conference meeting was adjourned by unanimous vote.

ROBERT JACKSON MAYOR

ATTEST:

LINDA S. WANAT, MUNICIPAL CLERK