

.MONTCLAIR, NEW JERSEY

May 3, 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 7:07 P.M.

STATEMENT OF SUNSHINE NOTICE  
PLEDGE OF ALLEGIANCE  
ROLL CALL

Present: Councilors Baskerville, Hurlock, McMahon, Deputy Mayor Russo, Schlager, Spiller and Mayor Jackson  
Absent: None

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PUBLIC COMMENT

Ann Lippel, Chair, Senior Citizen Advisory Committee read the following:

SCAC/AIM Position Statement: **Senior-Friendly Housing Would Improve Upper Church Street Economic Development and Quality of Life for Older Residents**

**Delivered to Town Council: May 3, 2016**

Contact: Ann Lippel [201] 543-1661 annlippel@gmail.com

After careful consideration of the Fountain Square Properties/Kensington Senior Living proposal for development of an assisted living facility on the Upper Church Street parking lot across from the Sienna, Board Members of both the Senior Citizen Advisory Committee (SCAC) and Aging in Montclair, Inc. (AIM), urge the Planning Board and Town Council to consider alternative construction for that site. Fountain Square Properties/Kensington Senior Living currently intends to erect a five story structure to accommodate both assisted living and memory unit residents on Church Street and allocate 20 parking spots for public use.

The SCAC and AIM leadership have concluded that the Township's economic goals for development of downtown Montclair would be better served by construction of a mixed use building which would include limited retail and office space in addition to market-rate senior housing. The development of market-rate /units-for-sale housing for people over 55 on upper Church Street would result in:

1) *attraction of newly retired residents, an economic cohort which typically spends money locally;*  
2) *viable housing choices for Montclair homeowners looking to down-size; and, 3) increased foot traffic to boost retail and cultural activity in the downtown area.* These civic groups contend that a mixed-use building, with retail spaces at street level, one floor for white-collar offices, and three floors of housing will increase commerce 7 days a week.

This coalition wants to go on record that it is not opposed to construction of an assisted living facility in Town. It is merely uncertain about how such development on Upper Church Street will contribute to our Town's downtown economic development. There are alternative Montclair locations which Fountain Square Properties/Kensington Senior Living might consider.

Typically, physically active retirees eat out several times a week, contribute to the Grandparent Economy (*According to a 2009 national study, \$52 billion of annual income of grandparents goes toward goods and services for their grandchildren.*) and contribute to the civic life of their communities - typically as volunteers, charitable donors, shoppers, and consumers of local culture. In a conversation with the Mayor of Asbury Park, the SCAC learned that the recent revitalization of the Asbury Park downtown was directly correlated with construction of apartment units there for active residents. With the Montclair Public Library, the YMCA, the Interim Senior Hub, and a movie theater all within walking distance of Church Street, residents of the Senior Housing we are proposing would increase downtown activity without increasing automobile congestion.

The 2013 SCAC Survey told us that 70+% of respondent Montclair homeowners over the age of 55 currently see limited choices for relocation within the Township. Many intend to leave Town as soon as their children graduate from high school. This is clearly a loss to the civic life of the community. According to survey data, the typical over-55, active-lifestyle resident of Montclair is seeking a smaller residential footprint--a 2 BR, 2 BA, with a living/dining room/kitchen combination, plus an extra space for home office or sleeping alcove. For this cohort, tall windows, natural light, and high ceilings are important components to quality of life as they age in place. Additionally, I urge that our Planning Board require all new construction to conform to age-friendly universal design standards and ecologically-friendly green construction. And, with high walkability within this Church Street location, it is reasonable to conclude that any developer needs only allocate one parking space per residential unit to accommodate needs. This opens up potential for the Township to recover many of the 86 public parking spots removed from the original plan by the 2004 Planning Board when Fountain Square Properties/Kensington Senior Living sought approval for its project on the Upper Church St. property.

Representatives from the Montclair real estate community have corroborated that homeowners in Montclair who want to downsize now have limited choices for relocation within the Township. Adriana O'Toole, RE/MAX

Village Square Realtors, has told us that, “There is definitely high demand for market-rate downsizer-housing here. With its restaurant scene, cultural life and diversity, this town is very attractive to retired people. A developer who brings the right balance between bricks and mortar and green space, will quickly reap the benefits.”

Elsie Barrick, 38 St. Lukes Place, reiterated support for this request.

Linda Cranston, 47 Alexander Avenue, also offered that encouraging housing for residents ages 55 or older would be a positive setp for the Township.

William Scott, 23 Cedar Avenue, thanked the Council for their ongoing efforts over the past four years. He again requested documents prepared by Robert Benecke.

Pat Kenschaft, 56 Gordonhurst Avenue, added her support for the resolution urging the United States Congress to enact a revenue neutral carbon tax.

Richard Grabowsky, 33 Church Street, commended the Council on four years of progress. He also emphasized that he does not believe an assisted living project is the best use in Montclair’s thriving downtown area. Mr. Grabowsky also addressed a draft of an ordinance to amend the Township code to create a new C-3 Central Business District zone.

Fred Chichester, 56 Gordonhurst Avenue, stated that he was a proponent of the revenue neutral carbon tax bill. He expressed his concerns about both parking and traffic in Montclair.

Ellie Berkowitz, 181 Cooper Avenue, urged the Council to enact a revenue neutral carbon tax resolution.

Adrianna O’Toole, President of Friends of Barnet encouraged the Council to join a delegation from Montclair who will be visiting our sister city in the fall of 2016.

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On motion made by Mayor Jackson and duly seconded, the minutes of April 19, 2016 were approved by unanimous vote by the members present.

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On motion made by Mayor Jackson and duly seconded, the minutes of April 19, 2016, were approved by unanimous vote:

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Receive: Lyle Landon, Chair Montclair Environmental Commissioner

Ms. Landon provided a review of the group’s efforts over recent months. They include obtaining grants conducting a “shred-fest”, and a sapling giveaway.

Keith Broderick, member of the Environmental Commission and Planning Board urged the Council to adopt green building practices for all civic, commercial and residential buildings within the municipality.

Ms. Landon also urged Council consideration of the revenue-neutral carbon tax resolution. Mayor Jackson asked if there would be additional costs associated with its adoption. He expressed concern that the tax would be regressive.

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NEW BUSINESS – RESOLUTIONS

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

WHEREAS, on April 14, 2015, the Township Council adopted a resolution authorizing the Arborist Consultant Services contract with First Mountain Arboriculture L.L.C. of Caldwell, New Jersey, for arborist consultant services to be provided to the Township; and

WHEREAS, the contract was awarded for a period of 1 (one) year at a rate of \$85.00 per hour with option to renew the contract for one additional (1) year; and

WHEREAS, the Township of Montclair would like to exercise the option to renew the contract for an additional one year period of January 1, 2016 through December 31, 2016 with First Mountain Arboriculture, L.L.C. in an amount not to exceed \$53,040.00 pending certification of funds by the Chief Financial Officer; and

WHEREAS, the funds for this purchase have been appropriated in the 2016 Operating Budget, Account Number 6-01-26-310-312-236; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the aforementioned renewal contract is hereby approved, and the Mayor and Township Clerk are hereby authorized to execute and attest

to the Township's renewal agreement with First Mountain Arboriculture, L.L.C. for arborist consulting services to be provided to the Township, subject to certification of funds by the Chief Financial Officer. **(R-16-085)**

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

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 Township had a prior negative experience with the apparent low bidder, LTI, Inc. and after affording LTI an opportunity to present its case during a hearing on April 12, 2016 decided to disqualify LTI, Inc. as a result of its prior negative experience; and

WHEREAS, the Township believes that the second low bidder, D'Onofrio & Son is capable to satisfactorily complete this contract and that it is in the Township's best interest to award a contract for five Township parks to D'Onofrio & Son in an amount not to exceed \$36,895.00

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 D'Onofrio & Son for 2016 Parks Maintenance Services as indicated above in an amount not to exceed \$36,895.00 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 2016 Operating Budget, Account Number 6-01-28-375-376-236. Complete details of the contract are attached hereto and made a part hereof. **(R-16-086)**

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

WHEREAS, by resolution of April 29, 2014 the Township Council adopted a resolution awarding contracts to Fire and Safety Services, Ltd to provide repair and maintenance services for Fire Department vehicles and apparatus; and

WHEREAS, the aforesaid contracts were awarded for a two-year period with an option for the Township to renew the contracts for an additional year; and

WHEREAS, the Township wishes to exercise its right to renew the aforementioned contracts upon the same terms and conditions; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township renew the aforementioned contracts with Fire and Safety Services, Ltd. for the performance of repair and maintenance services for Fire Department vehicles and apparatus, for an additional one-year term, pending certification of available funds by the Chief Financial Officer. **(R-16-087)**

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On motion made by Mayor Jackson 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 Township network separation for the Department of Information Systems in ordinance number 0-15-035; and

WHEREAS, an unanticipated and unfunded project for security camera systems for Township pools must be completed by May 27, 2016; and

WHEREAS, a price quote for the hardware, software, and professional services dated April 25, 2016 was submitted by Let's Think Wireless, LLC (LTW) which partnered with New Jersey Business Systems, Inc. (NJBS), and SHI International Corp. (SHI) who are the New Jersey State Contract vendors working on this project; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township is authorized to use Capital Budget Account Number, C-04-15-035-000-IT5, to fund the Security Camera Systems for Township Pools based upon the price quote dated on April 25, 2016 in an amount not to exceed \$123,000.00 pending Certification of Funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the contract for this work is to be authorized by separate resolution; 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-IT5. **(R-16-088)**

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

WHEREAS, pursuant to N.J.S.A. 40a:11-12A AND N.J.A.C. 5:34-7.29(c), the Township may, by resolution and without advertising for bids, purchase goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is considered to be an open and fair process under the New Jersey Pay-To-Play Law N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township of Montclair plans to utilize the security camera systems to monitor the three Township pools; and

WHEREAS, a price quote for the hardware, software, and professional services dated April 25, 2016 was submitted by Let's Think Wireless, LLC (LTW) which partnered with New Jersey Business Systems, Inc. (NJBS), and SHI International Corp. (SHI) who are the New Jersey State Contract vendors working on this project; now therefore

BE IT RESOLVED, by the Council of the Township, in the County of Essex, that the Township is authorized to use Capital Budget Account Number, C-04-15-035-000-IT5, to fund the Security Camera Systems for Township Pools based upon the price quote on April 25, 2016 in an amount not to exceed \$123,000.00 pending Certification of Funds by the Chief Financial Officer. **(R-16-089)**

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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: **\$1,911,043.16**

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ACTING TOWNSHIP MANAGER'S REPORT: Brian P. Scantlebury

**DISCUSSION/MAY 24, 2016 AGENDA ITEMS**

1. Ordinance to amend Section 347 of the Code of the Township of Montclair to create a new C-3 Central Business District Zone
2. Resolution authorizing disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 6G2 at 50 Pine Street as part of the voluntary extension of affordability controls program
3. Resolution authorize disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 6K1 at 50 Pine Street as part of the voluntary extension of affordability controls program
4. Resolution endorsing the adoption of green building practices for civic, commercial and residential buildings
5. Resolution authorizing submission of Recycling Tonnage grant
6. Resolution awarding contract for Orange Road West streetscape improvements
7. An Ordinance amending O\_15\_10 creating certain offices, positions and employments in the Township of Montclair and fixing the salary ranges thereof
8. An Ordinance creating certain offices, positions and employments in the Township of Montclair and fixing the salary ranges thereof
9. Resolution urging the United States Congress to enact a revenue-neutral carbon tax
10. Resolution authorizing a contract with Montclair Neighborhood Development Corporation to provide Summer Youth Employment Services
11. Resolution awarding contract for Skytop Terrace improvements
12. Resolution authorizing a professional Services agreement with Santarcangelo Law, LLC as special counsel for abandoned and vacant property matters for the year 2016
13. Withdrawn
14. Resolution authorizing change order for Parkside Place and Mountainside Park Terrace
15. Proclamation declaring May as Mental Health Awareness Month
16. Proclamation congratulating Suburban Basketball League 6<sup>th</sup> and 7<sup>th</sup> grade boys sponsored by Montclair Recreation and Police Athletic League ("PAL")
17. Proclamation in support of Organ/Tissue Donation
18. Resolution authorizing person-to-person transfer of liquor license
19. Bill Resolution

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At 9:26 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:

The public shall be excluded from discussion of and action upon the hereinafter specified subject matters. The general nature of the subject matters to be discussed are as follows: Legal matters  
We do not anticipate that the matters discussed will be made public.  
This resolution shall take effect immediately.

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At 10:15 the meeting resumed to open.

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At 10:16 P.M. on motion made by Mayor Jackson and duly seconded, the conference meeting was adjourned by unanimous vote.

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ROBERT JACKSON                      MAYOR

ATTEST:

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LINDA S. WANAT, MUNICIPAL CLERK