

MONTCLAIR, NEW JERSEY

May 24, 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 and Spiller
Absent: Councilor Schlager

On motion made by Mayor Jackson and duly seconded, the minutes of May 3, 2016 were approved by unanimous vote.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Councilor Spiller and was adopted by unanimous vote by all the members present:

PROCLAMATION
DECLARING MAY, 2016
MENTAL HEALTH AWARENESS MONTH

WHEREAS Nearly 44 million American adults, and millions of children, experience mental health conditions like depression, anxiety, bipolar disorder, schizophrenia, or post-traumatic stress disorder, affecting our family members, friends, co-workers, or those unknown to us; and

WHEREAS The impact of these conditions is felt in the loss of productivity in our work force, in the discouragement of our young people who drop out of school and in the despair felt by those who resort to suicide, particularly our military veterans; and

WHEREAS Too often mental health is regarded as different from other forms of health, yet like any disease, mental illnesses can be treated -- and without help, they can grow worse; and

WHEREAS May is Mental Health Awareness Month during which we renew our commitment to ridding our society of the stigma associated with mental illness, encourage those living with mental health conditions to get the help they need and reaffirm our pledge to ensure those who need help have access to the support, acceptance and resources they deserve; and

WHEREAS Part of that dialogue involves training Police Officers who are often the first responders to situations involving a person in psychiatric crisis. The Montclair Police Department participates in Crisis Intervention Team ("CIT") training which is comprised of classroom instruction, community site visits and practical exercises delivered by local mental health professionals, family members, CIT law enforcement instructors and other subject matter experts during a five day session. C.I.T. of Essex County, under the auspices of Lt. Richard Cavanaugh and Patricia Keenan, LCSW, provides participants with knowledge and de-escalation skills which may decrease the necessity to use force in certain situations, thus protecting both the officers involved and the person in crisis; and

WHEREAS The Montclair Police has been active in CIT training with the following Officers receiving 40 hours of instruction in CIT procedures:

- | | |
|--------------------|--------------------|
| Richard Cavanaugh | Christopher Barnes |
| Erica Peterson | Glenda Rivera |
| Frederick Cook | Maria Arroyo |
| Charles Cunningham | Justin Schaub |
| Tyrone Williams | John Bossolt |
| Jacqueline Allen | Garth Guthrie |

Jorge Martinez

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, does hereby proclaim May 2016 as

Mental Health Awareness Month

and recognizes the important contributions made by Essex County Crisis Intervention Team and the Montclair Police Department working to improve and possibly save lives affected by mental illness.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Councilor Baskerville and was adopted by unanimous vote by all the members present:

PROCLAMATION
Congratulating
6th and 7th Grade Boys
Montclair PAL/Recreation
Basketball Teams

WHEREAS On Monday, March 7, 2016 (7th Grade Boys) and Saturday February 27, 2016 (6th Grade Boys) the Montclair Police Athletic League teams competed in the Suburban Basketball League Championship winning their respective leagues; and

WHEREAS Under the skillful leadership of team coaches Gerald “Bingo” Silvera, Kyle Anglin and Robert Dunneman (7th Grade Boys), and Michael Steele and Britéja Williams (6th Grade Boys) the teams won their championship games decisively, the 7th Grade Boys 55 to 28 and the 6th Grade Boys 51 to 36, winning championship titles; and

WHEREAS The Township of Montclair recognizes the young men who comprise this year’s 6th and 7th Grade teams for their dedication to the sport and efforts on behalf of their teams; now therefore

BE IT RESOLVED that the Mayor and Township Council of Montclair, join with the citizens of Montclair in honoring the fine record and achievements of the Montclair Police Athletic League/Montclair Recreation Teams for an excellent season and the young people and coaches who give so much of their time and effort to build a winning tradition; and

BE IT FURTHER RESOLVED that a copy of this Proclamation be presented to the teams from a proud and happy community.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Deputy Mayor Russo and was adopted by unanimous vote by all the members present:

PROCLAMATION
IN SUPPORT OF
ORGAN/TISSUE DONATION

WHEREAS the transplantation of organs and tissues is a miracle of modern medicine made possible through the compassion of organ and tissue donors, enabling surgeons to save thousands of lives every year. Donors not only give the gift of life, but can also restore health and sight. People of all ages, ethnic backgrounds and religions are affected by the need for organ transplants and by the serious shortage of organ donors that exists. Currently there are nearly 5,000 New Jersey residents and over 122,000 Americans awaiting life-saving and life-enhancing transplant operations; and

WHEREAS NJ Sharing Network, a non-profit, federally designated organ procurement organization, is committed to saving and enhancing lives through the miracle of organ and tissue donation and transplantation; and

WHEREAS there are currently sixteen residents of Montclair on the waiting list for organ transplants; and

WHEREAS several residents of Montclair past and present have dedicated so much of their time and their lives to this important mission. Betsy Niles became an organ and tissue donor in 2011 and her Gift Of Life saved one life through a kidney transplant and enhanced the lives of over 30 others through tissue donation. Paula Gutierrez and Rodger Davenport, as transplant coordinators with NJ Sharing Network, have worked tirelessly to support donor families in the hospitals and to coordinate the transfer of vital organs for transplantation. Betsy’s daughter, Ali Niles, supports the mission of NJ Sharing Network through fundraising and participation in events and volunteer work in honor of her mother’s memory; and

WHEREAS every capable person should support this vital effort by learning more about donating tissue and organs, registering as organ and tissue donors, making their families aware of their wishes, and being willing to give the precious gift of health, sight, and life to people in need; and

WHEREAS Registering as an organ and tissue donor at a local Motor Vehicle Agency or online at www.NJSharingNetwork.org signifies our fundamental human responsibility to help others; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, supports the tireless efforts of the NJ Sharing Network organization in raising awareness of the endless need for organ and tissue donation.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Councilor Hurlock and was adopted by unanimous vote by all the members present:

PROCLAMATION

Supporting the *Click It or Ticket* Mobilization of May 23 – June 5, 2016

WHEREAS, there were 560 motor vehicle fatalities in New Jersey in 2015; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23 – June 5, 2016 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 93%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways; now therefore

BE IT RESOLVED that the Township of Montclair declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23 – June 5, 2016 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Councilor Hurlock and was adopted by unanimous vote by all the members present:

PROCLAMATION
CONGRATULATING
THE YMCA OF MONTCLAIR
ON ITS 125TH ANNIVERSARY

WHEREAS The YMCA of Montclair has served our community for one hundred and twenty-five years providing a wide variety of quality services to Essex County residents of Bloomfield, Cedar Grove, Clifton, Glen Ridge, Montclair and Verona; and

WHEREAS Established in 1891, the YMCA of Montclair evolves with the changing times and continues to strengthen our community through youth development, healthy living and social responsibility; and

WHEREAS The wide variety of programs including summer camps serving 2,000 children daily; 25 School Age Child Care sites caring for 1,200 children every day, classes providing instruction in cooking, dancing, sewing, music, aquatics, Yoga, Kickboxing and Zumba; and two facilities including three swimming pools, three gymnasiums, a weight room, cardio and circuit equipment rooms serve to meet the wide range of needs and interests of our diverse community, while promoting the moral, social and physical development of children, youth, adults, seniors and families; and

WHEREAS As the YMCA continues to advance its mission statement and remain an integral place in this community it works to forge strong relationships with community stakeholders, insure the facilities are inclusive, modern, welcoming and serve the needs of the community and empower, engage and train its staff to promote operational excellence; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair hereby proclaim our community's support for and commendation of

The YMCA of Montclair

and congratulate the Board of Directors, administrators and dedicated staff on the occasion of the 125th Anniversary wishing them continued success in the future.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Deputy Mayor Russo and was adopted by unanimous vote by all the members present:

PROCLAMATION
Declaring
June 2, 2016 as National Gun Violence Awareness Day

- WHEREAS** The Township of Montclair is proud to join the second-annual National Gun Violence Awareness Day which was created to honor the many lives that have been cut short by gun violence and support efforts to reduce gun-related crimes in the United States; and
- WHEREAS** Gun violence touches every segment of our society. It increases the probability of deaths in incidents of domestic violence, raises the likelihood of fatalities by those who intend to injure others and among those who attempt suicide, places children and young people at special risk, and disproportionately affects communities of color; and
- WHEREAS** According to the Centers for Disease Control and Prevention, U.S. State Department, there are more guns owned by civilians in the United States than any other country. Between 2001 and 2013, for every American killed by terrorism in the U.S. and around the world, more than 1,000 died from firearms inside the United States. According to the U.S. Justice Department, nearly 70% of homicides were committed with firearms from 2007 to 2011. There are thought to be about 300 million guns in the United States; and
- WHEREAS** Over 13,286 people were killed in the U.S. by firearms in 2015 and 26,819 injured (excluding suicides). There were 372 mass shootings in the United States in 2015 and 64 school shootings according to the Gun Violence Archive; and
- WHEREAS** Thus far in the U.S. in the year 2016 there have been over 5,000 deaths, over 10,000 injuries including 220 children (age 0 -11) and 1,000 teenagers (age 12-17). Thus far in the year 2016 there have been 111 Mass Shootings. In addition to those who are killed or injured, there are countless others whose lives are forever changed by the deaths of and injuries to their loved ones; and
- WHEREAS** According to a NJ Advance Media survey of prosecutor's offices in the state's 21 counties, at least 375 people died under violent circumstances in 2015, up 4 percent from the previous year and Essex County accounted for 143 homicides.
- WHEREAS** Montclair, NJ recognizes the importance of supporting organizations such as "Moms Demand Action For Gun Sense In America", a non-partisan grassroots movement to mobilize moms, families and communities to advocate for stronger gun laws; and
- WHEREAS** Whereas, Montclair, NJ recognizes the importance of protecting the Second Amendment right of law-abiding citizens to bear arms while supporting policies that reduce gun violence, such as the use of safety devices including cable locks, trigger locks, lock boxes, and others listed by the Department of Justice's Roster of Certified Firearm Safety Devices; and
- WHEREAS** Whereas, Montclair, NJ supports continued statewide efforts to strengthen gun safety laws and expand gun buy-back programs, as well as encourages New Jersey to play an active role in federal gun safety reforms, as New Jersey residents are at-risk as long as high-power weapons with large magazines are sold in other states; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, does hereby proclaim June 2, 2016 as

National Gun Violence Awareness Day

and supports Mom's Demand Action For Gun Sense in America's efforts to reduce injury and mortality due to gun violence and lack of gun safety in honor of the 30,000 Americans whose lives are cut short each year by gun violence, and the countless survivors whose lives are forever altered by shootings.

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Councilor Baskerville and was adopted by unanimous vote by all the members present:

PROCLAMATION
declaring
Montclair Make Music Day, 2016

- WHEREAS,** "Make Music" is an annual, one-day festival held on the first day of summer. Inspired by France's national musical holiday "Fete de la Musique" which began in 1982 and is now an international phenomenon, Make Music Day takes place on the Summer Solstice in more than 725 cities around the world with music making in public spaces, all completely free for musicians and audiences alike celebrating the ability of everyone to make music; and
- WHEREAS,** Montclair celebrated its first annual "Make Music" event in 2014 on Saturday, June 21, 2014 as people of all ages, musical genres, and ability levels (from students and amateurs to professionals and marquee artists) gathered throughout the day in locations such as Edgemont Park, the

Farmer’s Market at the Walnut Street Train Station, Watchung Plaza, the Montclair Public Library, on Church Street and in other locations to make music; and

WHEREAS, Montclair Make Music Day is a “DIY” (do it yourself) and “DIT” (do it together) event coordinated by the Montclair Make Music Day Collective which is comprised of volunteers, musicians, non-profits, small business owners and students with the sole purpose of bringing free music to Montclair; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, hereby proclaim June 21, 2016 to be

Montclair Make Music Day

On motion made by Mayor Jackson and duly seconded the following Proclamation was read by Councilor McMahon and was adopted by unanimous vote by all the members present:

PROCLAMATION
designating
May 15 – 22, 2016
Emergency Medical Services Week

WHEREAS In 1973, President Gerald Ford authorized Emergency Medical Services (“EMS”) Week to celebrate EMS practitioners, consisting of first responders, emergency medical technicians, paramedics, firefighters, educators, administrators, emergency nurses, emergency physicians, and others and recognize what a critical component of emergency medicine and public health safety they represent; and

WHEREAS EMS is now firmly established as an essential public function and a vital component of the medical care continuum. On any given day, EMS practitioners help save lives by responding to medical emergencies, including heart attack, difficulty breathing, a fall or accident, drowning, cardiac arrest, stroke, drug overdose or acute illness. EMS may provide both basic and advanced medical care at the scene of an emergency and en route to a hospital. EMS practitioners care for their patients' medical needs and show caring and compassion to their patients in their most difficult moments; and

WHEREAS EMS Week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day lifesaving services of medicine's "front line." EMS Week is also an opportunity to publicize those contributions. Given the challenges facing our nation's healthcare system and the rapid pace of change, making sure the public and other stakeholders understand what EMS has to offer has never been more important; and

WHEREAS The members of EMS teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. Our community recognizes the value and accomplishments of these emergency medical services providers; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, designates May 15 -21, 2016 as

EMERGENCY MEDICAL SERVICES WEEK

in the Township of Montclair and, with the theme, EMS Strong: Called to Care, we encourage the community to observe this week with appropriate programs, ceremonies and activities, to learn more about Montclair’s EMS team and to support them in all they do.

The Mayor welcomed scouts from Troop 13 who were observing tonight’s Council meeting as part of their badge requirement.

RECEIVE: Theodore N. Stephens, II
Surrogate, Essex County

Mr. Stephens outlined the many services provided to Essex County residents including probating, wills, certifying adoptions and assisting with guardianships. He reported that surrogate court now has extended hours, in addition he noted the opening of a satellite office at the Essex County Park and Ride (Turtle Back Zoo).

PUBLIC COMMENT

Kyle Pelling, 36 Greenview Way, reviewed an OPRA request he recently submitted regarding practices and procedures at the Montclair Animal Shelter.

Karin Gorant, 6 Waterbury Road, expressed her confidence in the Montclair Animal Shelter Director, Nicky Dawson. She also noted the dedicated cadre of shelter volunteers.

David Korfhage, 10 Tuxedo Road, thanked the Council for their support of the revenue neutral carbon tax resolution on this evening’s agenda.

Dean Squires, 95 Park Street, referenced the resolution but believes effective change needs to happen as soon as possible.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK” (O-16-013) passed first reading April 19, 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.

PUBLIC HEARING ON THE 2016 MUNICIPAL BUDGET:

Municipal Clerk Linda Wanat read the following:

“This is the Municipal Budget of the Township of Montclair, County of Essex, for the Fiscal Year 2016.”

Councilor: “Mayor I have a resolution regarding the reading of the Budget by Title Only”

Mayor: “The Clerk will read the resolution”

Linda Wanat,
Clerk: “WHEREAS, N.J.S.A. 40:4-8 as amended provided that the Budget shall be read in full at the public hearing, or that it may be read by title only if:

- (a) At least one (1) week prior to the date of hearing, and at the hearing, a complete copy of the approved budget shall be made available for public inspection, and
 - (b) Is made available to each person requesting the same, during said week and during the public hearing.
- NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsection 1(a) and 1(b), have been met and therefore the Budget for 2016 shall be read by title only.”

Councilor: “I offer the foregoing resolution and move its adoption”

Deputy Mayor: “I second the motion”

Mayor: “I called for a vote on this resolution, Clerk, please call the roll”

		Baskerville		
		Hurlock		
<u>Recorded Vote</u>	Ayes	McMahon		Nays
		Russo		
		Spiller	Ab	Schlager
		Mayor Jackson		

Mayor: “The resolution is adopted”

Mayor: “I will entertain a motion to open the hearing on the Budget”

Councilor: "I move that the budget hearing be opened"

Councilor: "I second the motion"

Linda Wanat, Clerk: "Mayor, this is the time fixed for the public hearing on the Municipal Budget and Tax Resolution for 2016. The Budget was approved by the Governing Body on **April 19, 2016**, was advertised as required by law, on **April 28, 2016** together with notice of hearing for this time. Printed copies have been made available to the public during the past week and a supply is here for anyone desiring a copy."

Mayor: "Anyone who has not secured a copy of the Budget may now do so"

Mayor: "Before opening this hearing wish to outline the procedure each person desiring to be heard will rise and give his or her name and address before speaking. I will recognize one speaker at a time in order of rising as nearly as I can determine.

Address all questions to the Chair where necessary they will be referred to individual members of the Governing Body or Municipal Officials.

Questions must be confined solely to the Municipal Budget before us; School or County matters are not proper subjects of this hearing and cannot be discussed or answered here tonight I now declare open the public hearing on the Municipal Budget and Tax Resolution for 2015."

Mayor: "Observing no further applicants for the floor, I will entertain a motion to close the hearing."

Councilor: "Mayor I move that the hearing be closed."

Councilor: "I second the motion."

Mayor: "Clerk, please call the roll."

		Baskerville		
		Hurlock		
<u>Recorded Vote</u>	Ayes	McMahon	Nays	None
		Russo		
		Spiller	Ab	Schlager
		Mayor Jackson		

AMEND BUDGET

Councilor: Mayor, I have a resolution regarding amendment to the Budget.

Mayor: The Clerk will read the resolution.

TOWNSHIP OF MONTCLAIR
 COUNTY OF ESSEX
 RESOLUTION TO AMEND BUDGET

WHEREAS, the Local Municipal Budget for the Year 2016 was approved on the 19th day of April, 2016, and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend said approved Budget, now

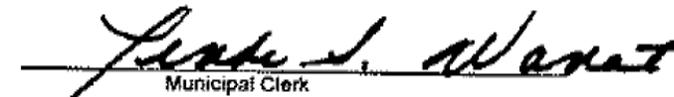
THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Montclair, County of Essex, that the following additional amendments to the approved Budget of 2016 be made:

<p><u>Recorded Vote</u></p> <p>Ayes {</p> <p style="margin-left: 20px;">Baskerville</p> <p style="margin-left: 20px;">Hurlock</p> <p style="margin-left: 20px;">Mc Mahen</p> <p style="margin-left: 20px;">Russo</p> <p style="margin-left: 20px;">Spiller</p> <p style="margin-left: 20px;">Mayor Jackson</p> <p>Nays {</p>	<p>Abstained {</p> <p>Absent {</p> <p style="margin-left: 20px;">Schlager</p>	<p><u>From</u></p> <p><u>To</u></p>
<p><u>General Appropriations</u></p> <p>(A) Operations - Within "CAPS":</p> <p style="margin-left: 20px;"><u>General</u></p> <p style="margin-left: 40px;">General Government:</p> <p style="margin-left: 40px;">Police Department:</p> <p style="margin-left: 40px;">Police:</p> <p style="margin-left: 40px;">Salaries and Wages</p>		
	14,528,832.00	14,477,977.00
<p><u>Miscellaneous Other</u></p> <p style="margin-left: 20px;">Defined Contribution Retirement Plan</p>		
	20,000.00	-
<p><u>Unclassified</u></p> <p style="margin-left: 20px;">Accumulated Absences</p> <p style="margin-left: 20px;">Interlocal Animal Control Services - Nutley</p> <p style="margin-left: 40px;">Other Expenses</p>		
		100,000.00
		6,594.00
<p>(A) Operations - Within "CAPS":</p> <p style="margin-left: 20px;">Total Operations (Item 8(A)) Within "CAPS"</p>		
	50,889,936.74	50,925,675.74
<p>(B) Contingent</p> <p style="margin-left: 20px;">Total Operations Including Contingent - Within "CAPS"</p>		
	3,500.00	3,500.00
	50,893,436.74	50,929,175.74
<p>Detail:</p> <p style="margin-left: 20px;">Salaries and Wages</p> <p style="margin-left: 20px;">Other Expenses (Including Contingent)</p>		
	33,656,694.54	33,635,455.54
	17,236,742.20	17,360,580.20
<p>(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS":</p> <p style="margin-left: 20px;">Defined Contribution Retirement Fund</p>		
	-	20,000.00
<p>(1) Deferred Charges:</p> <p style="margin-left: 20px;">Overexpenditure of Police Off-Duty Trust</p>		
	-	50,855.00
<p>Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"</p>		
	7,491,575.93	7,562,430.93
<p>(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"</p>		
	58,385,012.67	58,491,606.67

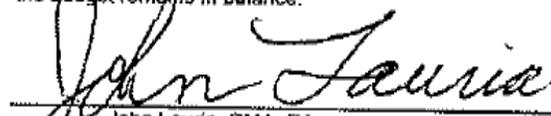
	<u>From</u>	<u>To</u>
(A) Operations - Excluded from "CAPS":		
Other Operations:		
Accumulated Absences	100,000.00	-
Judgments	350,000.00	-
Total Other Operations Excluded from "CAPS"	<u>3,852,209.00</u>	<u>3,402,209.00</u>
(A) Operations - Excluded from "CAPS":		
Interlocal Municipal Service Agreements		
Glen Ridge Fire Contract:		
Salaries & Wages	612,000.00	600,000.00
Interlocal Government Health Service Contract		
Salaries & Wages	167,280.00	179,280.00
Interlocal Animal Control Services - Nutley		
Other Expenses	36,210.00	29,616.00
Interlocal Nursing Services - Nutley		
Other Expenses		
Total Interlocal Municipal Service Agreements	<u>901,194.00</u>	<u>894,600.00</u>
<u>General Appropriations</u>		
(F) Judgments	-	350,000.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from 'CAPS'	<u>13,797,393.44</u>	<u>13,690,799.44</u>
<u>8. General Appropriations</u>		
Summary of Appropriations		
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	<u>\$ 58,385,012.67</u>	<u>\$ 58,491,606.67</u>
(A) Operations - Excluded from "CAPS"		
Other Operations	3,852,209.00	3,402,209.00
Uniform Construction Code	67,000.00	67,000.00
Interlocal Municipal Agreements	901,194.00	894,600.00
Public and Private Programs Offset by Rev.	492,990.44	492,990.44
Total Operations - Excluded from "CAPS"	<u>63,598,406.11</u>	<u>63,348,406.11</u>
(C) Capital Improvements	300,000.00	300,000.00
(D) Municipal Debt Service	8,006,000.00	8,006,000.00
(F) Judgments	178,000.00	178,000.00
(K) Local School Purposes	-	350,000.00
(M) Reserve for Uncollected Taxes	7,383,100.00	7,383,100.00
	<u>3,311,518.30</u>	<u>3,311,518.30</u>
Total General Appropriations	<u>\$ 82,877,024.41</u>	<u>\$ 82,877,024.41</u>

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for his certification of the 2016 Local Municipal Budget so amended.

It is hereby certified that this is a true copy of a resolution amending the Budget, adopted by the Governing Body on the 24th day of May, 2016.


 Municipal Clerk

It is hereby certified that all changes are in proof and the budget remains in balance.


 John Lauria, RMA, PA

- Councilor: I offer the foregoing resolution and move its adoption.
- Councilor: I second the motion.
- Mayor: (Puts motion to a vote followed by roll call)

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		
Within "CAPS"		
(a&b) Operations Including Contingent	30001-00	\$ 50,929,176
(e) Deferred Charges and Statutory Expenditures - Municipal	30004-00	\$ 7,562,431
(g) Cash Deficit	46-885	\$ 0
Excluded from "CAPS"		
(a) Operations - Total Operations Excluded from "CAPS"	60023-00	\$ 4,856,799
(c) Capital Improvements	60002-00	\$ 300,000
(d) Municipal Debt Service	60003-00	\$ 8,006,000
(e) Deferred Charges - Municipal	60024-00	\$ 178,000
(f) Judgments	37-480	\$ 350,000
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	\$ 0
(g) Cash Deficit	46-885	\$ 0
(k) For Local District School Purposes	60008-00	\$ 7,383,100
(m) Reserve for Uncollected Taxes	50-899	\$ 3,311,518
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	60010-00	\$ 109,921,598
Total Appropriations	30000-00	\$ 192,798,622

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 24th day of May, 2016.
 It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2016 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 24th day of May, 2016

Paul J. Warrat
 Clerk

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Councilor: I offer the foregoing resolution and move its adoption.

Councilor: I second the motion.

Mayor: "Clerk, please call the roll."

<u>Recorded Vote</u>	Ayes	Baskerville Hurlock McMahon	Nays	None
		Russo		
		Spiller	Ab	Schlager
		Mayor Jackson		

Mayor: The resolution is adopted.

ORDINANCES – SECOND READING ADOPTION – Continued)

The pending ordinance entitled: "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) passed first reading April 5, 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 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 THEREOF” **(O-16-012)** passed first reading April 5, 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 BUS STOPS ON ORANGE ROAD AND HARRISON AVENUE” **(O-16-014)** passed first reading April 19, 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 MIDBLOCK CROSSWALKS AT MAPLE AVENUE (GLENFIELD SCHOOL) AND BELLEVUE AVENUE (MT. HEBRON SCHOOL)” **(O-16-015)** passed first reading April 19, 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 – MAPLE AVENUE)” **(O-16-016)** passed first reading April 19, 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 – 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 meeting of the Township Council to be held on June 14, 2016:

“AN ORDINANCE TO AMEND SECTION 347 OF THE CODE OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY TO CREATE A NEW C-3 CENTRAL BUSINESS DISTRICT ZONE” **(O-16-018)**

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

Councilor Hurlock 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 meeting of the Township Council to be held on June 14, 2016:

“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-16-019)**

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

Councilor McMahon 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 meeting of the Township Council to be held on June 14, 2016:

“AN ORDINANCE TO AMEND THE 2013 CWA SALARY ORDINANCE CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF” **(O-16-020)**

The motion was adopted by the following votes.

Ayes: Councilor Hurlock, McMahon, Spiller and Mayor Jackson
Abs: Councilor Baskerville, Deputy Mayor Russo
Ab: Councilor Schlager

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 meeting of the Township Council to be held on June 14, 2016:

“REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY, PROVIDING FOR THE ADVANCE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, WATER UTILITY BONDS AND SCHOOL BONDS (SCHOOL BOND RESERVE ACT, P.L. 1980, C.72), APPROPRIATING \$23,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF ONE OR MORE SERIES OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$23,500,000 FOR FINANCING THE COST THEREOF” **(O-16-021)**

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

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, on October 8, 2002 the Township of Montclair adopted a Developer's Fee Ordinance (Montclair Code Section 202-39 et seq.) and a Spending Plan in accordance with the New Jersey regulations; and

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, Mohammed Abedin purchased Unit 6G2 at 50 Pine Street on February 22, 1994 as a moderate-income unit with a 20-year affordability control period and the control period for this unit expired on February 22, 2014; and

WHEREAS, Mohammed Abedin is the owner and occupant of this unit and meets the income requirements for a moderate-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Mr. Abedin proposes to use the \$10,000 grant to make improvements to the kitchen and bathroom; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for moderate income housing in accordance with State regulations for thirty years with an expiration date of February 22, 2044; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 6G2 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations. **(R-16-090)**

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

WHEREAS, on October 8, 2002 the Township of Montclair adopted a Developer's Fee Ordinance (Montclair Code Section 202-39 et seq.) and a Spending Plan in accordance with the New Jersey regulations; and

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, Marisa Uriarte purchased Unit 6K1 at 50 Pine Street on February 24, 1994 as a low-income unit with a 20-year affordability control period and the control period for this unit expired on February 24, 2014; and

WHEREAS, Marisa Uriarte is the owner and occupant of this unit and meets the income requirements for a low-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Ms. Uriarte proposes to use the \$10,000 grant to make improvements to the kitchen and add new windows; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for moderate income housing in accordance with State regulations for thirty years with an expiration date of February 24, 2044; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 6K1 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations. **(R-16-091)**

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

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential, and civic development is consistent with Montclair Township's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings; and

WHEREAS, Montclair Township desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices, etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling); and

WHEREAS, Montclair Township additionally wishes to support green building in the private sector through a combination of voluntary actions (e.g., including a green building scorecard as a discussion item within the Site Plan approval process), actions that may be required in the future although not at the time of the adoption of this resolution (e.g., amending the Site Plan approval checklist to directly incorporate those green building standards available to a municipality), and educational actions (e.g., making available information on green building programs, guidelines, rebates, etc. to residents of the municipality); now therefore

BE IT RESOLVED that Montclair Township hereby implements a Green Building Policy that:

Will consider opportunities to incorporate green building measures into the design, construction, operation, and maintenance of municipal buildings and facilities.

Will encourage green design for commercial and residential buildings.

Will strive to ensure an appropriate balance between historic preservation and green building, ensuring no negative impacts to Montclair Township's historic properties. **(R-16-092)**

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the Township of Montclair to apply for a 2015 Recycling Tonnage Grant will memorialize the Township's commitment to recycling and to confirm the assent of the Township Council to the efforts undertaken by the Township and the requirements contained in the Recycling Act and recycling regulations; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Stephen Wood, P.E., Director of the Department of Community Services, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling. **(R-16-093)**

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

WHEREAS, on April 6, 2016 the Township of Montclair opened and read bids for construction of streetscape improvements on Orange Road West, 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, Cifelli and Son General Construction of 4 Coppola Street, Nutley, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$133,200.00; and

WHEREAS, funds for this purpose have been provided for in the 2016 Capital budget identified by Account Number C-04-16-010-000-001 in the accounting records of the Township; and

WHEREAS, there is a need for protection and maintenance of traffic during the course of construction, which shall be provided by off-duty officers of the Montclair Police Department; and

WHEREAS, funds for this purpose have been provided for in the 2016 Capital budget identified by Account Number C-04-16-010-000-001 in the accounting records of the Township; 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 Cifelli and Son General Construction for construction of streetscape improvements on Orange Road West in the amount of \$133,200.00 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds; and

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that an agreement with Montclair Police for traffic control in the amount of \$19,600.00 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-16-094)**

Following the introduction of Resolution 16-095 urging Congress to enact a revenue-neutral carbon tax, Mayor Jackson and Councilors Baskerville, Hurlock and McMahon expressed their concern with the appropriateness of a municipal council's endorsement of national issues. Deputy Mayor Russo expressed his support citing the need and effectiveness of action beginning at the local level.

On motion made by Councilor Spiller and duly seconded, the following resolution was adopted by the following votes:

WHEREAS, The Intergovernmental Panel on Climate Change (IPCC) has stated in its 5th Assessment Report, Climate Change 2013: The Physical Science Basis, that "Warming of the climate system is unequivocal," and "It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century;" and

WHEREAS National Academy of Sciences has stated that "It is now more certain than ever, based on many lines of evidence, that humans are changing Earth's climate. The atmosphere and oceans have warmed, accompanied by sea-level rise, a strong decline in Arctic sea ice, and other climate-related changes."

WHEREAS, the global atmospheric concentration of CO2 has now surpassed 400 parts per million-the highest level in the last 800,000 years; and

WHEREAS, In May of 2014, two separate scientific papers were published in the journals Science and Geophysical Research Letter that documented dramatic retreats of Antarctic glaciers and predicted that large-scale destruction of the West Antarctic ice sheet was likely now inevitable and would lead to sea level rises of ten feet or more; and

WHEREAS, The 2014 National Climate Assessment found that continued warming of the atmosphere will cause New Jersey to experience heat waves; sea-level rise; flooding; threats to infrastructure; and harms to agriculture; and

WHEREAS, Conservative estimates by the world's climate scientists state that to achieve climate stabilization and avoid cataclysmic climate change, emissions of greenhouse gases (GHGs) must be brought to 80% below 1990 levels by 2050; and

WHEREAS, the Essex County Board of Freeholders has declared in Resolution R-2015 that climate change poses threats to New Jersey and Essex County and that it supports efforts to address climate change; and

WHEREAS, The failure of the world's nations to ratify the Kyoto Protocol or any other meaningful climate regulations combined with escalating impacts of climate change demonstrate that broader, more powerful policies are needed to supplement local and regional efforts to reduce emissions; and

WHEREAS, Presently the environmental, health, and social costs of carbon emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and

WHEREAS, To begin to correct this market failure, Congress can enact a national carbon tax on fossil fuels, based on the amount of CO₂ the fuel will emit when burned; and

WHEREAS, For efficient administration, fossil fuels can be taxed once, as far upstream in the economy as practical, or at the port of entry into the United States; and

WHEREAS, A national, revenue-neutral carbon tax starting at a relatively low rate and increasing steadily over future years is a market-based solution that would minimally disrupt the economy while sending a clear and predictable price signal to businesses to develop and use non-carbon-based energy resources; and

WHEREAS, The Citizens' Climate Education Corporation (CCEC) contracted a third party, Regional Economic Modeling, Inc. (REMI) to do a nation-wide macroeconomic study on the impact of a revenue-neutral carbon tax; and

WHEREAS, REMI's study predicted that, after 10 years, a revenue-neutral carbon tax would lead to a decrease in CO₂ emissions by 33 percent, an increase in national employment of 2.1 million jobs, and an average monthly dividend for a family of four of \$288; and

WHEREAS, Border adjustments-carbon content-based tariffs on products imported from countries without comparable carbon pricing, and refunds to our exporters of carbon taxes paid-can maintain the competitiveness of U.S. businesses in global markets; and

WHEREAS, A national carbon tax can be implemented quickly and efficiently, and respond to the urgency of the climate crisis, because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the tax, and already collects taxes from fossil fuel producers and importers; and

WHEREAS, a national carbon tax would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21st Century, and would incentivize other countries to enact similar carbon taxes, reducing global CO₂ emissions without the need for complex international agreements; now, therefore, be it

RESOLVED, That the Montclair Environmental Commission urges the United States Congress to enact without delay a tax on carbon-based fossil fuels; and, be it

FURTHER RESOLVED, That the tax should be collected once, as far upstream in the economy as practical, or at the port of entry into the United States; and, be it

FURTHER RESOLVED, That the tax rate should start low and increase steadily and predictably, to achieve the goal of reducing U.S. CO₂ emissions to 10% of 1990 levels by 2050; and, be it

FURTHER RESOLVED, That all tax revenue should be returned to households to protect low and middle income Americans from the impact of rising prices due to the tax; and, be it

FURTHER RESOLVED, that the international competitiveness of U.S. businesses should be protected by using carbon content-based border tariffs and tax refunds. **(R-16-095)**

Ayes: Councilors Baskerville, Deputy Mayor Russo, Spiller

Abs: Councilors Hurlock, McMahon and Mayor Jackson

Ab: Councilor Schlager

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

WHEREAS, the Board of School Estimate of the Township of Montclair has fixed and determined the sum of \$ 109,921,598 as the amount necessary to be appropriated for the use of the public schools of the Township of Montclair for the ensuing year; and

WHEREAS, the Board of School Estimate has delivered to the Council of the Township of Montclair a certificate of such amount duly executed by at least three members of said Board, and

WHEREAS, the amount so certified is in excess of one and one-half percent (1 ½ %) of the valuation of the assessable ratables of the Township of Montclair as determined by Essex County Board of Taxation; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that in accordance with N.J.S.A. 18A:22-17, the Council does hereby concur in and consent to the appropriation of the amount so certified by the Board of School Estimate; and

BE IT FURTHER RESOLVED that Resolution R_16_084 adopted on April 19, 2016 be, and the same is, hereby rescinded. **(R-16-096)**

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

WHEREAS, on April 27, 2016 the Township of Montclair opened and read bids for construction of road improvements on Skytop Terrace, 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, Cifelli and Son General Construction of 4 Coppola Street, Nutley, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$178,684.00; and

WHEREAS, funds for this purpose have been provided for in the 2016 Capital budget identified by Account Number C-04-16-010-000-001 in the accounting records of the Township; and

WHEREAS, there is a need for protection and maintenance of traffic during the course of construction, which shall be provided by off-duty officers of the Montclair Police Department; and

WHEREAS, funds for this purpose have been provided for in the 2016 Capital budget identified by Account Number C-04-16-010-000-001 in the accounting records of the Township; 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 Cifelli and Son General Construction for construction of road improvements on Skytop Terrace in the amount of \$178,684.00 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds; and

BE IT FURTHER RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that an agreement with Montclair Police for traffic control in the amount of \$9,800.00 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-16-097)**

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

WHEREAS, the Township has a continued need for legal counsel to represent the Township in abandoned and vacant property matters; and

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

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

WHEREAS, Santarcangelo Law, LLC 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 firm from making any reportable contributions during the term of this contract; and

WHEREAS, the amount paid pursuant to this contract shall not exceed \$36,000; and

WHEREAS, funds for this purpose have been provided for in the 2016 budget identified by account number 6-01-23-310-310-269 in the accounting records of the Township; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township renew its Professional Services Agreement with the firm of Santarcangelo Law, LLC as special counsel for the Township, for the period from January 1, 2016 through December 31, 2016, to perform such legal work and provide legal services as directed; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to execute and attest the annexed agreement with Santarcangelo Law, LLC for provision of the aforementioned legal services for the period from January 1, 2016 through December 31, 2016; 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-16-098)**

Ayes: Councilors Hurlock, McMahon, Deputy Mayor Russo, Spiller and Mayor Jackson

Abs: Councilor Baskerville

Ab: Councilor Schlager

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

WHEREAS, by resolution adopted December 15, 2015, the Township of Montclair, pursuant to advertisement duly made, awarded a contract to D & L Paving Contractors for construction of roadway improvements on Mountainside Park Terrace and Parkside Place, for an amount not to exceed \$148,157.64; and

WHEREAS, by memorandum dated April 29, 2016, the Township Engineer recommended that the contract be amended to reflect an increase in the amount of work and/or materials actually required to fully complete the contract; and

WHEREAS, the Township Manager has indicated his concurrence with the Township Engineer's recommendation; and

WHEREAS, based on the foregoing, the Township Council has determined that it is necessary and appropriate to approve a change order to the subject contract (Change Order #1) in the amount of \$29,856.00; and

WHEREAS, funds for this purpose have been provided for in the 2015 Capital budget identified by Account Number C-04-15-009-000-102 in the accounting records of the Township; 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 D & L Paving Contractors for Change Order #1 in the amount of \$29,856.00 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-16-099)**

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

WHEREAS, application has been filed for a Person-to-Person transfer of the Plenary Retail Consumption License 0713-33-025-009, issued to Steven Z. Jurista, Assignee for Rorry, Inc., with a mailing address "Not Sited Premises", Montclair, NJ, to New Montclair Entertainment, LLC, and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW THEREFORE, BE IT RESOLVED that the Council of the Township of Montclair, in Essex County, does hereby approve, effective May 24, 2016, the Person-to-Person transfer of the aforesaid Plenary Retail Consumption License to New Montclair Entertainment, LLC, and does hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to New Montclair Entertainment, LLC effective May 24, 2016." **(R-16-100)**

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

WHEREAS, on May 11, 2016, the Township opened and read bids for Sanitary Sewer Manhole Repairs, as prescribed by law; and

WHEREAS, this contract is being awarded pursuant to a "fair and open process" as defined in the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, JOHN GARCIA CONSTRUCTION COMPANY, INC. submitted the lowest, responsible bid according to the specifications at a total price of \$67,500.01, which is the base bid and supplemental items; and

WHEREAS, the number of manholes repaired under this contract will be 54, plus two supplemental items for temporary surface repair (cold patch) and additional manhole reconstruction, below 18” depth; and

WHEREAS, funds for this purpose have been provided for as identified in the accounting records of the Township as follows:

Ord. #	Account Description	Account Number	Amount
14-19	Various Sanitary Sewer Improvements	S-23-14-019-000-400	\$67,500.01

now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JOHN GARCIA CONSTRUCTION COMPANY, INC. of 183 Friar Lane, Clifton, New Jersey 07013 be and they are hereby awarded the above-stated contract, pending certification of funds by the Finance Director. Complete details of the contract are attached hereto and made a part hereof; and **(R-16-101)**

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

WHEREAS, on May 11, 2016, the Township opened and read bids for the Replacement of Water Mains in Wilfred Street and in Norwood Avenue, as prescribed by law; and

WHEREAS, this contract is being awarded pursuant to a “fair and open process” as defined in the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, JOHN GARCIA CONSTRUCTION COMPANY, INC. submitted the lowest, responsible bid according to the specifications, at a total price of \$125,144.66, which is the base bid and alternate bid; and

WHEREAS, funds for this purpose have been provided for as identified in the accounting records of the Township as follows:

Ord. #	Account Description	Account Number	Amount
N/A	Capital Outlay	6-06-55-511-511-3XX	\$125,144.66

now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that JOHN GARCIA CONSTRUCTION COMPANY, INC. of 183 Friar Lane, Clifton, New Jersey be and they are hereby awarded the above-stated contract, pending certification of funds by the Finance Director. Complete details of the contract are attached hereto and made a part hereof. **(R-16-102)**

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 has a need to engage a professional engineering firm to provide construction observation and administration services related to the replacement of water mains in Wilfred Street and in Norwood Avenue; and

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

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

WHEREAS, funds for this purpose have been provided for as identified in the accounting records of the Township as follows:

Ord. #	Account Description	Account Number	Amount
N/A	Capital Outlay	6-06-55-511-511-3XX	NOT TO EXCEED \$13,720.00

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 they are hereby authorized to execute and attest an agreement with Gannett Fleming, Inc. for construction observation and administration services in connection with the Replacement of Water Mains in Wilfred Street and in Norwood Avenue at a cost not to exceed \$13,720.00, in a form to be approved by the Township Attorney and substantially similar to the agreement attached hereto, subject to certification of available funds by the Chief Financial Officer.

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-16-103)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **LOGAN LaVAIL**, be and he hereby is APPOINTED to serve effective immediately as SECOND ALTERNATE of the Board of Adjustment effective immediately and terminating December 31, 2017. **(R-16-104)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **TARA CHOWANIEC**, be and she hereby is APPOINTED to serve effective immediately as FIRST ALTERNATE of the Board of Adjustment effective immediately and terminating December 31, 2017. **(R-16-105)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **KEVIN ALLEN**, be and he hereby is APPOINTED to serve effective immediately as a **MEMBER** of the Board of Adjustment effective immediately and terminating December 31, 2017. **(R-16-106)**

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

WHEREAS, on May 11, 2016, the Township of Montclair opened and read a bid for the Purchase, Delivery and Start-Up Services for One Adsorption System for Use with Granular Activated Carbon at Glenfield Well, as prescribed by law; and

WHEREAS, this contract is being awarded pursuant to a “fair and open process” as defined in the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, CALGON CARBON CORPORATION submitted the only responsible bid, in accordance with the specifications and bid documents, in the amount of \$249,250.00; and

WHEREAS, the New Jersey Department of Environmental Protection - Bureau of Water System Engineering authorized the performance of this work per the attached letter dated May 23, 2016; and

WHEREAS, funds for this purpose have been provided for as identified in the accounting records of the Township as follows:

Ord. #	Account Description	Account Number	Amount
N/A	Capital Outlay	6-06-55-511-511-3XX	\$249,250.00

now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that CALGON CARBON CORPORATION of 3000 GSK Drive, Moon Township, Pennsylvania be and they are hereby awarded the above-stated contract, pending certification of funds by the Finance Director and the approval by the New Jersey Department of Environmental Protection. Complete details of the contract are attached hereto and made a part hereof. **(R-16-107)**

On motion made by Councilor Hurlock 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: **\$1,030,929.23**

REPORTS

Councilor Spiller requested that the Council put forward a resolution in support of the Board of Education's opposition to charter schools.

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

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

WHEREAS, the education of our children is of paramount importance, interest and concern to the governing body of the Township of Montclair; and

WHEREAS, the Township is a Type I school district in which the Mayor and Township Council have significant roles in the governance and the finances of the district; and

WHEREAS, the Township Council and Montclair's residents, and the Board of Education and school administration, are and have traditionally been committed to educational excellence, and to schools that reflect and serve the economic and ethnic diversity of the Township's children; to schools that measure up the our residents' amazing level of accomplishment in numerous fields of endeavor that have made Montclair such a special community; and to a school district that maintains the inclusiveness and coherence of the community; and

WHEREAS, the Montclair community as a whole, and numerous education advocates, critics and interested parties, are and have been actively engaged and taken a substantial role for decades in the well-being of Montclair's schools, the quality of the education the Township's schools provide, the form and operation of the public schools, and basically in every aspect of education in the Township; and

WHEREAS, application has been made to the New Jersey Department of Education to approve the establishment in the Township of a charter school known as Fulbright Academy Charter School that proposes a "French-immersion" based education plan for up to 450 students; and

WHEREAS, the creation of a public charter school in the Township will siphon substantial financial resources away from the school district and have a significant adverse impact on the school district's budget; and

WHEREAS, the governing body recognizes the likelihood that the proposed charter school will be out of place and detrimental to the carefully maintained magnet school system which has distinguished Montclair public schools for three decades; and

WHEREAS, the Montclair Board of Education and the school administration led by Interim Superintendent Ronald Bolandi have presented a detailed and reasoned analysis as to why the proposed charter school would have a negative impact on Montclair education; now, therefore, be it

RESOLVED, by the Township Council of the Township of Montclair, that

- (1) the Council finds that approval of the proposed Fulbright Academy Charter School would divert students and financial resources from the existing school system, and would not be in the best interests of Montclair's public school population.
- (2) The Council has grave concerns about the impact of the proposed charter school on the long-standing and successful magnet school configuration that was implemented more than 30 years ago as part of the resolution of desegregation litigation.
- (3) The Council fully adopts and endorses the concerns and conclusions expressed by Ronald E. Bolandi, Interim Superintendent of Schools, and Jessica de Koninck, President of the Montclair Board of Education, in a letter dated May 20, 2016 to David C. Hespe, Commissioner of the New Jersey Department of Education.

- (4) The Council urges the Department of Education to carefully consider the negative impacts that approving a language-immersion charter school would have on the entire Montclair community, and on the well-balanced and finely-tuned school system that the community supports. **(R-16-108)**

Councilor Baskerville expressed concerns regarding the process and procedures for issuance of permits for parades, etc. She believes these procedures should be fair to all.

Councilor McMahon reiterated the need to create a list of all individuals to be notified of such events within the municipality.

Deputy Mayor Russo expressed condolences on the death of resident Mary Frances Furlong. He also congratulated his fellow Council members on their election to the Montclair Council.

Councilor Spiller also offered congratulation and thanked the voters for their support.

Councilor Hurlock echoed the sentiments of his fellow Council members.

Councilor McMahon and Hurlock thanked Harvey and Jane Susswein for all their years of service to the Township.

Councilor Baskerville expressed appreciation to the Fourth Ward residents for their support during the recent Municipal election. She announced the next meeting of the Fourth Ward collaborative on May 31, at 7:00 p.m., Fire House Headquarters.

Mayor Jackson congratulated Councilor Baskerville on her recognition by the Delta Sigma Theta Sorority and National Council of Negro Women.

COMMUNICATIONS

From: NJDEP – No Further Action Letter

28 Godfrey Road
64 Macopin Avenue
32 Park Street
349 Grove Street
13 Trinity Place
4 Erwin Park

Letter dated April 10, 2016 from Department of Environmental Protection re: Sanitary Sewer Collection System Rehabilitation project No. S340837-04

Letter dated April 20, 2016 from Dale A. Forde re: procuring an ad for Miss Laila of Montclair.

Deed Restriction dated April 7, 2016 re: 50 Pine Street, Block 4202, Lot 2 known as 50 Pine Street, Unit 6D1.

Letter dated April 29, 2016 from Ellen Heine re: request to withdraw a motion to dismiss in the case 2:15-cv-1820.

Letter dated May 4, 2016 from the Department of Transportation re: Award Approval – Gates Avenue (Section 2)

Letter dated May 26, 2016 from Udren Law Offices re: foreclosure action – Rhonda Holland and Roberto Thomas

Letter dated April 22, 2016 from E2 Project Management, LLC re: AOC Specific –Unrestricted Use Response Action Outcome

Letter dated May 4, 2016 from GEI Consultants re: Response Action Outcome – 11 Pine Street.

Letter dated May 6, 2016 from Matrix Newworld Engineering Progress re: Classification Exception Area = 219 North Fullerton Avenue

Letter dated May 9, 2016 from GEI Consultants re: Response Action Outcome – 11 Pine Street

Letter dated May 2, 2016, from C. Evans re: Dangerous Intersection: Mt. Hebron Road and Upper Mountain Avenue.

Letter date May 16, 2016 from HIBU re: Yellowbook's Suburban Essex County, N.J. Directory

Letter dated May 5, 2016 re: Classification Exception Area Establishment Notification – 54 Watchung Avenue

Letter dated May 25, 2016 re: Public Notification of Environmental Investigation/Cleanup – 23 Orange Road

At 9:09 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