

.MONTCLAIR, NEW JERSEY

June 14, 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 7:00 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

PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road asked if the amount of the Township debt would be available in the refunding bond ordinance. He also questioned several items on the bill list including the Rutger's study and software for prioritizing of street repairs; also maintenance of newly planted trees.

Richard Grabowsky, Church Street questioned certain parameters of ordinance 16-18 amending section 347 of the Township codes to create a new C-3 central business district. He specifically noted that limiting the height of buildings in this area to 37 feet discourages retail development which traditionally cannot be successful without residential components.

Michael Stall, 29 Valley Road, asked why it was necessary to close Orange Road one way during the construction period (approximately two and a half years) of the new MC hotel.

Dorothy Summer, 48 South Park Street expressed support for the Kensington Assisted Living facility. She believes the development will be a great asset to the Montclair community.

Keith Ali a resident of Montclair expressed concern regarding the treatment of his son by emergency responder following an auto accident. He asked what the correct protocol was for this type of response and requested that appropriate action be taken to insure that this type of treatment of be handled properly. Mr. Ali also noted several positive experiences with the ambulance unit prior to this incident.

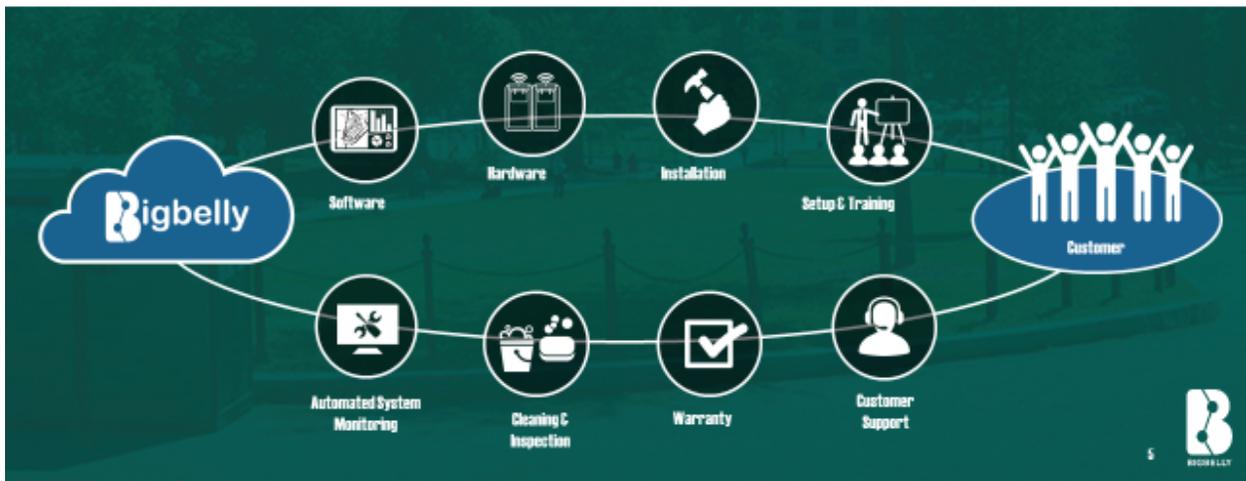
Israel Cronk, Director, Montclair Center BID stated that the organization had completed their research and due diligence regarding the Kensington project and concluded that this project would be a very positive option for the Montclair Center business community. He noted that the following concerns had been addressed:

- Employee parking
- Change downtown "mystique"
- Tax benefit
- Diversity
- Support of the arts

Mr. Cronk also reviewed benefits to the downtown area and the community at large.

On motion made by Mayor Jackson and duly seconded, the minutes of May 24, 2016 were approved by unanimous vote by the members present.

PRESENTATION – Bigbelly – refuse container initiative.



Frank Rubacky, Upper Montclair Avenue questioned the weight of the compacted refuse bags and the possible difficulty of removing them from the receptacles. It was suggested that a pilot study concentrating on one business area be conducted before going forward with implementation.

Sandy Sorkin asked if Montclair businesses were mandated to provide their own receptacles.

Richard Grabowsky objected to this system because the container handles are unsanitary and units are unattractive.

Receive: Montclair Arts Council

Jim Price, 47 Gordonhurst Avenue reviewed the possibilities for a Montclair Arts Festival. (Fall 2016 or Spring 2017). Projected budget: \$20,000 public/private partnership.

The Council will consider this project to be implemented in the spring of 2017 and encouraged the Arts Council to move forward with their fundraising activities.

Receive:

David Fader, founding partners for 65 Church Street, presented information regarding the benefits of an assisted living facility in the municipality. They include additional tax revenue, substantial numbers of new hires, and

increased spending, especially in the Central Business District. In addition, Mr. Faeder highlighted the (Montclair Film Festival and Jazz House Kids) ongoing support of the arts already underwritten by the Kensington management.

Israel Cronk , Director of the Business Improvement District and Phil Cantor, President of the Business Improvement District board offered their enthusiastic support for the Kensington project. Endorsements from Dorothy Summers, Melissa Walker, Frank Rubacky, Joanne Smalls and Jackie Rider followed.

Richard Grabowsky, developer challenged Mr. Faeder stating that approval for the project given by the former Township Council was overturned by the State Supreme Court. However, the current Council indicated that they were reviewing all information regarding an assisted living development before moving forward with a decision.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “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) passed first reading May 24, 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 **amended** ordinance.

Being no one wishing to be heard, Mayor Jackson closed the hearing.

On motion made by Mayor Jackson and duly seconded, the hearing was **CONTINUED** by unanimous vote.

The Council agreed to extend the public hearing to the Council meeting of **June 21, 2016**

The pending ordinance entitled: “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) passed first reading May 24, 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.

The pending ordinance entitled: “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) passed first reading May 24, 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.

The pending ordinance entitled: “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) passed first reading May 24, 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.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Township of Montclair is a party to a cooperative purchasing program pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-10; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through a duly-formed cooperative purchasing system without advertising for bids; and

WHEREAS, the Bergen County Cooperative Pricing Council has awarded a Contract for the Repair Services for Large Scale Motorized Vehicles, Equipment & Diesel Engines Coop Bid #16-04.2 to Hudson County Motors, Inc., 614 New County Road, Secaucus, NJ 07096; and

WHEREAS, the Township of Montclair is in need of Repair Services for the Department of Community Services; and

WHEREAS, the procurement of goods and services through a cooperative purchasing program is an “open and fair process” under the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A 20:5 et seq; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township of Montclair enter into an agreement with Hudson County Motors, Inc.; and

BE IT FURTHER RESOLVED, that funds for this automotive maintenance, repair & parts services are included in the Department of Community Services 2016 Operating Budget (6-01-26-300-301-2DV) pending Certification of Funds by the Chief Financial Officer.
Approved as to form (R-16-109)

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

WHEREAS, the Township of Montclair (the “Township”) and the Montclair Board of Education (“MBOE”) have shared the use of computer servers, network, communications equipment, and an internet service provider, and maintain certain data in common databases (the “IT System”); and

WHEREAS, this shared arrangement of the IT System has the potential of compromising data that is legally required to be kept confidential, and has at times created logistical and technical difficulties which outweigh any efficiencies that the shared IT System was created to attain; and

WHEREAS, both the Township and the MBOE desire to end the shared IT System and each establish its own IT system; and

WHEREAS, the Township and the MBOE have been working together amicably to develop a plan to efficiently separate the IT systems and to allocate the existing equipment and licenses; and

WHEREAS, the plan is intended to complete the separation with the least possible disruption to each parties IT services; and

WHEREAS, MBOE has approved the plan, subject to approval by the Township’s governing body; now, therefore, be it

RESOLVED, by the Township Council of the Township of Montclair, that the attached Agreement of Separation of Core Technology Services is hereby approved. (R-16-110)

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: **\$2,397,106.98**

ACTING TOWNSHIP MANAGER’S REPORT: Timothy F. Stafford

DISCUSSION/ June 21, 2016 AGENDA ITEMS

1. Resolution authorizing disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 324 at 50 Pine Street as part of the voluntary extension of affordability controls program
2. Resolution authorizing disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 325 at 50 Pine Street as part of the voluntary extension of affordability controls program
3. Resolution authorizing disbursement of funds from the Montclair Housing Trust Fund to provide a grant to the owner of Unit 6J1 at 50 Pine Street as part of the voluntary extension of affordability controls program
4. Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (2016 Clean Communities Grant - \$82,923.93)
5. Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (2016 Hazardous Discharge Site Remediation Grant - \$38,790)
6. Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (2016 Pedestrian Safety Grant - \$12,000)
7. Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (2016 Click It Or Ticket - \$5,000)
8. Resolution requesting approval of items of revenue and appropriation NJS 40A:4-87 (Alcohol Education and Rehabilitation Enforcement Grant - \$1,148.20)
9. Resolution awarding contract for Canterbury Park improvements (tennis and basketball courts)
10. Resolution awarding contract for Edgemont Road improvements
11. Resolution authorizing renewal of contract with Trico Electric, LLC for electrical services provided to the Township
12. Resolution authorizing ABC renewals – Consumption
13. Resolution authorizing ABC renewals – Distribution
- 14.** Resolution to alternate Traffic and Parking Advisory Committee meetings beginning July 1, 2016
- 15.** Bill Resolution

COUNCIL COMMENTS

Councilor Baskerville asked that a survey be conducted of any sidewalks destroyed by trees planted by the municipality. She also asked if senior homeowners who are statutorily responsible for sidewalk repairs could be exempted for such repairs under these circumstances.

She also requested that the Township provide \$350.00 for two “porta potties” for a July picnic event.

Deputy Mayor Russo asked the status of the Senior Shuttle Bus and alternate routes for same. Essex County will continue to provide bus rides to the Brookdale Shop Rite on Saturdays and Sundays.

TOWNSHIP ATTORNEY REPORT

Ira Karasick, Township Attorney reported that the state appeals court has reversed a March 2016 decision requiring the municipality to reinstate police officer Jose Nebiar and pay him \$270,000 in back wages. Mr. Nebiar does maintain the right to appeal.

At 10:16 P.M. on motion made by Mayor Jackson and duly seconded, the following resolution was adopted by unanimous vote:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, the public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, as follows:

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

At 10:59 P.M. on motion made by Mayor Jackson and duly seconded, the conference meeting was adjourned by unanimous vote.

ROBERT JACKSON MAYOR

ATTEST:

LINDA S. WANAT, MUNICIPAL CLERK