

MONTCLAIR, NEW JERSEY

August 23, 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: Councilors Baskerville, Deputy Mayor Hurlock, McMahon, Schlager, Spiller and Mayor Jackson
Absent: Councilor Russo

On motion made by Mayor Jackson and duly seconded, the minutes of August 9, 2016 were approved by the following vote:

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

On motion made by Councilor Baskerville 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 pursuant to N.J.S.A. 2B: 12-4, KENNETH C. STRAIT, JR., ESQ., being duly qualified, be and he hereby is appointed to serve as the Montclair Municipal Court Judge for a three year term in accordance with the above statute, commencing September 21, 2016 and ending on September 20, 2019. **(R-16-157)**

The Council offered congratulatory comments to Mr. Strait and thanked him for outstanding service to the community.

NEW BUSINESS – RESOLUTIONS

On motion made by Mayor Jackson and duly seconded, the following **CONSENT** resolutions were adopted by unanimous vote by the members present:

WHEREAS, Section F-3103.3 of the New Jersey State Fire Prevention Code provides that a municipal governing body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the above fire code regulation; and

WHEREAS, Fireworks by Castilione, hired by the St. Sebastian Society, has submitted an application to the Montclair Fire Department to conduct a fireworks display on the afternoons of August 27 and 28, 2016; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes a fireworks display by Fireworks By Castilione at the St. Sebastian Society on the aforesaid dates. All requirements with regard to same have been satisfied and verified by the Montclair Fire Prevention Bureau.. **(R-16-150)**

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

WHEREAS, on July 6, 2016 the Township of Montclair opened and read bids for Structural Repairs and Renovations to Firehouse #3, as prescribed by law; and

WHEREAS, four bids were received; and

WHEREAS, all four bids exceed the project's allocated budget; and

WHEREAS, the N.J.S.A.40A:11-13.2.a. a contracting unit may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposals received for Structural Repairs and Renovations to Firehouse # 3 be and they are hereby rejected. **(R-16-151)**

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

WHEREAS, on June 8, 2016, the Township of Montclair opened and read bids for the Water Storage Tank - Partial Rehabilitation (Contract B -- Exterior Coating Rehabilitation), as prescribed by law; and

WHEREAS, the Township of Montclair has decided to revise the specifications for this project; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that all the bids received and opened by the Township of June 8, 2016 for Water Storage Tank - Partial Rehabilitation (Contract B: Exterior Coating Rehabilitation) be and they are hereby rejected. **(R-16-152)**

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair in the County of Essex, New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$5,000, which is now available from 2016 Drive Sober or Get Pulled Over Statewide Labor Day Crack Down Grant in the amount of \$5,000; and

BE IT FURTHER RESOLVED that the like sum of \$5,000 is hereby appropriated under the caption 2016 Drive Sober or Get Pulled Over Statewide Labor Day Crack Down Grant; and

BE IT FINALLY RESOLVED that the above is the result of funds from Drive Sober or Get Pulled over Statewide Labor Day Crack down Grant in the total amount of \$5,000 and also resolved that this grant does not require any additional funds towards local match. **(R-16-154)**

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

WHEREAS, the Council of the Township of Montclair, in the County of Essex, State of New Jersey, recognizes that the Senior Citizen Advisory Committee provides vital information and outreach to seniors in the community at its annual "Seniorama"; and

WHEREAS, the Township Council further recognizes that its Lifelong Montclair initiative seeks to help coordinate resources and services designed to help seniors age in place; and it is incumbent upon not only public officials but also the entire community to take action to create an environment where seniors can choose to age gracefully in our community; and

WHEREAS, the topic for Seniorama 2016 is "Living is Learning, Planning, Doing", scheduled for Thursday, November 3, at the Salvation Army/AIM Hub in Montclair; and

WHEREAS, the Township Health Department plans to apply for funding to the Partners for Health Foundation on behalf of the Senior Citizen Advisory Committee for program supplies to help make Seniorama a success; now therefore

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

1. The Township Council does hereby authorize submission of an application for the Seniorama grant for September 1 to November 6 in the calendar year 2016 in the amount of \$4,782.00
2. The Township acknowledges the terms and conditions for administering the Partners for Health grant, including the administrative compliance and audit requirements. **(R-16-155)**

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

WHEREAS, the Township of Montclair strives to take steps towards building a healthy community to optimize quality of life in the Township that will thrive well into the future; and

WHEREAS, the Township of Montclair hereby acknowledges that the residents of the Township of Montclair desire a healthy lifestyle for themselves and future generations; and

WHEREAS, the Township of Montclair is committed to educating members of the community about healthy, active lifestyles through the Department of Health and Human Services in order to strengthen the community; and

WHEREAS, the Township of Montclair desires to further these efforts by obtaining a grant from the Anthem Foundation: Healthy Generations program in the amount of approximately \$16,000 to fund the Montclair Cardiac Mortality Community Initiative for the purchase of Automated External Defibrillators and training for the use of this equipment;

WHEREAS, the Council of the Township of Montclair are in support of the Department of Health and Human Services' pursuit of funding to continue providing health education initiatives for the Township and should apply for the aforementioned Grant; now therefore

BE IT RESOLVED, that Township Council of Montclair, State of New Jersey, authorizes the submission of the grant application made to the Anthem Foundation: Healthy Generations Grant. **(R-16-156)**

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

WHEREAS, the Township of Montclair intends to submit an application for a Transportation Alternatives Program grant for Orange Road Streetscape Improvements within the South End business district; now therefore

BE IT RESOLVED that Council of the Township of Montclair formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to officially submit the electronic grant application identified as TA-2016-Montclair Township-00016 to the New Jersey Department of Transportation on behalf of Montclair; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Montclair and that their signature constitutes acceptance of the terms and conditions of the grant agreement as stipulated by the New Jersey Department of Transportation. **(R-16-158)**

RESUME RESOLUTION

Councilor Hurlock discussed this resolution rejecting bids for historic preservation work at the Bellevue Avenue Branch library and asked for a time from for future action.

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

WHEREAS, on July 13, 2016 the Township of Montclair opened and read bids for Montclair Public Library Historic Preservation Work at the Bellevue Branch, as prescribed by law; and

WHEREAS, three bids were received; and

WHEREAS, each of the three bids exceeds the project's allocated budget; and

WHEREAS, per N.J.S.A.40A:11-13.2. (a). a contracting unit may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the need is to revise bid specifications to be limited to only the historic wood window stabilization and preservation portion due to budget; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposals received for Montclair Public Library Historic Preservation Work at the Bellevue Branch be and they are hereby rejected; and

BE IT FURTHER RESOLVED that this bid specification shall be revised and immediately re-bid. **(R-16-153)**

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ ORDINANCE ADOPTING AN AMENDMENT TO THE EASTERN GATEWAY REDEVELOPMENT PLAN” **(O-16-024)** passed first reading July 26, 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 member of the public wishing to be heard, Mayor Jackson closed the hearing.

Councilor Baskerville questioned the density component in this ordinance. She believes that in 2012 there was a reference to establishing a moratorium on affordable housing in the Fourth Ward and that this ordinance would continue the uneven distribution of affordable housing units in that ward. She asked that this ordinance be tabled until the Township could ensure equal distribution of all affordable units throughout all four wards.

Mayor Jackson reported that the density amendment had been fully vetted by the Montclair Housing Commission and the Council.

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

Nay: Councilor Baskerville

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

Ab: Councilor Russo

Councilor Baskerville suggested that the resolution placing a moratorium on affordable housing in the Fourth ward and that all developers create 20% affordable housing in every ward. No action.

The pending ordinance entitled: “AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE SEYMOUR STREET REDEVELOPMENT” (O-16-025) passed first reading July 26, 2016. Hearing and final adoption postponed until the Council meeting of September 6, 2016.

The pending ordinance entitled: “ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – Bus stops at Orange Road and Centoverde Drive” (O-16-026) passed first reading July 26, 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 of the members present.

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-16-027) passed first reading July 26, 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 of the members present.

The pending ordinance entitled: “AN ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327—VEHICLES AND TRAFFIC, ARTICLE III—PARKING, STOPPING AND STANDING TO CREATE A HANDICAPPED PARKING SPACE ON WILLIAM STREET” (O-16-028) passed first reading July 26, 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 of the members present.

The pending ordinance entitled: "LOCAL IMPROVEMENT ORDINANCE PURSUANT TO N.J.S.A. 40:56-3 PROVIDING FOR THE RESURFACING OF THE LOWER HALF OF BRIAR HILL ROAD, A PRIVATE STREET, IN AND BY THE TOWNSHIP OF MONTCLAIR AND AUTHORIZING THE EXPENDITURE OF \$64,000.00 OF CAPITAL FUNDS" (O-16-029) passed first reading July 26, 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 of the members present.

The pending ordinance entitled: LOCAL IMPROVEMENT ORDINANCE PURSUANT TO N.J.S.A. 40:56-3 PROVIDING FOR THE RESURFACING OF MOUNTAIN PLACE, A PRIVATE STREET, IN AND BY THE TOWNSHIP OF MONTCLAIR AND AUTHORIZING THE EXPENDITURE \$14,780.00 OF CAPITAL FUNDS " (O-16-030) passed first reading July 26, 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 of the members present.

The pending ordinance entitled: "LOCAL IMPROVEMENT ORDINANCE PURSUANT TO N.J.S.A. 40:56-3 PROVIDING FOR THE RESURFACING OF PARK TERRACE, A PRIVATE STREET, IN AND BY THE TOWNSHIP OF MONTCLAIR AND AUTHORIZING THE EXPENDITURE OF \$31,965.00 OF CAPITAL FUNDS" (O-16-031) passed first reading July 26, 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 of the members present.

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that said bills be and they are hereby ordered paid and that warrants be drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: **\$1,907,892.26**

PUBLIC COMMENT

William Scott, 23 Cedar Avenue, emphasized the need for all housing developments in Montclair to reflect a 20% affordable housing component.

He also questioned the language in the Seymour Street Redevelopment plan. Township Attorney, Ira Karasick noted that the ordinance referenced by Mr. Scott was not the final version and urged him to read the latest version which should address his concerns.

Mayor Jackson stated that his goal was to have affordable housing units made available to as many people from Montclair as possible. Currently all such units are subject to a tri-county lottery rather than dedicated solely to residents of the Township. Going forward he hopes that more flexibility will focus on housing for Montclair residents.

Haywood Woods, 60 Pine Street questioned the “formula” for affordable housing; he also noted that the owners of units at 50 Pine Street are occasionally in arrears (payment of condo fees) and may not complete improvements financed by the Township.

Township Planner, Janice Talley, addressed the failure to make mandated repairs and stated that her department performs a six months follow-up for completion of improvements.

Victoria Ostrer, 5 Roosevelt Place, referencing the Seymour Street Redevelopment plan questioned:

- Tax revenue/assessed value for property within the redevelopment area
- Extent of the proposed arts and entertainment area
- Development of several additional properties (not currently owned by the developer) at one time.

A resident protested the continuation of one-way traffic on Lloyd Road in the interest of the safety of the individuals in the neighborhood, particularly the children.

Beth Scheckel-Calamia, 29 S. Willow, Unit 1, complained that tonight’s agenda was not posted earlier on the Township’s website. She also believes that developers should be required to build on their own property rather than on municipal property.

Sue Young, 35 Lloyd Road, thanked Councilor Spiller for recommending that action regarding traffic on Lloyd Road be postponed until input could be gathered from neighbors and interested individuals. She strongly objected to the continuation of a one-way traffic pattern on Lloyd Road.

Sandy Sorkin, 3 Marquette Road, thanked the Council for paving his street. He asked if the Township received advance notice of utility work within the Township so that residents could be notified in a timely manner. He also suggested that expenses reported on the bill list should be sequenced to reflect total expenditures.

William Scott, 23 Cedar Avenue, asked why revenue from the Midtown parking lot was excluded from the Seymour Street redevelopment plan.

Jason DeSalvo, 36 Prospect Street explained the financial strategy for the construction of the Midtown Parking Deck.

Jasmine Malloy, 38 Lexington Avenue, addressed the affordable housing components in the Seymour Street Redevelopment Plan and noted that there are twenty one bedroom (800 sq. feet) units which would exclude working class families with children. She also reported that the plan calls for approximately fifteen school age children to reside in two bedroom units at a monthly rental rate of \$3,133.00 which she believes would not be an affordable rate. Ms. Malloy requested more information from the developer

Haywood Woods, 50 Pine Street, commended the Police Department for “stepping up to the plate” for this community.

NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it be further considered for final passage at a regular meeting of the Township Council:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – TRUCK BAN ON WALNUT STREET BETWEEN GROVE STREET AND WALNUT CRESCENT” **(O-16-036)**

The motion was adopted by the following votes of the members present.

On motion made by Mayor Jackson and duly seconded, the ordinance was **WITHDRAWN** by unanimous vote of the members present.

Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on September 20, 2016:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 186, ARTICLE VII–HEALTH STANDARDS” (O-16-037)

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

Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on September 20, 2016:

“ORDINANCE AMENDING CHAPTER 230 PARKING LOTS CONCERNING C AND N PERMITS” (O-16-038)

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

REPORTS

Township Attorney, Ira Karasick, announced that the litigation brought by officer Thomas Flynn has been settled.

Councilor Spiller asked that all Lloyd Road residents be apprised of any council meetings where the traffic pattern on that street will be discussed. He also recommended this information be placed on that website and that the topic be addressed at a TPAC meeting.

Councilor Baskerville announced the Annual “Backpack Giveaway”. She also congratulated Councilor Spiller on being named as “Outstanding Legislator of the Year” by the NAACP.

Mayor Jackson thanked Councilor McMahon for his service on the Planning Board. He also recognized Deputy Mayor Hurlock as he assumes his new role as Deputy Mayor and Councilor Baskerville on her appointment to the Economic Development Committee.

COMMUNICATIONS

First Environment letter dated July 28, 2016 re: Response Action Outcome-Remedial Action, Hackensack UMC Mountainside Hospital, 1 Bay Street, Montclair, New Jersey

Notice of Hearing dated August 2, 2016 re: Board of Adjustment – Signage and Awnings for Capital One Bank, 605 Valley Road, Montclair, New Jersey.

Letter dated August 2, 2016 from the Department of Environmental Protection re: Van Reyper/Bond House parking lot.

Letter from Montclair Community Pre-K dated August 3, 2016 re: declaring its opposition to the application of the Montclair Charter School.

EcolSciences, Inc. letter dated August 4, 2016 re: Response Action Outcome – Remediation Former Regency Motors, 34 Valley Road

Letter dated August 5 from Department of Transportation re: Transportation Alternative Program (TAP).

Memo dated August 9, 2016 from Timothy F. Stafford, Esq., Acting Township Manager, re: Classics Reborn LLC v. Lattanzio, et.al.

Letter dated August 17, 2016 from the Department of Health & Rehabilitation are: Approval of SFY 2017 Municipal Alliance Grant.

At 9:13 P.M. on motion made by Mayor Jackson and duly seconded, the following resolution was adopted by unanimous vote:

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

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

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

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

At 9:32 P.M., Resume to Regular Meeting.

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

WHEREAS, the Township Council at its meeting on August 9, 2016 adopted a resolution requesting the County Clerk to place a question on the November 2016 general election ballot regarding charter schools; and

WHEREAS, the Council finds that it is in the best interests of the citizens of the Township to withdraw this request; now therefore

BE IT RESOLVED, by the Township Council that the request to the County Clerk to place a question on the ballot be withdrawn, and said Resolution adopted on August 9, 2016 be null and void. **(R-16-159)**

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

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

WHEREAS, pursuant to N.J.S.A. 40:69A-181(b), the Township Council bias the authority to make an Ordinance effective immediately by declaring an emergency; and

WHEREAS, Ordinance O-16-29, O-16-30 and O-16-31 authorizes roadwork to be performed on Briar Hill Road, Mountain Place and Park Terrace, private streets that is needed to be performed as soon as practical to protect the safety of the public, and state- approved contractors are presently available to undertake some or all of said work; and

WHEREAS, the Township Council finds that the circumstances at Briar Hill Road, Mountain Place and Park Terrace constitute a public safety emergency within the meaning of N.J.S.A 40:69A-181(b); now, therefore, be it.

BE IT RESOLVED, by at least 2/3 of the Township Council, that ordnance O-16-29, O-16-30 and O-16-31 be made effective immediately pursuant to N.J.S.A. 40:69A-181(b). **(R-16-160)**

At 9:57 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