

MONTCLAIR, NEW JERSEY

October 18, 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 7:11 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

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

PROCLAMATION

IN MEMORIAM
Bishop André L. Jackson

WHEREAS The Council of the Township of Montclair notes with sadness the passing of Bishop André L. Jackson, Montclair native, and Founder and Senior Pastor of New Vision Full Gospel Baptist Church located in East Orange, New Jersey; and

WHEREAS Bishop Jackson attended Montclair public schools and received his early Christian training at the Bright Hope Baptist Church. He began ministry at the age of 13, was licensed to preach at the age of 15 and ordained within the Pentecostal/Holiness and Baptist faith traditions. He graduated with a Bachelor of Arts Degree in Religious Studies from Montclair State University, with a dual concentrated minor in Psychology and African-American Studies. He was engaged in graduate studies at Regent University Schools of Divinity and Education in Virginia in its joint degree program, working toward completion of a Master of Arts degree in Practical Theology and a Master of Education in Individualized Specialization in High Education. He also studied at Oxford University in England, the New School University in New York City and the Princeton Theological Seminary in Princeton, New Jersey; and

WHEREAS In November of 1990 Bishop Jackson was called as Pastor of the Beulah Baptist Church of Newark, New Jersey where he served for three years. In 1993, Bishop Jackson founded and organized the New Vision Full Gospel Baptist Church in Newark and in November 1997 the congregation moved into their new worship complex in East Orange, New Jersey. After his consecration to the office of "Bishop" in our Lord's Church under the auspices of the Full Gospel Baptist Church Fellowship-worldwide, Bishop Jackson became the establishmentarian and pioneer for the work of Full Gospel in the State of New Jersey, advancing its cause and agenda and promoting growth and development among membership churches; and

WHEREAS In addition to pastoral ministry, Bishop Jackson served as an Educational Consultant, assisting the high school and college student population in pursuit and achievement of their educational goals by way of academic coaching, advisement, mentoring and consultation. He also held several civic, community, educational and religious affiliations and offices; and

WHEREAS Bishop Jackson was celebrated as a preacher who was able to unfold scripture in such a way that its relevance to contemporary reality was obvious; he delivered the Word with passion, precision and power sharing his gift of faith; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, expresses the thanks of a grateful community for the life and contributions of Bishop André L. Jackson and extend our sympathy to his family, congregation and many friends.

PROCLAMATION

CONGRATULATING
Eagle Scout Kyle Christopher Richards

WHEREAS the Boy Scouts is an organization that builds skills which young people need to deal with the eventual realities of life, not only developing in them an appreciation for nature but also helping them to develop self-esteem and confidence that will lead to a sense of independence. Scouting offers young people responsible fun and adventure while training them in citizenship, service, and leadership; and

WHEREAS Kyle Richards, Montclair resident and a member of Boy Scouts of America Troop 22, has now achieved the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on November 6, 2016 at 1:00 p.m. at Saint Thomas the Apostle Church - Herron Hall in Bloomfield, New Jersey; and

WHEREAS Eagle Scout is the highest rank in Scouting, requiring 21 merit badges in fields such as First Aid, Citizenship in the Community, Communications, Camping, and Family Life. In addition, the candidate must complete a project that benefits school, church or community and entails planning and supervising volunteers. Kyle's Eagle project was to continue work on the Morris Canal which helped create an additional 1000 foot greenway for walking, running and biking; now therefore

BE IT RESOLVED that the Mayor and Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of Kyle Christopher Richards and congratulate him on attaining the highest rank of Scouting.

PROCLAMATION

CONGRATULATING HOWARD FINNEY, III

WHEREAS, Howard Finney, III, lifelong Montclair resident, is being recognized for his many years of service to the Township of Montclair as the founder and longtime coach of the Montclair Cobras Football Program by naming a field in his honor in Edgemont Park; and

WHEREAS, Mr. Finney began the Montclair Football Program in 1969 with one team which was nicknamed the "Cobras". The program grew rapidly, eventually fielding thirteen teams including two, six team in-town leagues, one primarily for 5th and 6th graders and the other for 7th and 8th graders. His personal coaching record with his varsity travel teams was 406 wins, 178 losses and 22 ties along with numerous league championships. He served as head coach until 2011; and

WHEREAS, Many of Mr. Finney's Cobra players went on to excel on their high school and college teams with several playing at the professional level. Most notably among these is David Tyree whose pass reception led to a New York Giants Super Bowl Championship. After his retirement from coaching, Mr. Finney has remained involved with Cobra football in various capacities including administrative, financial and by providing game reports to The Montclair Times; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, recognizes and commends Howard Finney, III for his many years of service to Montclair youth and declares that a portion of Edgemont Memorial Park formerly referred to as "meadow field" be known henceforth as

HOWARD FINNEY FIELD

and will be officially designated as such by Montclair Council Resolution 16-183.

PUBLIC COMMENTS

Paul Schaefer, resident, thanked the Council for addressing the traffic safety issues at Orange, High and Irving Streets.

Jason Peugh, 33 Irving Street, also expressed appreciation to the Council for their assistance with the above traffic safety problems.

Patti Grunther, 34 Irving Street, reported additional problems at the intersections and asked that appropriate measures be taken to address these issues.

Denise Delany, 253 Orange Road, described an accident at this site and cited the danger to both children and pets attempting to cross these streets.

Alex Kent, Chair, Pedestrian Safety Committee described a number of activities undertaken by this group which have not yet been effective. She also provided automobile crash statistics as reported by the Montclair Police Department.

AUTOMOBILE CRASH STATISTICS FROM THE MONTCLAIR POLICE DEPARTMENT

- Since 2003 an average of 40 pedestrians are hit and injured by a vehicle per year. One is killed.
- 2016 so far: 36 pedestrians hit and injured, (one a week), and on track for 52 this year.

From 1/1/2013 – 09/30/2016 (just under 4 years)

Valley/ Bellevue interaction: 67 car crashes, 15 injuries, 3 are pedestrians

Valley/ Lorraine intersection: 31 car crashes, 3 injuries, 2 are pedestrians

Upper Montclair Total:

98 crashes, one every other week, at those two intersections, where 600 people an hour cross on the weekends.

Grove Street: 439 car crashes, including 12 injured pedestrians, two of whom died.

Elm Street: 138 crashes including 6 injured pedestrians, one of whom died.

The Pedestrian Safety Committee recommends that the Council eliminate a “right on red” at both the Bellevue Avenue and Lorraine intersections. They also proposed instituting a six-second head start for pedestrians by utilizing a “walk” signal. The signal would appear before the green light indicating motorists could proceed.

Ann Lippel, 10 Crestmont Road, Chair, Senior Citizen’s Advisory Committee addressed traffic safety conditions on Grove Street and believes traffic calming devices would be beneficial.

Cyndi Steiner, Executive Director, N.J. Bike and Walk Coalition, offered testimony in support of pedestrian improvements within the Township. These include better engineering and street design, traffic calming and/or dedicated bicycling infrastructure and effective education for both motorists and pedestrians.

Mike Martone, addressed Grove Street and Upper Montclair traffic problems. He expressed his support for most of the recommendations presented by the traffic consultant at the October 4th Council meeting. He suggested a 25 mph speed limit on Grove Street along with a reduction of the median on that street. He also addressed the elimination of “right turn on red” scenarios in Upper Montclair.

Laura Torchio, member of Bike Walk Montclair, offered her support for the Pedestrian Safety Committee’s recommendations:

- Improved signal timing and no right turn on red for two uptown intersections;
- Traffic calming and reduced speed limit on Grove Street

Melinda Garda, 38 Walnut Street, expressed her concern for her children’s safety as they walk in the Walnut Street area.

Joyce Goldman, Director of Constituent Services, Essex County, stated that she has reported traffic safety concerns to the Essex County engineer. She announced the following:

- Essex County Gardens A Glow at the Presby Iris Garden activities.
- Strut Your Mutt – October 22, Turtle Back Zoo
- Halloween event, October 31, Turtle Back Zoo

Leaf pick-up schedule can be found on the Essex County website.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 347 (ZONING), ARTICLE XXIII HISTORIC PRESERVATION” (O-16-039) passed first reading September 20, 2016 and upon second reading (**amended**) 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.

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

The pending ordinance entitled: “ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – NORTH WILLOW STREET” (O-16-040) passed first reading September 20, 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.

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

The pending ordinance entitled: "BOND ORDINANCE AMENDING SECTION 3 AND 6(b) OF BOND ORDINANCE NUMBERED O-16-010 OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY ADOPTED MARCH 15, 2016, IN ORDER TO INCLUDE AN ADDITIONAL PROJECT AND TO AMEND THE AVERAGE USEFUL LIFE." **(O-16-041)** passed first reading September 20, 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.

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

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 regular meeting of the Township Council to be held on November 29 2016:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE –BLOOMFIELD AVENUE SPEED LIMIT" (O-16-042). WITHDRAWN

The motion was adopted by unanimous vote.

Councilor Schlager 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 November 29, 2016:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE –VALLEY ROAD SPEED LIMIT" (O-16-043)

The motion was adopted by the following vote.

Ayes: Councilors Baskerville, Hurlock, Deputy Mayor McMahon, Schlager, Spiller, Mayor Jackson
Nay: Councilor Russo

Councilor Baskerville 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 November 29, 2016:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE –GROVE STREET SPEED LIMIT" (O-16-044)

The motion was adopted by unanimous vote.

Deputy Mayor 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 regular meeting of the Township Council to be held on November 29, 2016:

"ORDINANCE AMENDING SECTION 327-16 AND 327-18 OF THE TOWNSHIP CODE" (O-16-045)

The motion was adopted by the following vote.

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

A resident complained about parking in the Montclair Heights neighborhood primarily due to Montclair State University students utilizing Township streets for parking.

Another resident at 27 College Avenue reiterated requests to eliminate weekend parking on College Avenue. He urged the Council to address the parking issues.

A resident at 36 College Avenue reiterated similar concerns. He stated that this issue has been brought to the Traffic/Parking Advisory Committee but has not been addressed as yet.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, on May 3, 2016 the Township Council authorized the award of a contract to Jason Santarcangelo, Esq. with a not to exceed limit of \$36,000 dollars; and

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 provided excellent service both in reducing the problem of vacant and abandoned properties and generating revenue to defray the costs of same; 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 authorized by this Resolution shall not exceed \$15,000; 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 enter into this additional Professional Services Agreement with the firm of Santarcangelo Law, LLC as special counsel for the Township for a period through December 31, 2016, on the same terms and conditions to perform such legal work and provide legal services as directed; and

BE IT FURTHER RESOLVED that the Township Manager be and he is hereby authorized to execute the annexed Agreement to pay Santarcangelo Law, LLC an additional \$15,000 for provision of the aforementioned legal services for a period 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-16-190)**

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

WHEREAS, the following applicants have deposited Escrow amounts as required by the Planning and Zoning Department for various development projects; and

WHEREAS, the Planning and Zoning Department has determined that the applicants' corresponding Projects, are substantially complete and therefore the balance of the Escrow can be released; and

WHEREAS, the Escrow Accounts identified in the enclosed schedule, 'Schedule A' identify balances remaining after application of all relevant fees that have been satisfied and there appears no further basis to retain the Escrow Deposits; now therefore

BE IT RESOLVED, by the Mayor and Council of the Township of Montclair that the Escrow balances referenced in the enclosed schedule 'Schedule A' be released; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Township of Montclair that the Chief Financial Officer is hereby directed to issue checks for the refunds identified in the enclosed schedule. **(R-16-191)**

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

WHEREAS, the Township of Montclair supports the development and installation of curb extensions (bump outs) as a means of enhancing safety and visibility on Township streets; and

WHEREAS, Orange Road at High and Irving Streets has been determined to be an appropriate street for the installation of curb extensions; and

WHEREAS, Orange Road is under the jurisdiction of the County of Essex; and

WHEREAS, Essex County requires the Township of Montclair to assume responsibility for maintenance of the extended curb line as well as snow removal from parking lanes within 100 ft. in either direction of a bump out installed on County roads within the Township of Montclair; now therefore

BE IT RESOLVED, that the Township of Montclair does hereby agree to maintain the extended curb line and perform snow removal for the bump outs to be installed at Orange Road and High Street/Irving Street as described in plans prepared by Kimberli Craft, P.E. Montclair Township Engineer, dated August 22, 2016. A copy of the proposed plan is affixed hereto and made a part hereof. **(R-16-192)**

On motion made by Mayor Jackson and duly seconded, the following resolution (as amended) was adopted by unanimous vote:

WHEREAS, the PRCA Advisory Committee voted unanimously to rename the portion of Edgemont Memorial Park known generically as the "meadow field" to "Howard Finney, III Field" in recognition of the late Coach Finney's 40 years of service to the Montclair Cobra little league football team; and

WHEREAS, the Friends of Edgemont Park support the naming of "Meadow Field" to "Howard Finney, III Field"; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the northern portion of Edgemont Memorial Park currently known as "Meadow Field", be and is hereby renamed to "Howard Finney, III Field". **(R-16-193)**

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

WHEREAS, the Township of Montclair owns various motor vehicles and equipment which are no longer in service, and the Township wishes to dispose of such vehicles and equipment; and

WHEREAS, N.J.S.A. 40A:11-36, provides that the governing body of a municipality may authorize the sale by public auction of any personal property not needed for public use; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township shall conduct an online public auction of the attached list of surplus township vehicles and equipment, in accordance with the provisions of N.J.S.A. 40A:11-36, on **Wednesday, November 2, 2016, closing at 7:00 pm.**

	Year	Make/Model	VIN/Serial #	Department
	1991	Pierce Aerial Squirt	4P1CA02D5MA000741	FIRE
	2006	Dodge Durango	1D4HB38N36F138767	POLICE
	2007	Dodge Charger	2B3KA43H07H770026	POLICE
	2009	Dodge Durango	2B3KA43T29H512906	POLICE
	2010	Dodge Charger	2B3AA4CT6AH116526	POLICE
	2010	Dodge Charger	2B3AA4CT4AH116525	POLICE
	2002	Honda Civic	1HGEN26522L000543	PARKING
	1991	Autocar Refuse Packer	4VRCBMD0MU508410	COMM SERVC
	1991	Autocar Refuse Packer	4V2RCBMD4MU50812	COMM SERVC
	1997	GMC Jimmy	1GKCT18WIVK507220	HEALTH DEPT
	1999	GMC Wagon	1GKCT18W1XK517927	HEALTH DEPT
	2000	GMC Van	1GKEL19W2YB533546	HEALTH DEPT
	2001	GMC Refuse Packer	J8DE5B14117901437	COMM SERVC

	2003	GMC Sonoma Pickup	1GTDT19X038290017	COMM SERVC
	2004	GMC Pickup Truck	1GTHK29U94E257875	COMM SERVC
	2000	Airflow Systems Air Filter	121861	COMM SERVC
		Brutus 2MH Small Street Roller	2142	COMM SERVC
		Hydraulic Chain Saw & Concrete Saw		COMM SERVC
		Low Profile Transmission Jack		COMM SERVC
		Transmission Jack		COMM SERVC
		Metal Cutting Saw		COMM SERVC
		Flatbed Trailer GVWR 5,200	1120TL104DT020010	COMM SERVC
	2004	Strip Cut Shredder		FINANCE

(R-16-194)

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

WHEREAS, the Township of Montclair, in the County of Essex, New Jersey, currently maintains Change funds of \$200.00 in the Tax, Water, and Sewer Utility Offices; and

WHEREAS, an increase in the frequency of activity involving cash transactions in these offices has found the amount of cash kept in the Change Funds to be inadequate to meet current demands; now therefore

BE IT RESOLVED, that the Change Funds maintained in the Tax, Water and Sewer Offices be increased from the sum of \$200.00 each to the sum of \$300.00 each; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the Chief Financial Officer for her implementation and appropriate entry on the financial records of the Township. **(R-16-195)**

Resume with Resolutions (Non-consent)

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 the park house in Edgemont Memorial Park be and is hereby named and shall henceforth be called “Edgemont Park Shelter House”. **(R-16-196)**

On motion made by Councilor Russo 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 \$24,500, which is now available from Governor’s Council on Alcohol Abuse and Rehabilitation Grant in the amount of \$24,500,

BE IT FURTHER RESOLVED, that the like sum of \$24,500 is hereby appropriated under the caption 2016 Governor’s Council on Alcohol Abuse and Rehabilitation Grant; and

BE IT FURTHER RESOLVED that the above grant requires the Township to provide a local match of 25% of the grant award amounting to \$6,125; and

BE IT FURTHER RESOLVED that the sum of \$ 6,125 representing the amount required for the municipality’s share of the aforementioned undertaking or improvement appears in the budget of the year 2016 under the caption Governor’s Council on Alcohol Abuse and Rehabilitation Grant and is hereby appropriated under the caption of Governor’s Council on Alcohol Abuse and Rehabilitation Grant. **(R-16-197)**

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

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

WHEREAS, the State of New Jersey through the Division of Purchase and Property in the Department of the Treasury has awarded a National Association of State Procurement Office (“NASPO”) ValuePoint Computer Contract, NJ NASPO Contract M-0483, to Dell, Inc. (“Dell”) - New Jersey State Contract Number 89967; and

WHEREAS, Candoris Technologies (“Candoris”) is a registered Dell Premier Partner who is authorized as a Dell reseller. Candoris’ headquarters are located at 9 E. Main Street, Annville, PA, 17003; and

WHEREAS, the Township of Montclair needs to purchase PCs for the Township PC refresh project to replace existing outdated PCs; and

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

BE IT RESOLVED, by the Council of the Township, in the County of Essex, that the Township is authorized to use Capital Budget Account Number, # C-04-16-032-000-IT, to fund the expenditure to purchase PCs for the Township’s PC refresh project based upon the price quoted on October 13, 2016 in an amount not to exceed \$32,000.00 pending Certification of Funds by the Chief Financial Officer. **(R-16-198)**

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

WHEREAS, Public Service Electric and Gas Company (“PSEG”) is offering an energy conservation program (the “Program”) to customers in its electric and/or gas service territory that are government or non-profit entities with annual peak demands equal to or less than 200 kW; and

WHEREAS, under the Program, PSEG is arranging the installation of certain energy conservation measures at eligible government/non-profit/small business facilities; and

WHEREAS, the Township of Montclair desires to participate in the Program by entering into the attached Agreement for the installation of LED lighting at the Fullerton Parking Deck located at 15 Park Street and for which the total cost will be \$88,841.64, and the Township’s share will be \$26,652.49; and

WHEREAS, funds for this purpose have been provided for in the 2016 budget identified by account number 6-24-55-200-200-241 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 enter into the Agreement with PSEG at a total cost to the Township not to exceed \$26,652.49; and

BE IT FURTHER RESOLVED that the Township Manager be and he is hereby authorized to execute the annexed Agreement. **(R-16-199)**

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

WHEREAS, the Township Council, by Resolution R-15-116, in accordance with N.J.S.A. 40A:12A-6, declared the following parcels of land known and described on the Tax Maps of the Township of Montclair to be an area in need of redevelopment:

- Block 3106, Lot 13
- Block 3106, Lot 17
- Block 3106, Lot 10.01
- Block 3105, Lot 9
- Block 3105, Lot 1
- Block 3105, Lot 2
- Block 3205, Lots 26 and 27
- Block 3205, Lot 19.02
- Block 3205, Lot 21
- Block 3206, Lot 15
- Block 3206, Lot 14
- Block 3208, Lot 1
- Block 3213, Lot 2
- Block 4202, Lot 4 (a/k/a Lot 4.02)
- Block 4202, Lot 4.01
- and

WHEREAS, by Resolution R-16-035, approved February 16, 2016, the Township Council, based upon a finding that the water and sewer infrastructure is at least 50 years old and in need of substantial maintenance, designated Block 3106, Lot 10 as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, Resolution R-15-116 further stated that the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain with respect to the above-designated properties, except that the Township does not retain the right to exercise the power of eminent domain for Block 3213, Lot 2 and Block 4202, Lot 4 (aka Lot 4.02); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Township Council on September 6, 2016 adopted Ordinance O-16-025, "AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE SEYMOUR STREET REDEVELOPMENT," upon a finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in N.J.S.A. 40A:12A-5 or N.J.S.A. 40A:12A-14, as appropriate; and

WHEREAS, Resolution R-16-185 adopted on October 4, 2016 by the Township Council designated BSREP II Wellmont Development JV LLC as the redevelopment entity to redevelop the Seymour Street Redevelopment Area for the purposes set forth in the Plan, subject to the following conditions:

A development application for Preliminary and Final Site Plan Approval is submitted to the Planning Board no later than 90 days from the date of this resolution; and

A Redevelopment Agreement is executed by all parties no later than 45 days after the Resolution granting Final Site Plan Approval is adopted by the Planning Board; and

WHEREAS, BSREP II has requested the Township consent to their filing of the site plan application that concerns property owned by the Township namely Block 3105, Lot 2, Block 3106, Lot 17, Block 3205, Lot 26 and Block 3205, Lot 27 and the Seymour Street right-of-way; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township hereby consents to the filing of an application for development by BSREP II with the Planning Board of the Township of Montclair. **(R-16-200)**

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: **\$1,630,605.51**

REPORTS

Councilor Baskerville expressed her discontent with the Council podium seating arrangements

Councilor Russo requested that this discussion be held in Executive Session.

Township Attorney, Ira Karasick stated that this was not an appropriate discussion item for Executive Session.

Mayor Jackson appointed Councilor's McMahon, Russo and Baskerville to address these concerns and present a solution to the full Council.

Councilor Russo provided a status report on his eyesight. He also reported that his mother is now in an assisted living facility in a nearby community. He announced that he is no longer interested in running for governor.

Nicholas Katzban, Montclair Times, clarified the Montclair Times position relating to political endorsements.

Councilor Spiller updated the Council on current issues before the Environmental Commission including water conservation and energy efficiency. He thanked Township Attorney, Ira Karasick for his assistance. He noted the upcoming NAACP event on October 28.

Councilor McMahon, reported on a unique Fall Festival event and Duck Derby. He thanked Patricia Brechka, Recreation and Cultural Affairs Director for her valuable assistance.

Councilor Schlager, announced that "the Tuesday morning Knitter's" now meet every Tuesday at Edgemont Park Shelter House.

Councilor Baskerville, reported that the Mobile Farmer's market will now be located at Commerce Bank on Orange Road.

She thanked the Recreation Advisory Committee, Patricia Brechka and Steve Wood for assistance with the Canterbury Park tennis court reconstruction.

Councilor Hurlock, noted that he recently had the pleasure of representing Montclair during a recent visit to Montclair's Sister City - the London Borough of Barnet.

He highlighted the following:

- YMCA 125th year celebration on November 12th.
- Friends of Barnet Fish and Chips Dinner
- St. James Church Fundraiser to "Save the Tower."

Linda S. Wanat, Township Clerk, again encouraged Montclair's registered voters to "exercise their right to vote" on November 8, 2016.

COMMUNICATIONS

From: NJDEP – No Further Action Letter

519 Upper Mountain Avenue
 509 Highland Avenue
 99 Clarewill Avenue
 53 Undercliff Road
 79 Valley Road
 16 North Willow Street

Letter from Montclair State University dated September 20, 2016 re: Board of Trustees reorganization meeting.
 Passaic Valley Sewerage Commission letter dated October 20, 2016, re: Public Hearing – 12/20/2016
 Letter dated October 12, 2016 from Groundwork, Inc. re: 154 Pine Street – Response Action Outcome
 Letter dated October 14, 2016 from Cullen & Dykman, LLP re: NY Community Bank v. Montclair Twp.
 Letter dated September 21, 2016 from EBI Consulting re: 312-314 Orange Road – Site Remediation
 Letter dated February 1, 2016 from RLG Environmental, Inc. re: 40 Warren Place – Site Remediation
 Letter dated October 10, 2016 from Practical Environmental Solutions, LLC re: 199 Bellevue Avenue – Vapor Intrusion Testing.

At 8:33 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: Contract Negotiations
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 9:17 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