

MONTCLAIR, NEW JERSEY

July 16, 2013

The Council of the Township of Montclair, in the County of Essex, met in the Council Chambers, in the Municipal Building, 205 Claremont Avenue, for a Pre-Regular Meeting at 7:02 P.M.
Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock
Absent: Councilors McMahon and Spiller

Agenda Review:

The Council of the Township of Montclair, in the County of Essex, met in the Council Chambers, in the Municipal Building, 205 Claremont Avenue, for a Regular Meeting at 7:30 P.M.
Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock
Absent: Councilors McMahon and Spiller

STATEMENT OF SUNSHINE NOTICE

PLEDGE OF ALLEGIANCE

Approved Minutes: June 18 and July 9, 2013 minutes approved by the Council

PUBLIC COMMENT

Josh Linsley, 17 Jerome Place, urged the Council to support the Jerome Place ordinances on this evening's agenda.

Joe Cupoli, candidate for New Jersey Senate, District 34, presented his qualifications to run for this office.

Ron Phelps, 709 Valley Road urged the Council to "find his client not guilty on all charges."

There being no one wishing to speak, Mayor Jackson closed the public comment portion of the meeting.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE DESIGNATING THE "ISRAEL CRANE HOUSE" (110 ORANGE ROAD), THE "NATHANIEL CRANE HOUSE" (110 ORANGE ROAD) AND THE "CHARLES SCHULTZ HOUSE" (30 NORTH MOUNTAIN AVENUE) AS HISTORIC LANDMARKS PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE OF THE TOWNSHIP OF MONTCLAIR" (0-13-28) passed first reading June 18, 2013 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 on file 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: "ORDINANCE GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP OF MONTCLAIR, ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES" (0-13-29) passed first reading June 18, 2013 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 on file 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: "ORDINANCE ESTABLISHING AN ABANDONED PROPERTY LIST AND AUTHORIZING THE PUBLIC OFFICER UNDER THE ABANDONED PROPERTY REHABILITATION ACT" (0-13-30) passed first reading June 18, 2013 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 on file 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 ad duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: "ORDINANCE ORDINANCE APPROPRIATING \$210,000 FROM CAPITAL SURPLUS FOR THE ACQUISITION OF VARIOUS EQUIPMENT AND THE REFURBISHMENT OF A GARBAGE TRUCK IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY" (0-13-31) passed first reading June 18, 2013 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 on file 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 ad duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: "ORDINANCE OF THE TOWNSHIP OF MONTCLAIR SUPPLEMENTING CHAPTER 204 (LIBRARY PROPERTY) OF THE MUNICIPAL CODE TO PROHIBIT SMOKING ON LIBRARY GROUNDS" (0-13-32) passed first reading June 18, 2013 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 on file in the office of the Municipal Clerk.

Mayor Jackson asked whether anyone present wished to address the Councilors regarding the proposed ordinance.

Andrew Kantz, 80 River Road, Summit, New Jersey thanked the Township for their efforts to limit smoking in and around the Township libraries. He suggested that the Council consider extending this ban to municipal parks.

There being no one else wishing to be heard, Mayor Jackson closed the hearing.

Councilor Baskerville asked to amend this ordinance to include all municipal property.

Mayor Jackson suggested that the Services/Communication Committee study this proposal and bring forward a recommendation.

On motion made by Mayor Jackson ad duly seconded, the ordinance was adopted by unanimous vote.

The pending ordinance entitled: "ESTABLISHING CHRONIC NUISANCE PROPERTY REGULATIONS" (0-13-33) passed first reading June 18, 2013 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 on file 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 ad duly seconded, the ordinance was adopted by unanimous vote.

NEW BUSINESS –ORDINANCE/FIRST READING-INTRODUCTION

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 regular meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – JEROME PLACE” (O-13-34)

The motion was adopted by unanimous vote.

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 regular meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – JEROME PLACE PARKING” (O-13-35)

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 conference meeting of the Township Council to be held on August 12, 2013:

“TO AMEND THE CWA EMPLOYEE SALARY ORDINANCE” (O-13-36)

The motion was adopted by unanimous vote.

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 conference meeting of the Township Council to be held on August 12, 2013:

“TO AMEND THE MANAGEMENT (non-union) SALARY ORDINANCE” (O-13-37)

The motion was adopted by unanimous vote.

Deputy Mayor Russo 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 conference meeting of the Township Council to be held on August 12, 2013:

“TO AMEND THE 2013 OPEIU EMPLOYEE SALARY ORDINANCE” (O-13-38)

The motion was adopted by unanimous vote.

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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – REMOVING THE BUS STOP AT CHURCH STREET AND VALLEY ROAD” (O-13-39)

The motion was adopted by unanimous vote.

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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – CHURCH STREET LOADING ZONE” (O-13-40)

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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – CHURCH STREET METER ZONE” (O-13-41)

The motion was adopted by unanimous vote.

Deputy Mayor Russo 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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE TO AMEND CHAPTER 230 OF THE TOWNSHIP CODE” (O-13-42)

The motion was adopted by unanimous vote.

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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE APPROPRIATING \$350,000 FROM CAPITAL SURPLUS FOR VARIOUS STREET IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY” (O-13-43)

The motion was adopted by unanimous vote.

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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY KNOWN AS 59-61 VALLEY ROAD, BLOCK 2209, LOTS 1 AND 16, THROUGH NEGOTIATION WITH THE OWNER OR, IF NECESSARY, BY THE EXERCISE OF EMINENT DOMAIN” (O-13-44)

The motion adopted by the following vote: **Ayes:** Councilors Hurlock, Deputy Mayor Russo, Schlager and Mayor Jackson. **Nay:** Councilor Baskerville

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 conference meeting of the Township Council to be held on August 12, 2013:

“ORDINANCE AMENDING CHAPTER 322 OF THE TOWNSHIP CODE –TOWING” (O-13-45)

The motion was adopted by unanimous vote.

NEW BUSINESS: RESOLUTIONS

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

WHEREAS, the Township of Montclair wishes to establish a Change Fund for the Montclair Vital Statistics in the amount of \$50.00; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, upon the advice and recommendation of the Chief Financial Officer, that a change fund in the amount of \$50.00 be established for the Montclair Vital Statistics; and

BE IT FURTHER RESOLVED, that a check be issued to the Montclair Vital Statistics and Susan Portuese, for such purpose. **(R-13-109)**

WHEREAS, pursuant to N.J.S.A. 40A:11-6.1 b AND N.J.A.C. 5:34-7.29(c), the Township may, by resolution and without advertising for bids, purchase goods or services through the Morris County Cooperative Pricing Council for any Morris County Cooperative contracts entered into on behalf of the Morris County Cooperative Pricing Council; and

WHEREAS, the Township of Montclair has a need to purchase, on a timely basis, water meters/data recorders and radio frequency meter interface units utilizing the Morris County Cooperative during 2013; and

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

WHEREAS, the Township of Montclair plans to utilize Contract #47 through the Morris County Cooperative Pricing Council, such transactions shall be subject to all conditions applicable to the current Morris County Cooperative contract; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township Purchasing Agent is hereby authorized to purchase goods or services from the approved Morris County Cooperative Pricing Council's vendor, pursuant to all conditions of the Morris County Cooperative contract: **(R-13-110)**

WHEREAS, on June 26, 2013, the Township of Montclair opened and read bids for the Purchase and Delivery of 8" and 12" Class 56 Ductile Iron Pipe, as prescribed by law; and

WHEREAS, the unit prices are to remain firm and in effect for one year commencing the date of the award of contract, with an option to renew the contract for one additional year; and

WHEREAS, the quantities listed on the Bid Proposal are estimated and these quantities may be increased or reduced as needed by the Montclair Department of Utilities during the contract period; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the contract for the Purchase and Delivery of 8" and 12" Class 56 Ductile Iron Pipe be and is hereby awarded to HD Supply Waterworks, Ltd of 61 Gross Avenue, Edison, New Jersey; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. Complete details of the contract are attached hereto and made a part hereof. **(R-13-111)**

WHEREAS, on June 26, 2013, the Township of Montclair opened and read bids for the Purchase and Delivery of Fire Hydrants, Fire Hydrant Extensions, Break-Away Kits and Megalug Retainer Gland Kits, as prescribed by law; and

WHEREAS, HD Supply Waterworks, Ltd submitted the only responsible bid, (various prices for the various items) meeting the specifications; and

WHEREAS, this proposal was solicited through a fair and open process in accordance with the New Jersey Local Unit Pay-to-Play Law, P.L. 2004, C. 19 (amended by P.L. 2005 C. 51) N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the above-stated unit prices (which include shipping/delivery charges) are to remain firm prices for two years commencing the date of award of contract; and

WHEREAS, the quantities listed on the Bid Proposal are estimated and these quantities may be increased or reduced as needed by the Montclair Department of Utilities during the contract period; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the contract for the Purchase and Delivery of Fire Hydrants, Fire Hydrant Extensions, Break-Away Kits and Retainer Gland Kits be and is hereby awarded to HD SUPPLY WATERWORKS, LTD of 61 Gross Avenue, Edison, New Jersey; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. Complete details of the contract are attached hereto and made a part hereof. **(R-13-112)**

WHEREAS, the Township of Montclair performs certain work, constructs various public improvements, and purchases various equipment and/or materials for the Township for public improvements and water improvements;

WHEREAS, the Township of Montclair, in order to provide such public improvements must fund the various items through general and water capital ordinances, and by the issuance of bonds and notes for the necessary funds; and

WHEREAS, upon completion of the various general and water improvements and/or purchases, all of the money provided for may not have been needed or spent in order to complete the purpose required in the original bond ordinance; and

WHEREAS, NJ Law permits the cancellation of such original bond ordinance after completion and provides that any remaining moneys in such ordinance may be transferred to the General Capital and/or Water Capital Fund Balance to be utilized in an appropriate fashion thereafter; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that certain such ordinances as listed on Schedule A attached are hereby declared to be completed and canceled and all funds remaining shall be allocated to the General Capital and/or Water Capital Fund Balance as provided and allowed by law and determined by the Chief Financial Officer." (R-13-115)

WHEREAS, the Township of Montclair is interested in solving problems of pedestrian- traffic safety to help promote public safety and reduce traffic deaths, injuries, and property losses resulting from accidents; now therefore

BE IT RESOLVED that the Council of the Township of Montclair establish a Pedestrian Traffic Safety Committee to consider pedestrian-traffic safety; and

BE IT FURTHER RESOLVED that Kim Craft, Sgt. Stephanie Egnezzo, Alex Kent and Kathy Smith be they hereby are appointed to serve as members of said committee. (R-13-116)

WHEREAS, there exists a need to have leaves from the Township of Montclair transported to and composted at a New Jersey Department of Environmental Protection permitted leaf composting facility; and

WHEREAS, the Township of Montclair will be able to obtain grant rebates with the tickets provided to them for the leaves composted under the New Jersey Recycling Tonnage Grant and;

WHEREAS, Nature's Choice Corp will provide these services for the following per cubic yard unit prices;

Year 1 (October 15, 2013 to May 15, 2014)	\$7.95 per cubic yard x 10,500 c.y.	=	\$83,475
Year 2 (October 15, 2014 to May 15, 2015)	\$8.23 per cubic yard x 10,500 c.y.	=	\$86,415
Year 3 (October 15, 2015 to May 15, 2016)	\$8.65 per cubic yard x 10,500 c.y.	=	\$90,825
Year 4 (October 15, 2016 to May 15, 2017)	\$8.75 per cubic yard x 10,500 c.y.	=	\$91,875
Year 5 (October 15, 2017 to May 15, 2018)	\$9.24 per cubic yard x 10,500 c.y.	=	\$97,020

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township enter into an agreement with Nature's Choice Corp for the transportation and composting of Municipal leaves;

BE IT FURTHER RESOLVED, that the funds for this acquisition have been appropriated in the 2013 Operating Budget Account Number 3-01-26-305-305-2XY. (R-13-121)

WHEREAS, on June 12, 2012, the Township Council adopted a resolution authorizing the plumbing services contract with M.B.T. Contracting, LLC. of Lincoln Park, New Jersey, for plumbing services to be provided to the Township; and

WHEREAS, the contract was awarded for a period of 1 (one) year with an option to renew the contract for up to two additional (2) years; and

WHEREAS, the Township of Montclair would like to renew one contract year period of August 21, 2013 through August 20, 2014 with M.B.T. Contracting, LLC. Inc. with the same terms and conditions; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the aforementioned contract renewal is hereby approved, and the Mayor and Township Clerk be and they hereby are authorized to execute and attest an agreement for an additional year for the period of August 21, 2013 through August 20, 2014 with M.B.T. Contracting, LLC. for plumbing services to be provided to the Township, subject to certification of funds by the Chief Financial Officer. (R-13-122)

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that MARGARET CONROW and CAROL KATZMAN be and they hereby are APPOINTED to serve on the Senior Citizens Advisory Committee for a term commencing immediately and terminating December 31, 2014. (R-13-123)

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

WHEREAS, on June 25, 2013 the Township of Montclair opened and read bids for construction of new curbs, drainage improvements and paving of Union Street between Lloyd Road and Orange Road, 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, Lancha Construction of 49 W. Grochowiak Street, South River, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$391,278.57; and

WHEREAS, funds for this purpose have been provided for in the 2012 Capital budget identified by Account Number C-04-12-041-000-102 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 2012 Capital budget identified by Account Number C-04-12-041-000-102 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 Lancha Construction for South Mountain Avenue Section 2 Improvements in the amount of \$391,278.57 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 subject to the New Jersey Department of Transportation's approval; 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 \$24,500.00 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-13-113)

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

WHEREAS, on June 25, 2013 the Township of Montclair opened and read bids for construction of new curbs on Sutherland Road, 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, Lancha Construction of 49 W. Grochowiak Street, South River, New Jersey submitted the lowest responsible bid, according to the specifications, in the amount of \$50,506.08; and

WHEREAS, funds for this purpose have been provided for in the 2009 and 2010 Capital budgets identified by Account Numbers C-04-09-052-A00-102 and C-04-10-012-000-102 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 2010 Capital budget identified by Account Number C-04-10-012-000-102 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 Lancha Construction for South Mountain Avenue Section 2 Improvements in the amount of \$50,506.08 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-13-114)

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

WHEREAS NJSA 40A 11 of the Local Public Contracts Law permits the use of competitive contracting in lieu of public bidding for the procurement of specialized goods and services including the procurement of Parking Permit Sales and Administrative Services; and

WHEREAS on March 12, 2013 the Township Council adopted a Resolution authorizing the use of competitive contracting in order to solicit proposals for Parking Permit Sales and Administrative Services; and

WHEREAS pursuant to the afore said resolution the Township has issued a Request for Proposals (RFP) for Parking Management Systems (Parking Permit Sales and Administrative Services) in accordance with the Local Public Contracts Law; and

WHEREAS said RFP was returnable on May 16, 2013 and the Township has received eight competitive proposals in response to the RFP; and

WHEREAS the proposals were reviewed and evaluated by a committee consisting of the Township Manager, Parking Program Administrator and the Parking Consultant in accordance with the methodology set forth in the RFP and applicable legal requirements; and

WHEREAS the evaluation committee has prepared a written report in accordance with NJSA 40A 11 which recommended that the Township award a contract to Click and Park for Parking Administrative Services; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, does hereby authorize the Township Manager to negotiate and enter into a contract for Permit Administrative Services with Click and Park substantially consistent with the terms contained in the vendor's Proposal; and

BE IT FURTHER RESOLVED that this award is subject to Certification of Availability of Funds by the Chief Financial Officer in accordance with state regulations. (R-13-118)

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

WHEREAS, the Council of the Township of Montclair desires to apply for and obtain a Post-Sandy Planning Assistance grant from the New Jersey Department of Community Affairs (DCA); and

WHEREAS, a representative from the Township of Montclair has attended an orientation session held by DCA explaining the grant application process; and

WHEREAS, the Township of Montclair intends to apply for Post-Sandy Planning Assistance grant money for the following planning activities and in the following amounts:
Strategic Recovery Planning Report (\$30,000)

WHEREAS, in order to obtain such a grant, it is necessary that the participating municipality submit a resolution in support of the application; and

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Montclair does hereby authorize the application of the above grant; and

BE IT FURTHER RESOLVED that the Township of Montclair has sustained a ratable loss attributable to Superstorm Sandy of at least 1 percent or \$1 million, as indicated in the attached documentation from the tax assessor; and

BE IT FURTHER RESOLVED that Montclair Township recognizes and accepts that DCA may offer a lesser or greater amount of grant funding than that requested; and

BE IT FURTHER RESOLVED that the Mayor and the Manager are hereby authorized and directed to execute the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by Montclair Township and DCA; and

BE IT FURTHER RESOLVED that the Township of Montclair agrees to comply with all CDBG-DR regulations, Post Sandy Planning Assistance Guidelines and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

BE IT FURTHER RESOLVED the persons whose names appear below (or any successor or assign) are authorized to sign the grant agreement or any other document in connection therewith. (R-13-119)

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

WHEREAS, the Township Council authorized the Planning Board to conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether certain parcels of land known and designated as follows:

BLOCK	LOT	ADDRESS
1403	10	60 Valley Road
1403	13	615 Bloomfield Avenue
1403	14	665 – 679 Bloomfield Avenue
2208	1	630 Bloomfield Avenue
2209	1	61 Valley Road
2209	2	57 Valley Road
2209	3	Portland Place
2209	4	58 Portland Place
2209	5	48 – 52 Portland Place
2209	14	641 Bloomfield Avenue
2209	15	55 Valley Road
2209	16	59 Valley Road
2209	13	631 – 635 Bloomfield Avenue
2209	6	46 Portland Place
2209	7	44 Portland Place

on the tax maps of the Township of Montclair, together with other lots not being designated, can be classified as an area in need of redevelopment; and

WHEREAS, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, on July 8, 2013 the Planning Board adopted the recommendations and findings of the "Area in Need of Redevelopment Study - Bloomfield /Valley Study Area" dated June 2013 (the "Study") with respect to the above mentioned properties, and found that the following properties meet the criteria for an area in need of redevelopment;

BLOCK	LOT	ADDRESS
1403	13	615 Bloomfield Avenue
2208	1	630 Bloomfield Avenue
2209	1	61 Valley Road
2209	2	57 Valley Road
2209	3	Portland Place
2209	4	58 Portland Place
2209	5	48 – 52 Portland Place
2209	14	641 Bloomfield Avenue
2209	15	55 Valley Road
2209	16	59 Valley Road
2209	13	631 – 635 Bloomfield Avenue

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Montclair, in the County of Essex that based upon the facts and findings contained in the Study, which are adopted by reference and made a part hereof, and the findings of the Planning Board, all made in accordance with N.J.S.A. 40A:12A-6, that the Council of the Township of Montclair does hereby declare the parcels of land known and described above on the Tax Maps of the Township of Montclair to be an area in need of redevelopment; and

BE IT FURTHER RESOLVED that the Township Clerk shall serve, by certified mail, Return Receipt Requested, a copy of this Resolution upon the owners of the above-mentioned lots, as well as any person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent; and

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested and authorized to prepare a redevelopment plan for the property designated by this Resolution as an area in need of redevelopment, which plan may include adjacent properties designated as areas in need of redevelopment or areas in need of rehabilitation. (R-13-120).

Council Baskerville expressed concern regarding some of the properties in the proposed "areas of redevelopment."

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

WHEREAS, the Township of Montclair wishes to engage a professional planning firm to provide professional planning and consulting services to the Township to prepare an amendment to the Montclair Center Gateway Phase 1 Redevelopment Plan which has been designated as either an area in need of redevelopment or an area in need of rehabilitation; and

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

WHEREAS, after issuing a Request for Proposals (RFP) for planning service the Township the Township received seven proposals from professional planning consultants and selected the firm of Phillips Preiss Grygiel, LLC to prepare the Plan; and

WHEREAS, the major property owner in the redevelopment area proposes certain changes to the plan to allow a transfer of development rights option to create open space within Montclair Center; and

WHEREAS the Township Council has received a proposal from Phillips Preiss Grygiel, LLC to amend the Plan to include a transfer of development rights option at a cost not to exceed \$20,000; and

WHEREAS, this contract is being awarded in accordance with the requirements of the New Jersey "Pay-to-Play" Law, N.J.S.A 19:44a-20.5 et seq.; and

WHEREAS, Phillips Price Grygiel 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 corporation from making any reportable contributions during the term of this contract; 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 are hereby authorized to execute and attest an agreement with Phillips Preiss Grygiel LLC to provide professional planning and other services to the Township in connection with the proposed redevelopment plan amendment at a cost not to exceed \$20,000, and in a form approved by the Township Attorney; 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-13-124)**

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

WHEREAS, the Township Council adopted the Montclair Center Gateway Phase 1 Redevelopment Plan on October 4, 2011; and

WHEREAS, the Township Council adopted amendments to the Montclair Center Gateway Phase 1 Redevelopment Plan on September 6, 2011, October 16, 2012, April 9, 2013 and May 28, 2013; and

WHEREAS, the selected redeveloper has expressed an interest in participating in a transfer of development rights option in which additional density for the CentroVerde project can be obtained by purchasing the development rights of selected Township-owned properties located in a redevelopment area and creating a park in the downtown area and the Township Council finds that it is in the best interest of the public to create additional downtown open space; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Montclair, County of Essex, hereby authorizes the Planning Board to evaluate the Montclair Center Gateway Phase 1 Redevelopment Plan and to recommend amendments to the plan that will facilitate a transfer of development rights option. **(R-13-125)**

On motion made by Deputy Mayor Russo 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 by drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: \$3,752,128.16

REPORTS AND COMMUNICATIONS

The Municipal Clerk reported that she had filed in her office a list of reports and communications received since the last meeting.

From NJDEP – No further Action Letter
111 Montclair Avenue
140 Cooper Avenue
84 Park Street

Letter from PEAK Environmental Inc., re: 205 Christopher Street, Response Action Outcome

Letter from Weiner/Lesniak re: Gayl Sheppard/File No.: 13-456

Tax Collector's Monthly Report for 1/1/2013 Revised

2/1/2013 Revised
4/1/2013 Revised

On motion made by Mayor Jackson and duly seconded, the following reports and communications were accepted and ordered to be made part of the minutes of this meeting.

Council members reported the following meetings and events.

Deputy Mayor Russo urged all to assist with the Deshawn Johnson Scholarship Fund.

Councilor Baskerville announced the death of mother Lillie Connor, educator and founder of Hollow Day Care Center who touched the lives of many during her ninety years.

Councilor Baskerville expressed that she was troubled by the recent verdict in George Zimmerman/Trayvon Martin case. She also stated her hope that "justice will not be denied."

Councilor Hurlock recently met with Master Plan group, the Council Education Subcommittee and the Animal Welfare Committee. He reported that he will hold a First Ward Meeting on Thursday, July 25, 2013 at 7:30 at the Bellevue Avenue Branch Library.

Councilor Schlager will meet with business owners in the Watchung business district on July 18, at 7:00 p.m., Second Floor Conference Room. She congratulated all the graduates of Montclair High School Class of 2013.

Mayor Jackson highlighted the recent swearing in of seven probationary fire fighters. He asked for prayers for Captain Kevin Dyer who was recently injured during the line of duty. Mayor Jackson also encouraged the Police Department to pursue new hires.

Joyce Goldman, Director of Constituent Services, Essex County announced that Essex County has created a Cooling Center at Richard Codey Arena. She also invited all to visit the new picnic pavilion and paddle boat deck at the Orange Reservoir in the Essex County South Mountain Reservation. Ms. Goldman noted that the zip line trails will reopen by the end of August.

At 9:06 P.M., on motion made by Mayor Jackson and duly seconded, the meeting was adjourned to Executive Session by unanimous vote.

At 10:17 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

2/1/2013 Revised
4/1/2013 Revised

On motion made by Mayor Jackson and duly seconded, the following reports and communications were accepted and ordered to be made part of the minutes of this meeting.

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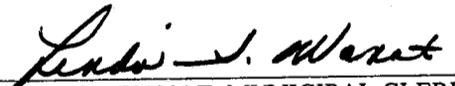
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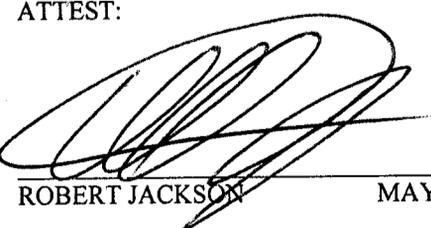
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LINDA S. WANAT, MUNICIPAL CLERK

ATTEST:


ROBERT JACKSON

MAYOR