

MONTCLAIR, NEW JERSEY

November 12, 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 Regular Meeting at 7:31 P.M.

Present: Mayor Jackson, Deputy Mayor Russo, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller

Absent: None

STATEMENT OF SUNSHINE NOTICE  
ROLL CALL  
PLEDGE OF ALLEGIANCE

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On motion made by Mayor Jackson and duly seconded, the minutes of October 29, 2013 were approved by unanimous vote.

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In Memoriam: Edward A. Giblin

Mayor Jackson offered support and love to the family of Edward A. Giblin, former Chief of Police for the Township, and asked for a moment of silence as a tribute to an outstanding public servant.

PROCLAMATION

*WHEREAS* The Council of the Township of Montclair notes with sadness the passing of Edward A. Giblin, a member of the Montclair Police Department for forty-one years; fifteen of those years as Chief of Police; and

*WHEREAS* A Montclair native, Edward Giblin was a graduate of Immaculate Conception High School and a U.S. Army veteran. He joined the Montclair Police force in 1951 and, rising through the ranks, was appointed Chief of Police in 1978 by then Public Safety Commissioner Theodore McLoughlin. He served in that capacity until his retirement in 1993. He was also employed for many years by the High M. Moriarty Funeral Home; and

*WHEREAS* In addition to creating Montclair's award winning Crime Prevention Unit, Edward Giblin was the recipient of numerous honors and awards in recognition of his outstanding performance in public safety including the Montclair Jaycees Community Service award in 1976, the Hibernian of the Year in 1978 and Knights of Columbus Police Shield Award in 1993. In 2009 the former Chief was honored by The One Hundred Club with the creation of the Chiefs' Award for Community Service, an annual award in his, and former Fire Chief John Gardner's, names recognizing outstanding community service. The award recognizes their exemplary service records as leaders of New Jersey's finest and bravest public safety departments. Mr. Giblin also served, along with John Gardner, as the grand marshal, of Montclair's 2012 Fourth of July parade; and

*BE WHEREAS* Edward Giblin was a loving husband, father, grandfather and great grandfather and took great joy in the time he spent with his family. He was a good neighbor, friend to many and always the consummate gentleman. He was an active member of the Church of the Immaculate Conception, where he was baptized, serving as a longtime trustee; now therefore

*IT RESOLVED* that the Council of the Township of Montclair, expresses the thanks of a grateful community for the life and contributions of Edward A. Giblin and extend our sympathy to his family and friends.

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SENIOR CITIZEN'S ADVISORY COMMITTEE:

Anne Lippel presented the final report of the recent survey (age 55 and over) commissioned by this group with the support of "Partners for Health". Over 789 citizens responded to this survey. A complete report is available on Montclair's website: [www.montclairnjusa.org](http://www.montclairnjusa.org)

The Council thanked Ms. Lippel and Sharon Sandusky, Chair of the Senior Citizen's Advisory Committee for their efforts.

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PUBLIC COMMENT

Richard J. Galioto, King and I Landscaping, 109 Sadler Road, Bloomfield, challenged the partial year ban on gas-powered leaf blowers. He stated that "if this is a quality of life issue it should be applied fairly throughout the year." He also does not know why some Township employees and Township contractors are not required to observe the ban.

Martin Gonzalez, 102 Lorraine Avenue, proffered comments on how the Council could better communicate with the public on major municipal initiatives.

Nicholas DiMinni, 11 Bruce Road, expressed concern regarding high taxes, pension payments, and the increased cost of adding the position of Police Director. He also asked the Council to consider "out sourcing" as a strategy to reduce costs.

Paul Cell, New Jersey Chief of Police, Montclair State University Police Chief and head of the N.J. Police Chiefs' Association compared the responsibilities of a Police Chief versus a civilian Police Director and asked the Council to review these differences. He also lauded the efforts of current Police Chief David Sabagh.

Raymond Hayducka, 540 Ridge Road, Monmouth Junction, Police Chief of Windsor Township, asked that Chief Sabagh be given an opportunity to respond to allegations regarding his actions.

Robert Cimmino, 1618 Springfield Avenue, Maplewood, Chief of Police, Millburn, highlighted the accomplishments of Montclair Police Chief, David Sabagh and implored the Governing Body to consider all the facts before moving forward with a Police Director position.

Tom Bryan, 100 Municipal Boulevard, Chief of Police, Edison, provided examples of political interference in police matters during his tenure. He noted the number of lawsuits and escalating costs associated with the proposed personnel scenario.

Perry Mayers, 10 Eugene Circle, Lincoln Park, Municipal Administrator, offered his support for Chief Sabagh and his tenure with the Township. He reiterated a request to reconsider the hiring of a Police Director.

Tom Reynolds, President, NAACP, believes there are many qualified individuals who, if hired, could change the culture of policing in this community. He thanked the Council for moving forward with this initiative.

Gerard Gallagher, 65 Montclair Avenue, added his support for Chief Sabagh and does not believe it is necessary to employ a civilian Police Director.

Alan Kantz, 7 Cedar Street, Summit, continued to question the language in the "smoke free" ordinance on tonight's agenda.

Sandy Sorkin, 3 Marquette Road, inquired about certain parameters and enforcement of the proposed smoking ordinance. He reiterated his request that underage smokers be required to attend smoking cessation programs financed by their parents.

Michael Byrne, 142 Gordonhurst Avenue, offered his support for Police Chief Sabagh. He invited all to attend the Annual 100 Club dinner which will take place on December 4, 2013 at the Montclair Golf Club.

Jason DeSalvo, 36 Prospect Avenue, urged the Council to conduct a constructive proactive dialog with Montclair residents regarding the Township's Master Plan. Mayor Jackson noted that additional public hearings will be scheduled.

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#### DISCUSSION

Township Manager, Marc Dashield provided an update of roadway improvements. He applauded members of the Department of Community Services for their coordination efforts. Mr. Dashield stated that he will focus on better communication regarding such projects moving forward.

Township Attorney, Ira Karasick detailed the two resolutions pertaining to the Orange Road garage and specific spaces (78) to be allocated for use by Township entities.

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#### ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – ORANGE ROAD AT LINDEN AVENUE" (0-13-54) passed first reading October 8, 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.

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The pending ordinance entitled: "ORDINANCE TO AMEND THE TRAFFIC ORDINANCE ORANGE ROAD/ORANGE ROAD WEST" (0-13-55) passed first reading October 8, 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.

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The pending ordinance entitled: "**ORDINANCE TO AMEND THE TRAFFIC ORDINANCE - ALEXANDER AVENUE**" (0-13-57) passed first reading October 8, 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.

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The pending ordinance entitled: "**ORDINANCE TO AMEND THE TRAFFIC ORDINANCE - ALEXANDER AVE**" (0-13-58) passed first reading October 8, 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.

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The pending ordinance entitled: "**ORDINANCE TO AMEND THE TRAFFIC ORDINANCE - COLLEGE AVENUE**" (0-13-59) passed first reading October 8, 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.

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NEW BUSINESS -ORDINANCE/FIRST READING-INTRODUCTION

Councilor Baskerville introduced the following ordinance and made a motion which was duly seconded, that it be **WITHDRAWN** from first reading:

"**ORDINANCE SUPPLEMENTING CHAPTER 234 (Parks and playgrounds) OF THE MUNICIPAL CODE TO REGULATE SMOKING**" (O-13-60)

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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 December 10, 2013:

"**ORDINANCE TO AMEND CHAPTER 186 OF THE TOWNSHIP CODE**" (O-13-69)

The motion was adopted by unanimous vote.

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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 December 10, 2013:

“ORDINANCE AMENDING SECTION 341-9 OF THE TOWNSHIP CODE TO ESTABLISH NEW RATES FOR WATER PURCHASED FROM THE TOWNSHIP EFFECTIVE JANUARY 1, 2014” (O-13-71)

The motion was adopted by unanimous vote.

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NEW BUSINESS: RESOLUTIONS

The motion was adopted by the following vote:

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

Nays: Councilor Baskerville

WHEREAS, AT&T Corp., through its operating subsidiaries, including AT&T Communications of New Jersey, L.P., Teleport Communications America, LLC, and Teleport Communications New York (collectively, “AT&T”), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Montclair Township rights-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AT&T obtain approval of the Montclair Township Council as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE MONTCLAIR TOWNSHIP COUNCIL THAT:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Montclair Township in order to provide communications services to the public, and to operate, maintain and repair said facilities, subject to the following:
  - A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.
  - B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right of way.
  - C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
  - D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless Montclair Township, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Township.
  - E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Township, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Township as an insured and including the indemnification clause in Section D shall be filed with the Township Clerk prior to the installation of any plant. The Township shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using Township rights-of-way. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.
- G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Township.
- H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant. In addition, should the Township identify any utility pole that is in need of repair or replacement, AT&T shall cooperate with Verizon or other owner of the pole in connection with such repair or replacement.
- I. Notwithstanding any provision contained herein, neither the Township nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- J. This instrument shall be adopted on behalf of the Township by the Montclair Township Council and attested to by the Township Clerk who shall affix the Township Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Township shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way. (R-13-189)

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

WHEREAS, the Township finds that it is in the best interests of its residents and taxpayers to permit municipal service charges by electronic means, including without limitation debit cards, credit cards and e-checks; and

WHEREAS, the processing and clearing of these transactions involves service costs and charges; and

WHEREAS, these transaction costs should be borne by the taxpayer as a convenience fee for the use of the electronic payment method; and

WHEREAS, Municipal Service Bureau (MSB) provides state-of-the-art payment processing services in collaboration with leading credit/debit card companies such as VISA and Mastercard, and with member banking institutions, and

WHEREAS, the Township has determined to contract with Municipal Service Bureau (MSB) to obtain credit card and debit card processing services; and

WHEREAS, Municipal Service Bureau (MSB) shall provide services and charge fees as set forth on the attached "Payment Processing Agreement," now, therefore, be it

RESOLVED, that the Township Manager is authorized to execute all documents necessary to enter into the attached agreement with Municipal Service Bureau (MSB). (R-13-190)

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

WHEREAS, on August 18, 2009, in accordance with the criteria set forth in the Local Redevelopment and Housing Law, the Township Council of the Township of Montclair (the "Township Council") established an area in need of rehabilitation within the Township, consisting of Block 1404, Lots 1.01, 6, 7, 8, 11, 12.01, 13, 17, 18, 19, 20 and 21 on the Township's official tax map (the "Rehabilitation Area"); and

WHEREAS, the Rehabilitation Area includes an existing parking garage that is owned by the Township and located on Lot 18 in Block 1404 (the "Township Garage" or, when referring solely to the underlying land, the "Garage Site"); and

WHEREAS, in accordance with the provisions of the Local Redevelopment and Housing Law, the Township has undertaken efforts to develop a program for the redevelopment of the Rehabilitation Area and the Redevelopment Area (collectively referred to as the "Gateway Area"); and

WHEREAS, on October 4, 2011, in accordance with the provisions of the Local Redevelopment and Housing Law, the Township adopted a redevelopment plan for the Gateway Area known as the Montclair Center Gateway Phase I Redevelopment Plan (including any amendments thereto, the "Redevelopment Plan"); and

WHEREAS, the Local Redevelopment and Housing Law authorizes the Township to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment or an area in need of rehabilitation; and

WHEREAS, in furtherance of the objectives of the Township, the Redeveloper has proposed a mixed use project consisting of residential, office, and retail uses, with a possible hotel, which project may be constructed in phases, consistent with the Redevelopment Plan, together with related improvements and facilities based on plans acceptable to the Township (including the Township Garage, referred to collectively as the "Project"); and

WHEREAS, the Township Garage is the subject of that certain Redevelopment Agreement dated March 30, 2004 (the "Garage Redevelopment Agreement") between the Township and DCH Investments, Inc. (New Jersey) ("DCH"), that certain ground lease between the Township and DCH dated March 30, 2004 (the "Garage Lease"), that certain Use, Occupancy and Easement Agreement dated March 30, 2004 (the "Garage UOE Agreement") by and between the Township and DCH, and that certain financial agreement for payments in lieu of taxes between the Township and DCH Urban Renewal, L.L.C. ("DCH Urban Renewal") dated June 30, 2003 (the "Garage Financial Agreement"); and

WHEREAS, by Resolution adopted at the Township Council's regular meeting on December 6, 2011, the Township Council conditionally designated MAP, LLC as the Redeveloper for the Redevelopment Area for purposes of negotiating an agreement for redevelopment; and

WHEREAS, by Resolution adopted at its July 9, 2012 meeting, the Township of Montclair Planning Board memorialized its approval of the Project, namely preliminary and final site plan approval with deviations for Phase I of the Project, and preliminary site plan approval with deviations for Phase II of the Project, such Resolution being attached hereto as Exhibit B; and

WHEREAS, in furtherance of the Project, the Redeveloper acquired title to the property now owned by DCH or its related entities, and assumed the Garage Lease, the Garage UOE Agreement and the Garage Financial Agreement; and

WHEREAS, the Redeveloper subsequently purchased the land upon which the Garage is built from the Township; and

WHEREAS, as part of the Project, the Redeveloper is renovating and expanding the Garage, including the improvement of the Orange Road façade; and

WHEREAS, due to the placement of the existing structure, the improvements to the Garage will extend up to 12 inches into the Township's right-of-way; and

WHEREAS, considering the width of the property from the Orange Road curb to the building façade, the 12 inch encroachment results in no significant detriment to the passage of pedestrians or vehicles in the right-of-way; and

WHEREAS, the Redeveloper has requested an easement for the proposed Garage encroachment on Township land, so long as the property is used as a parking garage, and agreed to pay consideration of \$50,000; and

WHEREAS, said easement to the Redeveloper as part of a redevelopment project can be granted by resolution;

NOW, THEREFORE, be it resolved by the Township Council of the Township of Montclair that the Garage Easement Agreement is approved in substantially the form attached hereto and incorporated herein, and the Mayor and/or Manager are authorized to execute same. (R-13-191)

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

WHEREAS, on November 12, 2013 the Township Council adopted two ordinances affecting parking on Alexander Avenue from Valley Road west to the dead end, and

WHEREAS, N.J.S.A. 40:69A-181(b) provides that the governing body of a municipality may adopt a resolution declaring an emergency and providing for any duly-adopted ordinances to take effect less than twenty days after final passage; and

WHEREAS, the Township Council finds and declares that an emergency exists in light of the difficulty by emergency vehicles to access the street when there are vehicles parked on both sides; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that pursuant to N.J.S.A. 40:69A-181(b), Ordinances 13\_057 and 13\_058 restricting and prohibiting parking on Alexander Avenue west from Valley Road to the dead end, adopted on November 12, 2013, shall take effect immediately upon adoption of this Resolution. (R-13-192)

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

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Council of the Township of Montclair, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Township of Montclair was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and,

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and,

WHEREAS, funding has been made available to Montclair Community Intervention Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In- Kind Match grant requirement for the extension funding; now therefore

BE IT RESOLVED that the Township Council does hereby authorize the submission of the grant extension for the Montclair Community Intervention Alliance grant in the amount of:

DEDR	\$ 82,650.00
Cash Match	\$ 20,662.50
In-Kind	\$ 61,987.50

The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements. (R-13-193)

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

WHEREAS, the Township of Montclair and the Township of Nutley wish to enter into a contract for the furnishing of health services of a technical and professional nature; and

WHEREAS, the Township of Montclair agrees to pay the Township of Nutley during the contract period, January 1, 2011 to December 31, 2012, thirty-five dollars (\$35) per hour of nursing time which includes administrative costs for 15 hours per week of nursing time.

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township -Manager be and are hereby authorized to execute the attached agreement with the Township of Nutley for Professional Public Health Nursing Services.. (R-13-194)

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

WHEREAS, on August 18, 2009, in accordance with the criteria set forth in the Local Redevelopment and Housing Law, the Township Council of the Township of Montclair (the "Township Council") established an area in need of rehabilitation within the Township, consisting of Block 1404, Lots 1.01, 6, 7, 8, 11, 12.01, 13, 17, 18, 19, 20 and 21 on the Township's official tax map (the "Rehabilitation Area"); and

WHEREAS, the Rehabilitation Area includes an existing parking garage that is owned by the Township and located on Lot 18 in Block 1404 (the "Township Garage" or, when referring solely to the underlying land, the "Garage Site"); and

WHEREAS, in accordance with the provisions of the Local Redevelopment and Housing Law, the Township has undertaken efforts to develop a program for the redevelopment of the Rehabilitation Area and the Redevelopment Area (collectively referred to as the "Gateway Area"); and

WHEREAS, on October 4, 2011, in accordance with the provisions of the Local Redevelopment and Housing Law, the Township adopted a redevelopment plan for the Gateway Area known as the Montclair Center Gateway Phase I Redevelopment Plan (including any amendments thereto, the "Redevelopment Plan"); and

WHEREAS, the Local Redevelopment and Housing Law authorizes the Township to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment or an area in need of rehabilitation; and

WHEREAS, in furtherance of the objectives of the Township, the Redeveloper has proposed a mixed use project consisting of residential, office, and retail uses, with a possible hotel, which project may be constructed in phases, consistent with the Redevelopment Plan, together with related improvements and facilities based on plans acceptable to the Township (including the Township Garage, referred to collectively as the "Project"); and

WHEREAS, the Township Garage is the subject of that certain Redevelopment Agreement dated March 30, 2004 (the "Garage Redevelopment Agreement") between the Township and DCH Investments, Inc. (New Jersey) ("DCH"), that certain ground lease between the Township and DCH dated March 30, 2004 (the "Garage Lease"), that certain Use, Occupancy and Easement Agreement dated March 30, 3004 (the "Garage UOE Agreement") by and between the Township and DCH, and that certain financial agreement for payments in lieu of taxes between the Township and DCH Urban Renewal, L.L.C. ("DCH Urban Renewal") dated June 30, 2003 (the "Garage Financial Agreement"); and

WHEREAS, by Resolution adopted at the Township Council's regular meeting on December 6, 2011, the Township Council conditionally designated MAP, LLC as the Redeveloper for the Redevelopment Area for purposes of negotiating an agreement for redevelopment; and

WHEREAS, by Resolution adopted at its July 9, 2012 meeting, the Township of Montclair Planning Board memorialized its approval of the Project, namely preliminary and final site plan approval with deviations for Phase I of the Project, and preliminary site plan approval with deviations for Phase II of the Project, such Resolution being attached hereto as Exhibit B; and

WHEREAS, in furtherance of the Project, the Redeveloper acquired title to the property now owned by DCH or its related entities, and assumed the Garage Lease, the Garage UOE Agreement and the Garage Financial Agreement; and

WHEREAS, the Redeveloper subsequently purchased the land upon which the Garage is built from the Township; and

WHEREAS, as part of the Garage land sale, the parties agreed that the Township will retain use of 78 parking spaces in the garage, pursuant to an agreement (the "Parking License Agreement") that is attached hereto and incorporated herein;

NOW, THEREFORE, be it resolved by the Township Council of the Township of Montclair that the Parking License Agreement is approved in substantially the form attached hereto and incorporated herein, and the Mayor and/or Manager are authorized to execute same. (R-13-195)

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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: \$378,607.56

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### REPORTS

Deputy Mayor Russo, noted the plight of residents in the Philippines and asked that Montclair citizens consider making donations. He plans to attend a "Modern City" conference in Philadelphia.

Councilor Baskerville extended a plea for assistance to Montclair residents in need during the upcoming holiday season. She announced that the Council is discussing an integrated communication plan for the Township. Councilor Baskerville highlighted the "No shave November" men's health initiative.

Councilor Hurlock thanked all of Montclair's veteran's for their service. He announced a First Ward Community meeting to be held on Thursday, November 14, 7:30 p.m. at the Bellevue Avenue Branch library. He extended an invitation to all to attend.

Councilor Spiller reported on the Centro Verde ground breaking event. He will hold a Third Ward meeting on Monday, November 25, at 7:30 p.m. at the Montclair Public Library.

Councilor Schlager thanked Officer Kim Nelson for arranging an "old fashioned" home coming event beginning this weekend. She noted the retirement of John Porcelli, Assistant Principal and the upcoming 100<sup>th</sup> anniversary of Montclair High School.

Township Attorney Ira Karasick, outlined his work on the following projects:

- Water extension permit from DEP for the Kensington project.
- Expiration of all attorney appointments
- Organization of duties and compensation for the Township prosecutor's position.

Mayor Jackson announced that the position and salary ordinances and public hearings for a Police Director will take place at a December meeting.

### 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  
277 Valley Road  
1 Valley Road

Letter dated November 6, 2013 from PSEG re: road closures as a result of downed wires and fallen trees during major storms.

NJLM correspondence dated November 8, 2013 re: Newly Elected Officials.

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At 10:05 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,

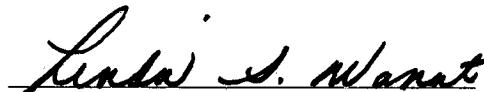
NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, as follows:

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: Advice of Counsel.
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall take effect immediately.

At 10:06 P.M., on motion made by Mayor Jackson and duly seconded, the meeting was adjourned to Executive Session by unanimous vote.

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At 10:31 on motion made by Mayor Jackson and duly seconded the Regular Meeting was adjourned by unanimous vote.

  
LINDA S. WANAT, MUNICIPAL CLERK

ATTEST:

  
ROBERT JACKSON                      MAYOR