MONTCLAIR, NEW JERSEY

February 4, 2014

The Council of the Township of Montclair, in the County of Essex, met in the Council Chamber in the Municipal Building, 205 Claremont Avenue, for Regular meeting at 7:00 P.M.
Present: Mayor Jackson, and Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller
Absent: Deputy Mayor Russo

STATEMENT OF SUNSHINE NOTICE

PLEDGE OF ALLEGIANCE – Led by Scouts from Troop 12

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On motion made by Mayor Jackson and duly seconded, the minutes of January 28, 2014 were approved by unanimous vote.

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Mayor Jackson called for a moment of silence in memory of two outstanding Montclair residents: John Cali and Robert Hurt, Jr.

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PROCLAMATION

On motion made by Mayor Jackson and duly seconded the following Proclamations were adopted by unanimous vote:

WHEREAS The Council of the Township of Montclair notes with sadness the passing of longtime Montclair resident, John J. Cali, chairman emeritus of Mack-Cali Realty Corporation, civic leader and philanthropist; and

WHEREAS Mr. Cali was born in Colorado and moved to New Jersey as a child. After graduating from Clifton High School, he continued his education at Indiana University where he studied sociology and psychology. Mr. Cali worked his way through college by playing saxophone and clarinet in jazz and swing bands, leading to his lifelong passion for music. In 2008, Mr. Cali and his family made a $5 million gift to Montclair State University that helped the University establish the School of Music which bears his name. The only university-based music school in New Jersey, the Cali School offers students a world-class music education and provides local audiences an opportunity to enjoy both on-campus and international professional performances; and

WHEREAS John Cali began his real estate career as a single-family home developer, founding Cali Associates in 1949 and he served as chairman of the board when Cali Associates went public in 1994 as Cali Realty Corporation. In 1997 the company merged with the Mack Company and Mr. Cali later retired as chairman emeritus from the Mack-Cali Realty Corporation in 2003. With his brother Angelo and other family members, Mr. Cali was also a founder of Cali Futures which focuses on real estate investment projects in New Jersey and the tri-state region; and

WHEREAS A noted civic leader, Mr. Cali served as president of the Office Developers Association of New Jersey and a board member of many other organizations. He was a generous supporter of the Montclair Public Library, the community hospital and other Montclair organizations including Overseas Neighbors and Jazz House Kids . He was the recipient of numerous awards including the Ellis Island Medal of Honor in 1996; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, expresses the thanks of a grateful community for the many contributions of John J. Cali to the Township of Montclair and extends its sympathy to his wife, Rose; children, Brant, Jonna, and Christopher; grandchildren and extended family and friends.

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WHEREAS The Council of the Township of Montclair notes with sadness the passing of Robert Hurt, longtime Montclair resident and Montclair High School and Fairfield University basketball star; and

WHEREAS Son of legendary Orange and Seton Hall University player Robert Hurt, Sr., Robert, Jr. was born in Montclair in 1962. A talented athlete, he was a four year varsity basketball starter at Montclair High School; earned 1st team All County, 1st Group 4 All State, and MVP honors on the North South All Star Game in1980; and

WHEREAS Mr. Hurt shared his expertise and love of the game with the many players he coached. He was the Assistant Coach of the Montclair High School Varsity basketball team and head coach of the Montclair Jayvee basketball team for nineteen years. He was recently appointed as Head Coach for Christ the King varsity basketball team in Newark, New Jersey. In 2007 he founded **Basketball 101, also** serving as the Chief Executive Officer. This basketball summer camp touched the lives of many young players who were inspired and enriched by Mr. Hurt. He also participated in countless summer leagues throughout the state; 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 Robert Stephen Hurt, Jr. and extends its sympathy to his mother, Edith Hurt, other family members and many friends who are left to cherish his memory.

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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 James Creaser, who is a member of Troop 12 in Montclair, has attained the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on Friday, February 7, 2014; 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. For his leadership project James coordinated through the US Special Forces and collected school supplies for elementary school students in Afghanistan. James and his volunteers worked 85 hours to complete the project; and

WHEREAS James is a junior at Montclair High School. He is the Drum Major in the school's marching band and is on the baseball and basketball teams. James is an active member of Immaculate Conception parish in Montclair where he is an altar server; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of James Creaser.

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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 Ian Leong, who is a member of Troop 12 in Montclair, has attained the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on Friday, February 7, 2014; 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. For his leadership project Ian renovated a memorial garden at St. James Church in Montclair. The garden houses remains of many parishioners and is considered sacred ground by the Church. Ian and his volunteers worked 94 hours on the project; and

WHEREAS Ian is a junior at Montclair High School. He is co-chair of the Events Committee of the Civics and Government Institute learning group of the school and has planned fundraisers and mock debates in that function. He plays lacrosse and football on the high school teams; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of Ian Leong.

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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 Thomas Pool, who is a member of Troop 12 in Montclair, has attained the rank of Eagle Scout and will be presented as such at the Eagle Scout Awards Presentation and Court of Honor being held on Friday, February 7, 2014; 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. For his leadership project Thomas planted an azalea and rhododendron garden at Brookdale Park in Essex County. Thomas and his volunteers worked 180 hours on the project which included removal of debris and trees to prepare the site; and

WHEREAS Thomas is a senior at Montclair High School. He is on the fencing team and the track team of the school and is a Black Belt in Tae Kwon-Do. He is a member of the Model UN and Model Congress teams and interned for a recent senatorial campaign; now

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, recognize and salute the outstanding accomplishments of Thomas Pool.

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PUBLIC COMMENT

Sandy Sorkin, 3 Marquette Road, asked for an explanation of several items on the bill list.

Shana Stein, 43 Franklin Place, a teacher at Montclair High School, outlined the many programs and initiatives of the Montclair Public School System. She encouraged the Council to appoint Board of Education members who share this vision.

James Siwinski, 43 Franklin Place, high school teacher and parent, believes the school system is wasting money on certain programs and incidentals ie., legal fees, surveys that do not foster a successful public education system.

Margaret R. Saraco, 41 Gates Avenue, Montclair teacher asked the Council to "keep information on the shared server safe" and not provide permission to unauthorized users. She encouraged all to attend Board of Education meetings. Ms. Saraco also asked the Council to give careful consideration to future Board of Education appointees.

Cary Parkes, 336 Bloomfield Avenue submitted a petition to provide 24 hour parking on Rockledge Road. The petition will next be reviewed by the Trafffic/Parking Committee

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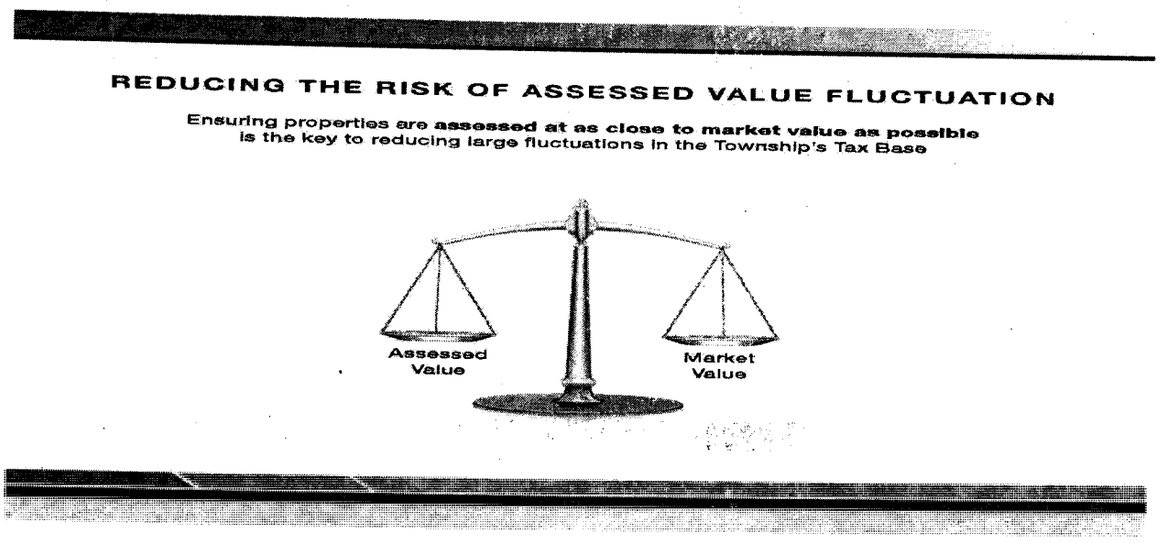
Strategies to mitigate assessment value fluctuation.

Township Manager Marc Dashield presented the following:



REDUCING THE RISK OF ASSESSMENT VALUE FLUCTUATION

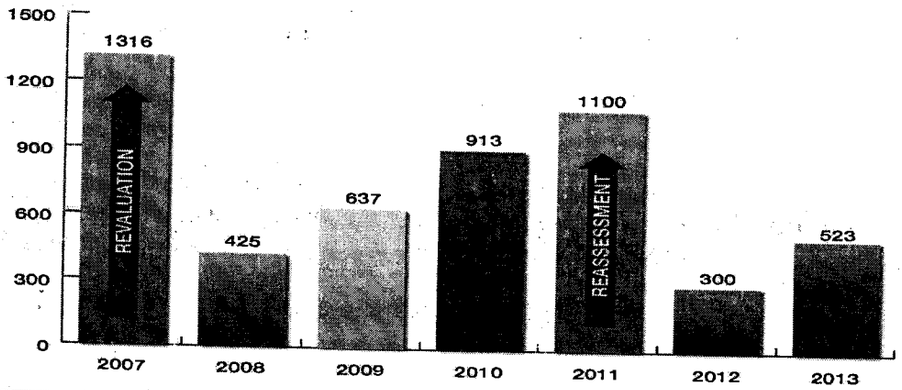
What happens when the assessed value becomes too far out of balance with market value?

- Reassessments/Revaluation can create large changes in property assessments

  Our experience with 2012 reassessment:
  Average household decreased in value 20%

- The number of Property Tax Appeals Significantly Increase

NUMBER OF TAX APPEAL FILINGS



Tools to Ensure Assessed Values are as Close to Market Value as Possible

Revaluation Program:

- Avoids fluctuation in values
- Spreads tax burden equitably within a municipality
- Each property appraised according to its true value
- Assessments based on true value.
- Achieved by hiring a revaluation company under direct supervision of the tax assessor
- Reassesses all township properties in the municipality – interior and exterior inspections

Tools to Ensure Assessed Values are as Close to Market Value as Possible

Reassassment Program:

- Similar to revaluation program
- Seeks to spread tax burden equitably within a municipality
- Each property appraised according to its true value
- Assessments based on true value.
- Conducted in-house without aid of outside revaluation/ appraisal firm
- If recent revaluation was done, reassessment may be completed without interior inspections of all township properties

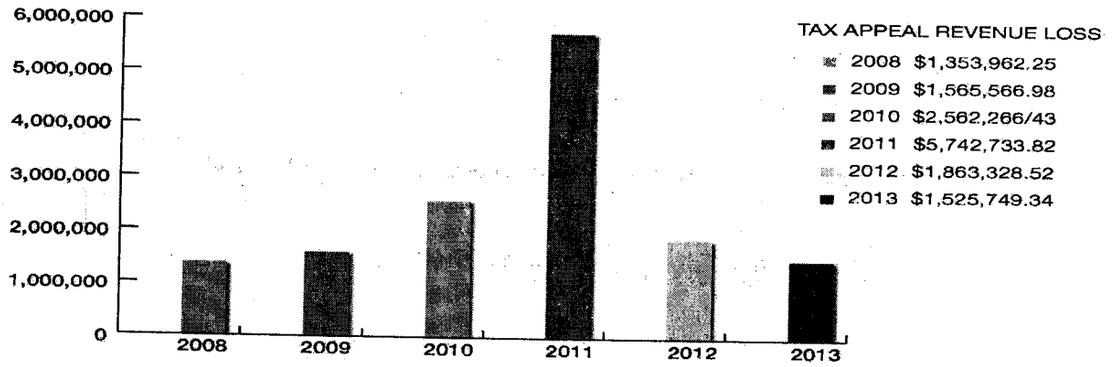
Tools to Ensure Assessed Values are as Close to Market Value as Possible

Avoiding Fluctuation in Values – Compliance Program:

- Limited reassessment/compliance plan
- Portion of municipality reassessed
- Provides statistical evidence that part of municipality assessed at value lower/higher than is consistent with rest of community
- Used to secure uniform taxable values throughout the municipality

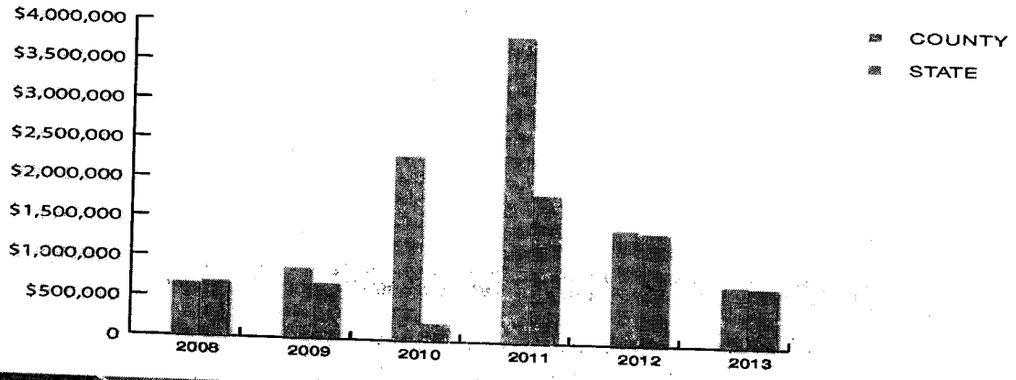
TAX APPEAL REVENUE LOSS

Tax appeals create significant liabilities for the Township



MANAGEMENT OF TAX APPEAL LIABILITIES

County Tax Board vs. State Tax Board



STRATEGIC MANAGEMENT OF TAX APPEAL LIABLITIES

Strategies for Tax Appeals:

- Establish Tax Appeal Reserve Fund
- Conduct a Township-wide Reassessment
- Consider Township-wide Revaluation
- Conduct Compliance Plan

A PROACTIVE STRATEGY

Mitigating Value Fluctuation & Managing Appeal Risk:

- Annual Statistical Analysis of Neighborhood
- Compliance Plan for Proactive Adjustments to ensure equity
- Data-Driven Use of Reassessment
- Aggressive Defense of Tax Appeals

At the conclusion of the Manager's presentation Councilor Spiller noted that adherence to these proposals would assist in preventing severe shifts in tax bills for residents.

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Mr. Dashield also provided an update on the "salt situation" within the municipality. He explained that, due to lack of salt, "flat" streets were not pre-treated; however the limited salt supply used to pre-treat hills and inclines.

He reiterated that salt supplies have been extremely scarce although the reason for same could not be determined. Mr. Dashield reported that Essex County was able to use their salt supply to treat county owned streets in Montclair.

Mayor Jackson has reached out to the Governor's office for assistance with this critical shortage.

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REPORTS

Councilor Hurlock announced a community meeting on Thursday, February 27, at Bellevue Avenue Branch library from 7:30 – 9:00 p.m. All are welcome. On Saturday, February 15, 2014, the Sentinels 16-87 will be hosting their first "Annual Detective Carlos G. Wormley Memorial Bowling Fundraiser" at Parkway Lanes, 200 Route 46 East, Elmwood Park, New Jersey.

Councilor Spiller reported that the Montclair Education Association will hold a Health Fair to promote wellness for both adults and children on March 26. Another special event will take place on Sunday, February 23, when the Wellmont Theatre will present several community bands

Councilor McMahon reported that the Montclair Winter Festival was a great success and he hopes it will be repeated in the future.

Mayor Jackson thanked Councilor's Schlager and McMahon and all Council colleagues for their participation in The Big Game Winter Festival. He announced that through the generosity of its local sponsors the Township was able to make a contribution to Toni's Kitchen.

He noted to the Montclair Education Association member present that he has heard their concerns.

Township Attorney Ira Karasick explained several recent OPRA requests and will send a memo pertaining to them to the Council.

Mr. Karasick also announced that a written protocol has been created for all users of the shared computer network.

Township Clerk Linda Wanat reported that the Essex County Board of Elections indicated that the federal government is investigating the continued use of schools as polling places. She will keep the Council and residents apprised of future actions. She also acknowledged the death of John Cali, a "gentleman," and a gentle man.

Councilor Baskerville asked for information regarding the shut down of the Township's e-mail server and the ability of individuals to access same.

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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
9-11 Seymour Street
39 High Street
2 Belvidere Place
89 Inwood Avenue

Application for a flood hazard area permit submitted to the State of New Jersey DEP for project: St Marks Coptic Orthodox Church, Cedar Grove, New Jersey

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NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

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 March 4, 2014:

"AN ORDINANCE AMENDING CHAPTER 347 OF THE TOWNSHIP CODE (THE "ZONING ORDINANCE") ADDRESSING GROUP HOMES" **(O-14-07)**

The motion was adopted by unanimous vote.

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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 March 4, 2014:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – NORMAL AVENUE AT CARLISLE ROAD" **(O-14-08)**

The motion was adopted by unanimous vote.

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NEW BUSINESS - RESOLUTIONS

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that LINGARD KNUTSON be and she hereby is REAPPOINTED to serve as a member of the PARKS AND RECREATION ADVISORY COMMITTEE effective immediately and terminating December 31, 2016 **(R-14-024)**

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

WHEREAS, on March 12, 2013, the Township of Montclair awarded contracts for the *2013 Parks Maintenance Services* required by the Township, as prescribed by law; and

WHEREAS, D'Onofrio & Son Inc. and Custom Care Services, Inc. submitted the lowest responsible bids in accordance with the bid specifications and were each awarded a one-year contract with a one-year renewal option; and

WHEREAS, the Township desires to exercise its option to renew the contracts with D'Onofrio & Son Inc. and Custom Care Services, Inc. for an additional year; now therefore

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township renew the agreement for *Parks Maintenance Services* with D'Onofrio & Son Inc. (Edgemont Memorial Park, Canterbury Park, Yantacaw Brook Park, Porter Park) and Custom Care Services, Inc. (Nishuane Park) for the year 2014 in an amount not to exceed $$35,000.00 pending Certification of Funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the funds for this purchase have been appropriated in the 2014 Operating Budget, Account Number 4-01-28-375-376-236. Complete details of the contract are attached hereto and made a part hereof. **(R-14-25)**

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

WHEREAS, on October 23, 2012, the Township purchased certain real property located at 50 Pine Street, Unit 3-17, in the Township of Montclair, County of Essex, State of New Jersey for the maximum restricted price set by NJ Housing and Mortgage Finance Agency regulations of $116,855.00; and

WHEREAS, the governing body found it was in the best interests of the citizens of Montclair to purchase said unit with the intention of placing permanent affordability controls on the unit and reselling it to an eligible family;

WHEREAS, Audrey Carter is an eligible Buyer and entered into a Contract on October 18, 2013, to purchase the above unit for $118,421.00; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, that the Township Manager is hereby authorized to effectuate the sale of real property known as 50 Pine Street, Unit 3-17, located in the Township of Montclair, County of Essex, State of New Jersey to Audrey Carter. **(R-14-27)**

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

WHEREAS, N.J.S.A. 40a:11-11(5) AUTHORIZES CONTRACTING UNITS TO ESTABLISH A Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing system for the purchase of goods and services; and

WHEREAS, on February 4, 2014, the governing body of the Township of Montclair, County of Essex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; now therefore

BE IT RESOLVED as follows:

TITLE

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Montclair.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage **(R-14-28)**

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

WHEREAS, it is the position of the Township of Montclair that socially responsible weapons dealers are more likely to result in strong customer commitments and market durability; and

WHEREAS, socially responsible companies could include, for example, companies which require that their products be sold by licensed and reputable dealers, those that require background checks or those which commit to sell armor piercing bullets and high-capacity magazines only to military or law enforcement clients; and

WHEREAS, the Township of Montclair believes that such integrity and credentials are important to ensure the long-term health, safety and public welfare of the Township; now therefore

BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, requests that all Vendors of rifles, handguns and ammunition doing business with the Township submit with their proposals responses to the following questions:

What do you do to combat illegal gun trafficking and illegal gun crime?
Do you manufacturer and sell assault weapons for civilian use?
Do you agree not to sell certain models of firearms for civilian use?
Are you requiring your dealers to conduct background checks?
Do you fund research related to gun violence and smart gun technology?
Will you commit to prohibiting your brand name from being used in violent video games?
(R-14-29)

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

WHEREAS, the Township of Montclair has a need to acquire consulting engineering services in order to facilitate timely delivery of these construction projects as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Township's Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed $17,500; and

WHEREAS, Petry Engineering, LLC of 155 Passaic Avenue, Fairfield, N.J. has submitted the most advantageous proposal to provide the aforementioned services, in the proposal dated January 27, 2014 in the amount of $47,300.00; and

WHEREAS, the anticipated term of this contract is 1 year(s) as approved by this governing body; and

WHEREAS, Petry Engineering, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Petry Engineering, LLC has not made any reportable contributions to a political or candidate committee in the Township of Montclair in the previous one year, and that the contract will prohibit Petry Engineering, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, funds for this purpose have been provided for a identified in the accounting records of the Township as follows:

Ord. #	Account Description	Account Number	Amount
12-36	Traffic Calming; Safety	C-04-12-036-000-100	$47,300.00

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 Petry Engineering, LLC for services in the amount of $47,300 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of rules. Details of the contract are attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that this award be advertised in the Montclair Times as a professional service in accordance with the Local Public Contracts Law. **(R-14-30)**

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

WHEREAS, on January 22, 2014, the Township opened and read bids for Well Redevelopment Services at Lorraine Bedrock Production Well, as prescribed by law; and

WHEREAS, this contract is being awarded pursuant to a "fair and open process" as defined in the New Jersey Pay-to-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, LAYNE CHRISTENSEN COMPANY submitted the lowest, responsible bid according to the specifications, at a total price of $82,337.00; and

WHEREAS, the monies for this project have been appropriated in the following Water Bureau Capital Budget Account:

Ord. #	Account Description	Account Number	Amount
11-74 (b)	Modification & Upgrading of Wells	C-07-11-074-000-300	$61,123.72
12-73 (c)	Modification & Upgrading of Wells	C-07-12-073-000-300	$21,213.28

now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that LAYNE CHRISTENSEN COMPANY of 719 Mount Holly Road, Beverly, New Jersey, 08010 [Telephone: 609-877-2700] be and they are hereby awarded the above-stated contract, pending certification of funds by the Finance Director. Complete details of the contract are attached hereto and made a part hereof **(R-14-031)**

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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 by drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: $1,500,321.42

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At 8:40 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.

LINDA S. WANAT, MUNICIPAL CLERK

ATTEST:

ROBERT JACKSON MAYOR