

MONTCLAIR, NEW JERSEY

July 21, 2015

The Council of the Township of Montclair, in the County of Essex, met in the First Floor Council Chamber in the Municipal Building, 205 Claremont Avenue, for a Regular meeting at 7:00 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

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

On motion made by Mayor Jackson and duly seconded, the minutes of July 7, 2015 were approved by unanimous vote of members present.

PUBLIC COMMENT

Rich Galioto, of Bloomfield believes that the Township is in violation of its own leaf blower ordinance by allowing Township employees or Township contracted landscapers to use leaf blowers during unauthorized times. Mr. Galioto suggested that continued violation of this municipal ordinance by Township employees could lead to a lawsuit.

Mayor Jackson provided background on this matter and Acting Township Manager Timothy Stafford will revisit this issue with concerned parties.

Kay Sherwood, 320 Linwood Avenue, Chair of the Animal Welfare Advisory Committee distributed photos of the improvements to the Montclair Animal Shelter. She thanked the Township Council for these measures which will greatly benefit the animals housed in the shelter.

John Sieck, 393 N. Fullerton Avenue, member of Animal Welfare Advisory Committee and "Friends of the Shelter" described the photos and thanked the seven Township staff members who assisted with this effort. The Council announced that Nicole Dawson has accepted the position of permanent Montclair Animal Shelter Director.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: "ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING LLOYD ROAD – NO STOPPING OR STANDING CERTAIN HOURS" (O-15-015) passed first reading June 16, 2015 and upon second reading the title thereof was read by the Clerk who then reported that it had been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was in the office of the Municipal Clerk.

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

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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

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.

Township Attorney, Ira Karasick suggested that the Council amend this ordinance to reflect suggestions made by the Planning Board. Mayor Jackson moved to amend the ordinance – Motion carried.

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

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

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 249 – PROPERTY, VACANT AND ABANDONED” (O-15-017) passed first reading June 16, 2015 and upon second reading the title thereof was read by the Clerk who then reported that it had been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was in the office of the Municipal Clerk.

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

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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

William Scott, 23 Cedar Avenue, noted that the 2006 Master Plan legislation stated that any abandoned properties which may be acquired by the Township should be considered for use as affordable housing before listing them for sale to the general public.

Township Consultant Attorney, Jason Santarcangelo reviewed the conditions that must be met before a property could be determined as “affordable” and noted that the Township had not put any such properties on the market to date.

The pending ordinance entitled: “ORDINANCE TO AMEND CHAPTER 337 OF THE TOWNSHIP CODE – MOBILE VENDORS” (O-15-018) passed first reading June 16, 2015 and upon second reading the title thereof was read by the Clerk who then reported that it had been published and posted and copies had been made available to the public as required by law and that an affidavit to that effect was in the office of the Municipal Clerk.

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

Being no one wishing to be heard, Mayor Jackson closed the hearing.

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

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

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

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 August 25, 2015:

“ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 347 FROM THE CODE OF THE TOWNSHIP OF MONTCLAIR ENTITLED “ZONING”” (O-15-020)

The motion was adopted by the following vote.

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

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 August 25, 2015:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 (VEHICLES AND TRAFFIC), ARTICLE III: PARKING, STANDING AND STOPPING SPECIAL PERMITS” (O-15-021)

The motion was adopted by the following vote.

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

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 August 25, 2015:

“ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – MULTIWAY STOP INTERSECTION AT PINE STREET AND CLAREMONT AVENUE” (O-15-022)

The motion was adopted by the following vote.

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

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 August 25, 2015:

“ORDINANCE AMENDING CHAPTER 327 -- VEHICLES AND TRAFFIC CONCERNING HANDICAPPED PARKING” (O-15-023)

The motion was adopted by unanimous vote.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the anticipated term of this contract is one (1) year and may be extended one (1) times upon approval by this governing body; and

WHEREAS, Keller and Kirkpatrick, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Keller and Kirkpatrick, Inc. 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 Keller and Kirkpatrick, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Manager and Township Engineer recommend that the Township enter into such agreement; and

WHEREAS, funds for this purpose have been provided for in the (insert year and type of budget, i.e. operating or capital) identified by Account Number C-04-15-009-000-102 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 Keller and Kirkpatrick, Inc. for survey, design and construction inspection in the amount of \$21,500.00 to be charged to the account above or as otherwise determined to be correct by the Chief Financial Officer's pending certification of funds. A copy of said proposal/scope of services is attached hereto and made a part hereof.

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-15-107)

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

WHEREAS, pursuant and subject to the provisions of N.J.S.A. 40A:10-23, the Township elects to provide retirement health benefits to certain employees in accordance with the terms as shown on the attached Addendum; and

WHEREAS, under the Public Employees Retirement System ("PERS") N.J.S.A. 40A:10-23 the Township at its sole discretion may provide paid health benefits to an employee subject to the conditions set forth in said statute; and

WHEREAS, under the Township previously existing Township plan any employee that retires including their spouse and dependent (s) after twenty-five (25) years of service in the system and at least 5 years of service with the Township, or 15 years of service with the Township and 62 years of age are entitled to receive paid health benefits from the Township; and

WHEREAS, Council desires to continue such coverage for long-term employees; and

WHEREAS, the Township's previous resolution is not effective because the Township is no longer a member of the State Health Benefits Program; and

WHEREAS, this coverage is effective immediately on the date hereof and will remain in effect until properly amended or revoked; and

WHEREAS, the Township is aware that adoption of this resolution does not eliminate the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any Chapter 88 or Chapter 48 Resolution adopted previously by this governing body; and

WHEREAS, the Township shall be responsible for providing the payment for post-retirement medical coverage as listed in the attached Addendum for all employees who qualify for this coverage while this Resolution is in force.

WHEREAS, the Township understands that it shall comply with all applicable state laws and regulations, and shall provide any and all documents or reports required by any state agency. The Township also recognizes that it may be required to provide the Division of Pension and Benefits with information needed to carry out the terms of this Resolution.

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

WHEREAS, the property commonly known as 17 Talbot Street is owned by the Township of Montclair and was formerly leased to the Hollow Day Care Center; and

WHEREAS, the Township seeks a qualified non-profit organization partner that has a demonstrated commitment to and history with Montclair to provide community services or programs in a Township-owned facility located at 17 Talbot Street; and

WHEREAS, the attached Request for Proposals (RFP) has been prepared it be used in the process of locating a qualified organization; and

WHEREAS, it is appropriate that the Township Council's authorization be given prior to release of the RFP; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the attached RFP may be publicly released and advertised. **(R-15-109)**

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

WHEREAS, on July 21, 2015 the Township Council adopted an ordinance regarding "Ordinance Amending Montclair Code Chapter 249 – Property, Vacant and Abandoned"; 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 ordinance to take effect less than twenty days after final passage; and

WHEREAS, the Township Council finds and declares that an emergency exists in the course of enforcing Montclair Code, Chapter 249 which regulates vacant and abandoned properties, the necessity for modification and additions to Chapter 249 in furtherance of the purposes of said Chapter became manifest that Montclair Code, Chapter 249 is amended and supplemented; and

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), Ordinance 15-017 regarding Montclair Code Chapter 249 -Property, Vacant and Abandoned, adopted July 21, 2015, shall take effect immediately upon adoption of this Resolution. **(R-15-110)**

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

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000.00; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Edward Cho possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Township of Montclair desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Montclair, in the County of Essex, in the State of New Jersey hereby increases its bid threshold to \$40,000.00; and

BE IT FURTHER RESOLVED, that the governing body hereby appoints Edward Cho as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30) with specific relevance

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

WHEREAS, the Board of School Estimate of the Township of Montclair has fixed and determined the sum of \$ 105,704,008 as the amount necessary to be appropriated for the use of the public schools of the Township of Montclair for the ensuing year; and

WHEREAS, the Board of School Estimate has delivered to the Council of the Township of Montclair a certificate of such amount duly executed by at least three members of said Board, and

WHEREAS, the amount so certified is in excess of one and one-half percent (1 ½ %) of the valuation of the assessable ratables of the Township of Montclair as determined by Essex County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that in accordance with N.J.S.A. 18A:22-17, the Council does hereby concur in and consent to the appropriation of the amount so certified by the Board of School Estimate. (R-15-112)

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

WHEREAS, on October 8, 2002 the Township of Montclair adopted a Developer's Fee Ordinance (Montclair Code § 202-39 et seq.) in accordance with the New Jersey Council on Affordable Housing (COAH) regulations; and

WHEREAS, an amended Spending Plan was approved by COAH on May 12, 2012 and the Township's Spending Plan states that Developer's Fees deposited into the Montclair Housing Trust Fund may be used for new construction programs associated with the construction of affordable housing units; and

WHEREAS, 127 Valley Road, LLC, a local non-profit affordable housing developer, has requested \$225,000 from the Township's Housing Trust Fund to assist in financing the purchase and construction of six affordable units located at 29 Talbot Street, 31 Talbot Street, and 33 Talbot Street; and

WHEREAS, 127 Valley Road, LLC has agreed to create and maintain six moderate-income units and two low-income units pursuant to COAH regulations;

WHEREAS, the construction of six affordable dwelling units at 29 Talbot Street, 31 Talbot Street, and 33 Talbot Street will help the Township meet its affordable housing obligation under COAH's "third round" rules and the Township's 2006 Housing Element and Fair Share Plan specifically names HOME Corp as the development entity which will assist the Township in meeting its goal; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby authorizes the release of funds from the Montclair Housing Trust Fund for 127 Valley Road, LLC's purchase and construction of six affordable units at 29 Talbot Street, 31 Talbot Street, and 33 Talbot Street and the Chief Financial Officer is hereby authorized to release said funds to 127 Valley Road, LLC in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township in the event the property is sold to a "for profit" developer or if at any time in the future the property ceases to be used to provide six affordable housing units in accordance with COAH regulations. (R-15-113)

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

WHEREAS, the Council of the Township of Montclair desires to amend the resolution establishing the Montclair Animal Welfare Advisory Committee pursuant to N.J.S.A. 40:81-13 and the Montclair Township Code Section 3-54, now therefore

BE IT RESOLVED that the Committee shall now including in its membership one non-voting representative from the Township of Nutley, N.J. and one from the Township of Verona, New Jersey; and

WHEREAS, St. Sebastian Society has submitted an application to the Montclair Fire Department to conduct a fireworks display on August 29 and 30, 2015; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes a fireworks display by St. Sebastian Society on the aforesaid dates upon the approved contractor's satisfaction of all requirements with regard to same to be verified by the Montclair Fire Department. (R-15-115)

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

WHEREAS, the Council of the Township of Montclair (the "Council") authorized the Montclair Planning Board (the "Board") to conduct a preliminary investigation concerning an area in need of redevelopment by Resolution R-14-037 dated March 4, 2014 and Resolution R-13-103 dated June 18, 2013 with respect to the following properties:

Block 3106, Lot 13 [Property 1] -- 43 South Fullerton Avenue (Plymouth Parking Plaza)
Block 3106, Lot 17 [Property 2] -- South Fullerton Avenue (South Fullerton Parking Plaza)
Block 3106, Lot 10.01 [Property 3] -- 5 Seymour Street (Wellmont Theater)
Block 3105, Lot 9 [Property 4] -- 396 Bloomfield Avenue (Former Social Security Building)
Block 3105, Lot 1 [Property 5] -- 370-372 Bloomfield Avenue (STS Tire & Auto Center)
Block 3105, Lot 2 [Property 6] -- Seymour Street (South Willow Parking Plaza)
Block 3205, Lots 26 and 27 [Property 7] -- Glenridge Avenue (Midtown Parking Plaza)
Block 3205, Lot 25 [Property 8] -- 182 Glenridge Avenue ("Modern Yarn")
Block 3205, Lot 19.02 [Property 9] -- 8 North Willow Street (Roach's Towing Service)
Block 3205, Lot 21 [Property 10] -- 10 North Willow Street (Storage [1st fl.]/Residential [2nd fl.])
Block 3206, Lot 15 [Property 11] -- 172 Glenridge Avenue (Parking Lot [private])
Block 3206, Lots 13 and 14 [Property 12] -- 4 Lackawanna Plaza (John's Automotive Inc. [Lot 13] and Private Parking Lot for used car sales [Lot 14])
Block 3208, Lot 1 [Property 13] -- 161-167 Glenridge Avenue (Vacant Lot [Glenridge & North Willow Co., Inc.])
Block 3213, Lot 2 [Property 14] -- 1 Lackawanna Plaza (Lackawanna Station)
Block 4202, Lot 4 (a/k/a Lot 4.02) [Property 15] -- Bloomfield Avenue (Lackawanna Station Parking Lot)
Block 4202, Lot 4.01 [Property 16] -- 233 Bloomfield Avenue (TD Bank building)

and

WHEREAS, the Township retained Clarke Caton Hintz, 100 Barrack Street, Trenton, New Jersey 08608 ("Clarke Caton"), to assist the Board in this effort by conducting and preparing a review and analysis of such considerations as land use, master plan policy, building conditions, site conditions, police activity, traffic accidents and similar planning criteria to determine whether any, some, or none of the subject properties evidence conditions which meet the criteria shown in Section 5 of the LRHL; and

WHEREAS, Clarke Caton, in October 2014, produced the "Township of Montclair-Montclair Center Redevelopment Study" (the "Study"), copies of which were circulated to the members of the Board and provided to the public in accordance with the time and other notice provisions of the LRHL; and

WHEREAS, in connection with the Study, a map was prepared outlining the subject properties and showing the boundaries of the proposed redevelopment area and which set forth the bases for the preliminary investigation; and

WHEREAS, the Board established a hearing date for its consideration of the preliminary investigation and provided notice in accordance with Section 6[b] of the LRHL of its intended meeting for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is an area in need of redevelopment; and

WHEREAS, the Board held its hearing on June 22, 2015, commencing at 7:30 p.m., at which time it was established that notice under the LRHL was properly provided, published and served in accordance with Section 6[b] of the LRHL; and

WHEREAS, at its hearing, the Board heard all persons present who were interested in or would be affected by a determination that the delineated area is a redevelopment area and received both written and oral communications which were also considered at the hearing and thus made part of the public record; and

WHEREAS, the Council received the resolution of the Board and the recommendations contained therein, together with the Study; 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 following parcels of land known and described on the Tax Maps of the Township of Montclair to be an area in need of redevelopment:

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

and be it further

RESOLVED, that the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain with respect to the above-designated properties, except that the Township does not retain the right to exercise the power of eminent domain for Block 3213, Lot 2 and Block 4202, Lot 4 (aka Lot 4.02); and 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 previously designated as areas in need of redevelopment or areas in need of rehabilitation. **(R-15-116)**

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

WHEREAS, the Council of the Township of Montclair (the "Council"), pursuant to N.J.S.A. 40:A:12A-4, authorized the Montclair Planning Board (the "Board"), by Council Resolution dated July 22, 2014 (R-14-107), to conduct a preliminary investigation to determine whether Block 4215, Lot 1 [Property 20] (Walnut Crescent & Roswell – Nursing School) should be designated as an area in need of redevelopment ; and

WHEREAS, the Council authorized the Board, by Council Resolution dated March 10, 2015 (R-15-056), pursuant to N.J.S.A. 40:A:12A-4, to conduct a preliminary investigation to determine whether the following properties should be designated as an area in need of redevelopment and, pursuant to N.J.S.A. 40A:12A-14, to review whether the following properties should be designated as an area in need of rehabilitation. These properties are:

Block 4207 Lot 1 [Property 2] – Bay Street (Surface Parking)
Block 4207 Lot 2 [Property 3] – Sherwood Street (Deck & Surface Parking)
Block 4207 Lot 30 [Property 4] – 34 Sherwood Street (Dwelling)
Block 4207 Lot 31 [Property 5] – 32 Sherwood Street (Dwelling)
Block 4213 Lot 1 [Property 6] – 2 Walnut Crescent (Vacant Land)
Block 4213 Lot 2 [Property 7] – 4 Walnut Crescent (Vacant Land)

WHEREAS, the Township retained H2M Associates, Inc., 119 Cherry Hill Road, Suite 200, Parsippany, New Jersey 07054 to assist the Board in this effort by conducting and preparing a review and analysis of such considerations as land use, zoning, master plan policy, building conditions, site conditions, police activity, traffic accidents and similar planning criteria to determine whether any, some, or none of the subject properties meet any of the conditions of Section 5 of the LRHL for a designation of redevelopment or Section 14 of the LRHL for a designation of rehabilitation; and

WHEREAS, H2M Associates, Inc. produced the study report entitled "HUMC/Mountainside Hospital Study Area – Area in Need of Redevelopment and Area in Need of Rehabilitation Preliminary Investigation Report" (the "Study"), dated April 2015, copies of which were circulated to the members of the Board and provided to the public in accordance with the time requirements and other provisions of the LRHL; and

WHEREAS, in connection with the Study, a map was prepared outlining the subject properties and showing the boundaries of the proposed redevelopment area and which set forth the basis for the preliminary investigation; and

WHEREAS, the Board established a hearing date for its consideration of the preliminary investigation and provided notice in accordance with Section 6[b](3)(d) of the LRHL of its intended meeting for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is an area in need of redevelopment; and

WHEREAS, the Board held its hearing on May 18, 2015, commencing at 7:30 p.m., at the Montclair Fire Headquarters, located at 1 Pine Street, Montclair, New Jersey, for which notice and publication was provided in accordance with all statutory requirements; and

WHEREAS, said hearing was conducted as a joint hearing with the Glen Ridge Planning Board with respect to additional properties located within the Borough of Glen Ridge which would be included in the redevelopment area; and

WHEREAS, at its hearing, the Board heard all persons who were interested in or would be affected by a determination that the delineated areas were an area in need of redevelopment, and received both written and oral objections which were also considered at the hearing and thus made a part of the public record; and

WHEREAS, the Board determined the following as and for its recommendation to the governing body in accordance with LRHL (i.e., N.J.S.A. 40A:12A-6[b](5)(a)):

"1. All of the "WHEREAS" recitals set forth above, as well as the Study, a copy of which is annexed hereto and made part hereof, are incorporated, as if set forth at length, as part of the Board's recommendation.

2. The Board finds and determines that substantial evidence exists for the determination that the following properties identified in the Study meets the criteria of Section 5 of the LRHL to be classified as an area in need of redevelopment. Therefore, the Board recommends that the following properties be classified as an area in need in redevelopment. These properties are:

Block 4207 Lot 1 [Property 2] – Bay Street (Surface Parking)
Block 4207 Lot 2 [Property 3] – Sherwood Street (Deck & Surface Parking)
Block 4207 Lot 30 [Property 4] – 34 Sherwood Street (Dwelling)
Block 4213 Lot 1 [Property 6] – 2 Walnut Crescent (Vacant Land)
Block 4213 Lot 2 [Property 7] – 4 Walnut Crescent (Vacant Land)
Block 4213 Lot 3 [Property 8] – 6 Walnut Crescent (Vacant Land)
Block 4213 Lot 4 [Property 9] – 8 Walnut Crescent (Vacant Land)
Block 4213 Lot 5 [Property 10] – 12 Walnut Crescent (Vacant Land)
Block 4213 Lot 6 [Property 11] – 14 Walnut Crescent (Vacant Land)
Block 4213 Lot 7 [Property 12] – 16 Walnut Crescent (Dwelling)
Block 4213 Lot 8 [Property 13] – 18 Walnut Crescent (Dwelling)
Block 4213 Lot 9 [Property 14] – 20 Walnut Crescent (Dwelling)
Block 4213 Lot 10 [Property 15] – 22 Walnut Crescent (Dwelling)
Block 4213 Lot 11 [Property 16] – 8 Claremont Avenue (Dwelling)
Block 4213 Lot 23 [Property 19] – 2 George Street (Vacant Land)
Block 4215 Lot 1 [Property 20] – Walnut Crescent & Roswell (Nursing School)

3. The Board finds and determines that the following properties do not meet the criteria for a determination that they are properties in need of redevelopment, but the Board finds and recommends that they be classified as an area in need of rehabilitation. These properties are:

C: Provide affordable housing alternatives where possible within the redevelopment area of the Study.”

WHEREAS, the Council received the resolution of the Board and the recommendations contained therein, together with the Study; 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 following parcels of land known and described on the Tax Maps of the Township of Montclair to be an area in need of redevelopment:

Block 4207 Lot 1
Block 4207 Lot 2
Block 4207 Lot 30
Block 4213 Lot 1
Block 4213 Lot 2
Block 4213 Lot 3
Block 4213 Lot 4
Block 4213 Lot 5
Block 4213 Lot 6
Block 4213 Lot 7
Block 4213 Lot 8
Block 4213 Lot 9
Block 4213 Lot 10
Block 4213 Lot 11
Block 4213 Lot 23
Block 4215 Lot 1

and further declare the following parcels of land known and described on the Tax Maps of the Township of Montclair to be an area in need of rehabilitation:

Block 4207 Lot 31
Block 4213 Lot 12
Block 4213 Lot 22

RESOLVED, that the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain with respect to the properties above-designated as 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 and the property designated as an area in need of rehabilitation, which plan may include adjacent properties previously designated as areas in need of redevelopment or areas in need of rehabilitation (R-15-117)

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

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

WHEREAS, Ed Schmierer, Esq., a member of Mason. Griffin & Pierson, P.C., is a widely respected authority concerning all aspects of affordable housing, including compliance with the New Jersey State constitutional and statutory obligations to provide realistic housing opportunities for all economic classes and

WHEREAS, the law firm of Mason. Griffin and Pierson, P.C. additional attorneys knowledgeable in

WHEREAS, MASON, GRIFFIN & PIERSON, P.C. 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; and

WHEREAS, the funds for this contract have been appropriated in the following budget accounts:
_____ ; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township enter into a Professional Services Agreement with MASON, GRIFFIN & PIERSON, P.C. to provide legal services as requested in connection with all affordable housing matters, including the pending declaratory judgment referenced above, at a rate of \$185.00 per hour, for an amount not to exceed \$25,000.00, for a period of one (1) year; and

BE IT FURTHER RESOLVED that the Manager and Township Clerk be and they are hereby authorized to execute and attest to a Professional Services Contract with Mason Griffin & Pierson, P.C., on substantially the terms set forth in the attached proposal, subject to final approval 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 this agreement and that copies of this Resolution, and the subsequently signed agreement, are or will be on file and available for inspection in the office of the Township Clerk. (R-15-118)

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

WHEREAS, there exists a continued need for the Township to engage a real estate appraisal firm to perform professional appraisal services in connection with the Township's defense of the large volume of tax appeals filed for the year 2015; and

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

WHEREAS, this contract is being awarded in accordance with the requirements of N.J.S.A. 19:44A-20.5 et seq. applicable to non-fair and open contracts; and

WHEREAS, HENDRICKS APPRAISAL COMPANY, 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; and

WHEREAS, the funds for this contract have been appropriated in the following budget accounts:
_____ ; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township enter into a Professional Services Agreement with HENDRICKS APPRAISAL COMPANY, LLC to provide appraisal services in connection with the Township's defense of real estate tax appeals for the YEAR 2015, for an amount not to exceed \$40,000.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk be and they are hereby authorized to execute and attest the attached Professional Services Contract with Appraisal Services, Inc., subject to final approval 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-15-119)

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

- Earth to Echo movie at Nishuane Pool, July 24, 2015.
- Tickets for Treats initiative by the Montclair Police Department.

COUNCIL REPORTS

Councilor Baskerville reported on the upcoming "Peoples' Organization for Progress" Million Peoples March.

Councilor Hurlock stated that he will hold a First Ward meeting on August 27, 2015, 7:30 -9:00 pm. at the Bellevue Avenue Branch library.

Councilor McMahon announced with pride the birth of his grandson Ward Peter.

Deputy Mayor Russo enjoyed an afternoon swim at several of the Montclair pools. He also participated in the recent Mt. Carmel Festival.

COMMUNICATIONS

From: NJDEP – No further Action Letter

13 Norman Road
46 Brookfield Road
22 Oakcroft Avenue
420 Highland Avenue
460 Bloomfield Avenue
10 Pleasant Avenue
56 Forest Street
26 Cross Street
25 Forest Street

Letter dated June 16 re: Affordable Housing for People Moving out of Nursing Homes
Letter dated June 22, 2015 re: FEMA Re-designation Comments/Appeal Process – Township of Montclair.
Letter dated June 23, 2014 from Viridian re: ground water contamination – 213 Bellevue Avenue.
Letter dated June 26 from Gannett Fleming re: soil and ground water contamination-54 Watchung Avenue
Letter dated June 26 from Passaic Valley Sewerage Commission re: Discharge of Wastewater
Letter dated June 26, 2015 from PowersKirn re: Foreclosure action at 51 Virginia Avenue
Letter dated June 26, 2015 from DEP re: Community Forestry Management Plan.
Letter dated June 29, 2015 from Cenlar re: 50 Pine Street
Letter dated June 29, 2015 from GZA Geoenvironmental, Inc. re: groundwater contamination – 13 Trinity Place
Letter dated June 29, 2015 from Bank of America re: 10 William Street
Letter dated June 29, 2015 from Kleinfelder re: Remedial Action-572 Valley Road
Letter dated July 21, 2015 from Eikon Planning & Design re: Site Remediation-133 Glenridge Avenue
Letter dated July 15, 2015 from Viridian re: Site Remediation – 213 Bellevue Avenue
Letter dated July 21, 2015 from DEP re: Water Storage Tank – Project No. 0713001-011
Letter dated July 22, 2015 Dept of Public Works, Verona re: Countywide FWGP15, Countywide FWGP1
Letter dated July 27, 2015 from Cilli Environmental Group re: Remedial Action 142 Valley Road

Contracts:

Contract between J.C. Contracting Inc. re: Construction of upgraded traffic signal at Park Street and Chestnut Street.
Contract between Montclair Motorwerks, Inc. re: Repair and Maintenance of Township Police Vehicles
Contract between Pennetta Industrial Automation re: Condenser Tower at the Clary Anderson Arena

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

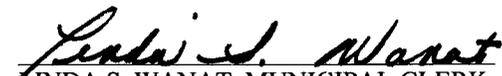
1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matters to be discussed are as follows: Personnel matters
3. We do not anticipate that the matters discussed will be made public.
4. This resolution shall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

At 8:15 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