

MONTCLAIR, NEW JERSEY

January 19, 2016

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

STATEMENT OF SUNSHINE NOTICE
ROLL CALL
PLEDGE OF ALLEGIANCE

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

On motion made by Mayor Jackson and duly seconded, the minutes of January 12, 2016 was approved by unanimous vote by the members present.

Receive: Police Chief David Sabagh, Sergeant Stephanie Egnezzo and Tina Iordamlis, Project Administrator, Parking Authority.

Councilor Spiller introduced the invited guests who are working to address parking throughout the municipality. Ms. Iordamlis reported that installation of Township meters should be completed by the end of January.

Councilor Baskerville also expressed concern regarding illegally parked cars on Claremont Avenue by Pine Street and in other areas including parking lots in the South End.

Councilor Schlager told of a similar situation near an auto body shop on Label and Frink Streets.

Councilor Hurlock thanked Ms. Iordamlis for assisting with traffic surrounding Bradford School and in the Upper Montclair business district.

PUBLIC COMMENT

Stephen Leavitt, 10 Roosevelt Place referenced illegal parking in the parking lots and areas surrounding the Wellmont Theatre. He specifically noted a plethora of parking problems during the Hillsong NYC event.

William Scott, 23 Cedar Avenue, asked to see the attachment associated with R-16-013.

The resident at 16 Seymour Street, reiterated concern regarding illegal parking during the Hillsong NYC event at the Wellmont Theatre.

ORDINANCES – SECOND READING/ADOPTION

The pending ordinance entitled: “ORDINANCE REGULATING INVASIVE LIGHT” **(O-15-036)** passed first reading December 8, 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 votes.

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

The pending ordinance entitled: “ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 74-ALCOHOLIC BEVERAGES” **(O-15-039)** passed first reading December 1, 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 unanimous vote by the members present.

The pending ordinance entitled: "ORDINANCE REGULATING MOBILE FOOD TRUCK SAFETY" (**O-15-040**) passed first reading December 1, 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 unanimous vote by the members present

The pending ordinance entitled: "ORDINANCE AUTHORIZING THE DECLARATION OF DEED RESTRICTION WITH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR 399 ORANGE ROAD" (**O-15-041**) passed first reading December 8, 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 unanimous vote by the members present

The pending ordinance entitled: "ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS 202 LAND USE PROCEDURES AND CHAPTER 281 SITE PLAN REVIEW OF THE CODE OF THE TOWNSHIP OF MONTCLAIR" (**O-15-042**) passed first reading December 15, 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 unanimous vote by the members present

The pending ordinance entitled: "ORDINANCE AMENDING CHAPTER 347: ZONING OF THE TOWNSHIP CODE TO AMEND REQUIREMENTS FOR VESTIBULES AND STORM ENCLOSURES" (**O-15-043**) passed first reading December 15, 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 unanimous vote by the members present.

The pending ordinance entitled: "ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – MULTIWAY STOP INTERSECTION AT South Mountain Avenue and Union Street" **(O-15-044)** passed first reading December 15, 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 unanimous vote by the members present.

The pending ordinance entitled: "ORDINANCE AMENDING AND SUPPLEMENTING SECTION 327-20 OF THE TOWNSHIP CODE" **(O-15-045)** passed first reading December 15, 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 votes.

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

Recused: Councilor Hurlock

Ab: Councilor McMahon

NEW BUSINESS – ORDINANCES FIRST READING/INTRODUCTION

Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on February 16, 2016:

"ORDINANCE TO AMEND THE TRAFFIC ORDINANCE – ESTABLISHING BUS STOPS ON ORANGE ROAD AND ELM STREET" **(O-16-001)**

The motion was adopted by unanimous vote of the members present.

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 February 16, 2016:

"ORDINANCE TO REGULATE CARE, MAINTENANCE, SECURITY, AND UPKEEP OF CERTAIN RESIDENTIAL PROPERTIES" **(O-16-002)**

The motion was adopted by unanimous vote of the members present.

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 February 16, 2016:

"ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 297 – CHAPTER 297: STREETS AND SIDEWALKS; ARTICLE III: SNOW AND ICE" **(O-16-003)**

The motion was adopted by unanimous vote of the members present.

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 February 16, 2016:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 297, ARTICLE II – EXCAVATIONS IN STREETS”
(O-16-004)

The motion was adopted by unanimous vote of the members present.

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 February 12, 2016:

“ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327 – EMERGENCY NO PARKING” **(O-16-005)**

The motion was adopted by unanimous vote of the members present.

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Township of Montclair provides its employees with medical and prescription insurance; and

WHEREAS, the Township Manager, along with the Township’s insurance broker, have reviewed and negotiated the medical and prescription renewal for fiscal year 2016 with Horizon Blue Cross; and

WHEREAS, the negotiated insurance renewal rates are in the best interest of the Township of Montclair; now therefore

BE IT RESOLVED that the Township Manager is hereby authorized to renew the Township’s contract with Horizon Blue Cross for the provision of medical and prescription insurance to Township employees for fiscal year 2016. **(R-16-011)**

WHEREAS, the Township of Montclair provides its employees with medical insurance; and

WHEREAS, the Township Manager, along with the Township’s insurance broker, have reviewed and negotiated the prescription renewal plan with Bollinger; and

WHEREAS, the negotiated insurance renewal rates are in the best interest of the Township of Montclair; now therefore

BE IT RESOLVED that the Township Manager is hereby authorized to renew the Township’s contract with Bollinger for prescription insurance for Township employees for the Fiscal year 2016. **(R-16-012)**

WHEREAS, the Township of Montclair is required to engage a firm to serve as the administrative agent for the Township’s affordable housing units pursuant to N.J.A.C. 5:80-26.1 et. seq.; and

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

WHEREAS, the Township issued a Request for Proposals (RFP) in 2011 to provide the required services and, in response to the RFP, the Township received two proposals from firms specializing in administration of affordable housing; and

WHEREAS, after review of the proposals, the Township retained Piazza & Associates, Inc. who specializes in administering affordable units and has successfully served as the Township’s administrative agent since 2011 and has special knowledge of the affordable housing issues and conditions in the Township, which knowledge is particularly valuable; and

WHEREAS, Piazza and Associates has submitted a proposal dated November 30, 2015 to provide administrative agent services to the Township for a fee of \$500 per month which is attached to this resolution; and

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

WHEREAS, Piazza & Associates, Inc. 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 Chief Financial Officer has certified funds are available in budget line T-03-56-286-000-830 for the proposed scope of services;

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and are hereby authorized to execute and attest an agreement with Piazza & Associates, LLC to provide administrative agent services to the Township at a cost not to exceed \$6,000 plus expenses and in a form approved by the Township Attorney; and

BE IT FURTHER RESOLVED that notice shall be published in the Montclair Times stating the nature, duration, service and amount of the attached agreement and that copies of this Resolution and the agreement are on file and available for inspection in the office of the Township Clerk. **(R-16-013)**

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

WHEREAS, the Township of Montclair wishes to engage a firm to provide housing counseling services for the current and potential occupants of the Township's affordable housing units pursuant to N.J.A.C. 5:80-26.1 et. seq.; and

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

WHEREAS, the Township issued a Request for Proposals (RFP) in 2013 to provide the required professional services and, in response to the RFP, the Township received two proposals from professional consultants; and

WHEREAS, after review of the proposals, the Township retained HOME Corp is a HUD-certified housing counselor and specializes in working with people who want to purchase or maintain their homes and show has served as the Township's housing counselor since 2013 and has special knowledge of the affordable housing issues and conditions in the Township, which knowledge is particularly valuable; and

WHEREAS, HOME Corp has submitted a proposal dated to provide housing counseling services to the Township for a fee of \$7,500 per year which is attached to this resolution; and

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

WHEREAS, HOME Corp. 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 Chief Financial Officer has certified funds are available in budget line T-03-56-286-000-830 for the proposed scope of services;

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and are hereby authorized to execute and attest an agreement with HOME Corp to provide administrative agent services to the Township at a cost not to exceed \$7,500 and in a form approved by the Township Attorney; and

BE IT FURTHER RESOLVED that notice shall be published in the Montclair Times stating the nature, duration, service and amount of the attached agreement and that copies of this Resolution and the agreement are on file and available for inspection in the office of the Township Clerk. **(R-16-014)**

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

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, Mittie Buie purchased Unit 6C2 at 50 Pine Street on February 25, 1994 as a moderate-income unit with a

20-year affordability control period and the control period for this unit expired on February 25, 2014; and

WHEREAS, Mittie Buie is the owner of this unit and meets the income requirements for a low-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Ms. Buie proposes to use the \$10,000 grant to repair and replace doors and windows; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for low income housing in accordance with State regulations for thirty years with an expiration date of February 25, 2044; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 6C2 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations.. **(R-16-015)**

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

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, Velma Wilson purchased Unit 320 at 50 Pine Street on September 21, 1989 as a moderate-income unit with a 20-year affordability control period and the control period for this unit expired on September 21, 2009; and

WHEREAS, Velma Wilson is the owner of this unit and meets the income requirements for a moderate-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Ms. Wilson proposes to use the \$10,000 grant to renovate the kitchen and replace appliances; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for moderate income housing in accordance with State regulations for thirty years with an expiration date of September 21, 2039; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 320 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations. **(R-16-016)**

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

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, Teodolinda Toledo purchased Unit 6D2 at 50 Pine Street on February 25, 1994 as a low-income unit with a 20-year affordability control period and the control period for this unit expired on February 25, 2014; and

WHEREAS, Teodolinda Toledo is the owner of this unit and meets the income requirements for a low-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Ms. Teodolinda proposes to use the \$10,000 grant to replace the appliances; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for low income housing in accordance with State regulations for thirty years with an expiration date of February 25, 2044; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 6D2 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees

must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations. **(R-16-017)**

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

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, Juana Siliezar purchased Unit 6E1 at 50 Pine Street on February 25, 1994 as a low-income unit with a 20-year affordability control period and the control period for this unit expired on February 25, 2014; and

WHEREAS, Juana Siliezar is the owner of this unit and meets the income requirements for a moderate-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Ms. Siliezar proposes to use the \$10,000 grant to install a new HVAC unit, water heater and replace windows; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for moderate income housing in accordance with State regulations for thirty years with an expiration date of February 25, 2044; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 6E1 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations. **(R-16-018)**

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

WHEREAS, on February 21, 2012 an Amended Spending Plan was adopted by the Township to permit Housing Trust Fund to be used for an Extension of Controls Program and on May 3, 2012 the Council on Affordable Housing approved the Amended Spending Plan; and

WHEREAS, on November 17, 2014, the Township of Montclair adopted an ordinance creating a Voluntary Extension of Affordability Controls Program which included a grant of \$10,000 to be paid to income-eligible owners of affordable housing units whose affordable controls have expired or will expire within two years; and

WHEREAS, John Stofik purchased Unit 6D1 at 50 Pine Street on February 23, 1994 as a moderate-income unit with a 20-year affordability control period and the control period for this unit expired on February 23, 2014; and

WHEREAS, John Stofik is the owner of this unit and meets the income requirements for a moderate-income household and has submitted an application to extend the affordability controls on this unit for 30 years; and

WHEREAS, Mr. Stofik proposes to use the \$10,000 grant to renovate the kitchen and replace appliances; and

WHEREAS, a Deed restriction will be recorded to ensure that the property continues to be used for moderate income housing in accordance with State regulations for thirty years with an expiration date of February 23, 2044; and

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Council hereby authorizes the disbursement of \$10,000 from the Montclair Housing Trust Fund to be applied to the renovation of the property commonly known as 50 Pine Street, Unit 6D1 and the Chief Financial Officer is hereby authorized to release said funds in accordance with an agreement to be approved by the Township Manager and the Township Attorney which shall provide, among other things, that all property taxes and condominium fees must be paid and that the funds disbursed pursuant to this Resolution shall be immediately repaid to the Township if the property ceases to be used as a low-income housing unit in accordance with State regulations. **(R-16-019)**

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

WHEREAS, the Township of Montclair has a need to purchase, on a timely basis, goods or services utilizing State contracts during 2016; and

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

WHEREAS, the Township of Montclair plans to utilize the State Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current State contracts; now, therefore,

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township Purchasing Agent is hereby authorized to purchase goods or services in 2016 from the approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. **(R-16-020)**

WHEREAS, the Township of Montclair is a party to a cooperative purchasing agreement with the Morris County Cooperative Pricing Council, a cooperative purchasing program organized pursuant to N.J.S.A. 40a:11-10 and N.J.A.C. 5:34-7.11; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through duly-formed cooperative purchasing system without advertising for bids; and

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

WHEREAS, the Township of Montclair has a need to purchase, on a timely basis, goods or services utilizing Morris County Cooperative Pricing Council contracts during 2016; and

WHEREAS, the Township of Montclair plans to utilize the Morris County Cooperative Pricing Council Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current Morris County Cooperative Pricing Council contracts; now, therefore,

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township Purchasing Agent is hereby authorized to purchase goods or services in 2016 from the approved Morris County Cooperative Pricing Council Contract Vendors on the attached list, pursuant to all conditions of the individual contracts; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. **(R-16-021)**

End of Consent

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

WHEREAS, the Township of Montclair, member #29915 is a party to a cooperative purchasing agreement with the National Joint Powers Alliance a cooperative purchasing program organized pursuant to N.J.S.A. 40a:11-10 and N.J.A.C. 5:34-7.11; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through duly-formed cooperative purchasing system without advertising for bids; and

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

WHEREAS, the Township of Montclair has a need to purchase, on a timely basis, goods or services utilizing National Joint Powers Alliance contracts during 2016; and

WHEREAS, the Township of Montclair plans to utilize the National Joint Powers Alliance Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current National Joint Powers Alliance contracts; now, therefore,

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township Purchasing Agent is hereby authorized to purchase goods or services in 2016 from the approved National Joint Powers Alliance Contract Vendors on the attached list, pursuant to all conditions of the individual contracts; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. **(R-16-022)**

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

WHEREAS, the Township of Montclair is a party to a cooperative purchasing agreement with the Essex County Cooperative Pricing Council, a cooperative purchasing program organized pursuant to N.J.S.A. 40a:11-10 and N.J.A.C. 5:34-7.11; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through duly-formed cooperative purchasing system without advertising for bids; and

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

WHEREAS, the Township of Montclair has a need to purchase, on a timely basis, goods or services utilizing Essex County Cooperative Pricing Council contracts during 2016; and

WHEREAS, the Township of Montclair plans to utilize the Essex County Cooperative Pricing Council Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current Essex County Cooperative Pricing Council contracts; now, therefore,

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township Purchasing Agent is hereby authorized to purchase goods or services in 2016 from the approved Essex County Cooperative Pricing Council Contract Vendors on the attached list, pursuant to all conditions of the individual contracts; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. **(R-16-023)**

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

WHEREAS, the Township of Montclair is a party to a cooperative purchasing agreement with the Bergen County Cooperative Pricing Council a cooperative purchasing program organized pursuant to N.J.S.A. 40a:11-10 and N.J.A.C. 5:34-7.11; and

WHEREAS, the Local Public Contracts Law authorizes a municipality to purchase goods and services through duly-formed cooperative purchasing system without advertising for bids; and

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

WHEREAS, the Township of Montclair has a need to purchase, on a timely basis, goods or services utilizing Bergen County Cooperative Pricing Council contracts during 2016; and

WHEREAS, the Township of Montclair plans to utilize the Bergen County Cooperative Pricing Council Contract Vendors listed on the attachment, such transaction shall be subject to all conditions applicable to the current Bergen County Cooperative Pricing Council contracts; now, therefore,

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township Purchasing Agent is hereby authorized to purchase goods or services in 2016 from the approved Bergen County Cooperative Pricing Council Contract Vendors on the attached list, pursuant to all conditions of the individual contracts; and

BE IT FURTHER RESOLVED that, pursuant to N.J.A.C. 5:30-5.5(b), prior to placing any order for goods or services in accordance with this Resolution, a certification of available funds shall be executed by the Chief Financial Officer and attached to the file copy of the purchase order or other similar document. **(R-16-024)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and they are hereby authorized to execute and attest an Agreement between the Township and U. S. Food and Drug Administration pursuant to which the Township continues to participate and improve its Retail Food Program through the Retail Program Standards Initiative. The Agreement provides for the Township to receive funding in the amount of \$15,096.97, to purchase inspection software and hardware to provide staff with necessary resources to conduct retail food establishment inspections in accordance with FDA standards. This software and hardware will be used for Belleville and Nutley, our contract towns. A copy of the grant agreement setting forth the funding is attached hereto and made a part hereof. **(R-16-025)**

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

WHEREAS, the Township Council of the Township of Montclair, in the County of Essex, State of New Jersey recognizes that providing opportunities for elementary school children to read to animals in animal shelters allows the students to maintain their reading levels and give animals attention; increasing reading readiness abilities in the developing child, decreasing stress for the shelter animals to enhance their adoptability, educating the community about the shelter and providing advocacy and service opportunities through volunteer activities; and

WHEREAS, having been successfully awarded a Grant to accomplish this goal in the amount of Two Thousand Two Hundred and Fifty Dollars (\$2,250.00), the Township Council of the Township of Montclair agree to accept this Grant Funding;

WHEREAS, partners in this project include Montclair Public Schools, scout troops, community volunteers and the MTAS; now therefore,

BE IT RESOLVED by the Council of the Township of Montclair in the County of Essex, State of New Jersey that the Council does hereby authorize acceptance of this Grant awarded by the Albert Terhune Payson Foundation in the amount of \$2,250.00;

BE IT FURTHER RESOLVED that the Township acknowledges the terms and conditions for administering the Grant, including the administrative compliance and audit requirements. **(R-16-026)**

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

WHEREAS, on January 19, 2016 the Township Council adopted Ordinance 15-045; 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; 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), Ordinance 15-045 adopted January 19, 2016 shall take effect immediately upon adoption of this Resolution. **(R-16-027)**

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

Recused: Councilor Hurlock

Ab: Councilor McMahon

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

WHEREAS, the Township of Montclair is the owner of property located at 399 Orange Road, identified on Township Tax Maps as Lot 57 in Block 3904; and

WHEREAS, the Township has received a grant from the Hazardous Discharge Site Remediate Fund (HDSRF) to conduct a site investigation for the subject property; and

WHEREAS, the Site Investigation has been completed and additional funding is necessary to conduct a Remedial Investigation of the Site; and

WHEREAS, the New Jersey Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1.1 et seq. (the "Remediation Act"), authorizes the New Jersey Economic Development Authority to award a municipality with a grant from the HDSRF pursuant to the Remediation Act of up to 75% of the costs of the remedial action for a project involving the redevelopment of contaminated property for recreation and conservation purposes, provided that the use of the property for recreation and conservation purposes is included in the comprehensive plan for the development or redevelopment of the contaminated property, and provided that use of the property is preserved for recreation and conservation purposes by conveyance of a deed restriction, which shall be recorded and indexed with the deed in the registry of deeds for the county in which the Property is located; and

WHEREAS, the DEP issued a letter dated December 3, 2015 that states costs from the HDSRF the amount of \$38,790 have been approved to conduct the Remedial Investigation; and

WHEREAS, Montclair Township has adopted an ordinance authorizing the declaration of a deed restriction for 300 Orange Road and will complete redevelopment of the subject property within three years of completion of the remediation; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Mayor and Township Clerk be and are hereby authorized to submit an application to HDSRF to conduct a Remedial Investigation. **(R-16-028)**

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that said bills be and they are hereby ordered paid and that warrants be drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: **\$1,013,906.99**.

REPORTS AND COMMUNICATIONS

COUNCIL REPORTS

Acting Manager, Timothy Stafford announced that Spring Program sign-ups are now available at the Recreation Department

Councilor Spiller reported that the Martin Luther King, Jr. Scholarship Breakfast was a great success. He also noted that Mayor Jackson will be awarded the Essex County Dr. Martin Luther King Jr. Leadership Award on February 17, 2016.

Mayor Jackson recognized his fellow council members as talented and dedicated to public service. He hopes his colleagues will continue on and is proud of what this Council has accomplished.

Deputy Mayor Russo acknowledged Mayor Jackson for his words and reiterated his love of the community and his willingness to stand for the position of Councilor-at-large in the upcoming municipal election.

Councilor Spiller expressed the Council's ability to "get things done" and urged his colleagues to pursue a second term.

Councilor Hurlock stated that it was a privilege and an honor to serve with his fellow council members. He announced the following:

- First Ward Community Meeting Wednesday, February 3, Bellevue Avenue Branch library at 7:30 – 9:00 p.m.
- Fourth annual Clean-up Day will be scheduled for a date in April
- Two outstanding MLK Day events: St. Paul's Church Service and the Scholarship Breakfast at Montclair High School.
- Montclair Fire Department's community service initiative in partnership with Montclair State University in recognition of MLK Day.

*Councilor McMahon joined the meeting.

Councilor Schlager thanked her Council colleagues and anticipates running for Second Ward Councilor going forward.

Councilor Baskerville noted the success of the current Council team and is excited about continuing her service to the Township.

COMMUNICATIONS

From: NJDEP – No further Action Letter

349 North Fullerton Avenue
256 North Mountain Avenue
125 Christopher Street
115 Edgemont Road
10 Fairmount Avenue

Tax Collector's Monthly Report – November 1, 2015 - \$41,465,678.83

Letter dated December 17, 2015 from Essex County Board of Taxation re: Order to Revalue.

Letter dated December 10, 2015 from Cilli Environmental Group, LLC re: 142 Valley Road – Remediation

Letter dated December 16, 2015 from Viridian Environmental Consultants re: 83 Walnut Street – Remediation

Letter dated December 16, 2015 from DEP re: Exxon Facility #32098 – ground water contamination.

Letter dated December 16, 2015 from North Jersey Water District –re: Wanaque North Project 2016 Financial Budget.

Letter dated December 14, 2015 from Cynthia Beecher re: tree removal.

Letter from Wasserman, Jurista & Stolz re: Rorry Inc. to Steven Jurista – Notice of Motion hearing 1/8/16.

Letter dated January 12, 2016 from McCabe, Weisberg & Conway re: 2 Tuers Place – Notice of Filing of Summons and Complaint in Foreclosure.

Contract dated December 15, 2015 re: Snow Plowing Services for the Township. Contractor: Shauger Property Services, Inc.

BPAS/Cafeteria Plan Adoption Agreement dated January 4, 2016

At 9:25 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