Township of Montclair - 205 Claremont Avenue Montclair, New Jersey 07042
Telephone: 973-744-1400 - Website: www.montclairnjusa.org

TOWNSHIP COUNCIL REGULAR MEETING
November 24, 2026

5:30 PM
COUNCIL CHAMBERS

Announcement: *This is a regular meeting of the Council of the Township of Montclair and is being broadcast live on Channel 34 and is streaming live on the MontclairTV34 YouTube channel; it is available on demand and can and will be re-broadcast.*

Sunshine Statement: *This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in the revised annual notice of the meeting schedule as set forth in Resolution R -26-064 adopted by the Township Council at its Regular Meeting of February 10, 2026; advertised to the official newspaper on February 26, 2026, posted on the Township website and bulletin boards outside of the Municipal Building, and has remained continuously posted. In addition, a copy of the Revised Annual Notice is and has been available to the public and is on file in the Office of the Township Clerk.*

OATH OF OFFICE

Swearing-in of Mariana Horta as Councilor At Large

OPEN SESSION

Pledge of Allegiance
Roll Call

EXECUTIVE SESSION

Resolution authorizing Executive Session of the Mayor and Council of the Township of Montclair without the public permitting to attend in accordance with N.J.S.A. 10:4-12(B)

PUBLIC COMMENT 7:00PM

*All speakers must complete the sign-in sheet next to the podium before addressing the Council. The amount of time allotted for **public comment is three minutes**. Before speaking, please clearly state your name for the record. If you wish to comment on a pending ordinance listed on this evening's agenda (if any), please make your comment during the public hearing for that ordinance.*

PENDING ORDINANCE(S)/SECOND READING

[OPEN HEARING] I am going to open the public hearing without objection. Is there anyone in present who wishes to be heard in relation to the proposed Ordinance?
[CLOSE HEARING] Without objection I am closing the hearing.

A **Amended Pending Ordinance O-26-50**: Ordinance Amending Montclair Code Chapter 327, Article III - Traffic Regulations, Parking Prohibited at all Times

B **Pending Ordinance O-26-51:** Ordinance Amending Part II, General Legislation of the Revised Ordinances of the Township of Montclair, New Jersey, 2000, as Amended and Supplemented to Repeal and Replace Chapter 324: Trees.

C **Pending Ordinance O-26-52:** Ordinance Amending Salary Ordinance O-26-21: Creating Certain Offices, Positions, and Employments in the Township of Montclair in the County of Essex, and Fixing the Salary Rangers Thereof

NEW BUSINESS ORDINANCE(S)

D Ordinance to amend Chapter 297 Streets and Sidewalks Article II Excavations in Streets ***Department of Public Works***

E Ordinance amending Part II. General Legislation of the revised General Ordinances of the Township of Montclair, New Jersey, 2000, as amended and supplemented to add Section 341.5.1 Lead Service Line to Chapter 341 Water, Article I: Facilities, Use; Rates and Charges ***Department of Water & Sewer Utilities***

F An ordinance to amend Chapter 65 Affordable Housing of the Code of the Township of Montclair, New Jersey to include enforcement provisions for affordable housing. ***Department of Planning, Zoning, and Community Development***

G An ordinance to amend Chapter 65 Affordable Housing of the Code of the Township of Montclair, New Jersey to include enforcement provisions for affordable housing ***Department of Planning, Zoning, and Community Development***

CONSENT AGENDA

1 Bills List ***Finance Dept.***

2 Resolution authorizing purchases from vendors pursuant to contracts with certain approved County and N.J. State Cooperative Contracts pursuant to N.J.S.A. 40A:11-10 (CY 2027) ***Purchasing Office***

3 Resolution authorizing the award of a Non-Fair and Open Professional Services Agreement to O'Toole Scrivo LLC for legal representation as special counsel ***Law Department***

4 Resolution authorizing Amendment No. 2 of the Non-Fair and Open Professional Services Agreement to Maraziti Falcon, LLP for legal representation as Special Counsel – Real Estate Negotiation Matters ***Office of the Township Manager***

5 Resolution authorizing a Fair and Open Contract to Tony Sanchez, LTD for the purchase of a salt spreader for the hook lift truck pursuant to the Bergen County Purchasing Cooperative Contract BC-BID-24-06 ***Department of Public Works***

6 Resolution authorizing an amendment to the Professional Services Agreement with Acuity Consulting Services for Administrative Agent Services ***Department of Planning, Zoning, and Community Development***

7 Resolution authorizing an amendment to the Professional Services Contract with Stickel, Koening, Sullivan & Drill for legal services to the Board of Adjustment. (RFQ-Q13) ***Department of Planning, Zoning, and Community Development***

8 Resolution amending the Fair and Open Contract with H2M Associates, Inc. (H2M) to provide Licensed Site Remediation Professional (LSRP) Services for the Environmental Remediation Project at 399 Orange Road. ***Department of Planning, Zoning, and Community Development***

9 Resolution requesting permission for the dedication by rider for payments in lieu of donations to Walnut Grover Corner Park improvements ***Finance Dept.***

10 Resolution to adopt the Council Meeting schedule for year 2027 ***Office of the Township Clerk***

11 Resolution authorizing transfer of funds pursuant N.J.S.A. 40A:4-58 ***Finance Dept.***

12 Resolution regarding the suspension of meter collection from December 12, 2026, through December 31, 2026 ***Township Council***

13 Resolution regarding the suspension of meter on November 27, 2026, and November 28, 2026 ***Township Council***

14 Resolution authorizing the retroactive eligibility for payment of accumulated sick leave benefits to former Fire Department Deputy Chief Michael Lizza ***Law Department***

15 Resolution authorizing the execution of a memorandum of agreement with Montclair Emergency Services for Hope (MESH) for Code Blue Emergency shelter and support services ***Office of the Township Manager***

16 Resolution authorizing the execution of a Memorandum of Understanding between the Township of Montclair and Downtown for the installation and use of pianos ***Office of the Township Manager***

17 Resolution authorizing the Township to accept and pre-qualify responses to the request for proposals for Professional Services for CY 2027 ***Purchasing Office***

ADJOURNMENT

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Law Department
ITEM TYPE:	Resolution
AGENDA SECTION:	**EXECUTIVE SESSION**
SUBJECT:	Resolution authorizing Executive Session of the Mayor and Council of the Township of Montclair without the public permitting to attend in accordance with N.J.S.A. 10:4-12(B)

ATTACHMENTS:

Resolution authorizing Executive Session of the Mayor and Council of the Township of Montclair without the public permitting to attend in accordance with N.J.S.A. 10:4-12(B)

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING EXECUTIVE SESSION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF MONTCLAIR WITHOUT THE PUBLIC PERMITTING TO ATTEND IN ACCORDANCE WITH N.J.S.A. 10:4-12(b)

November 24, 2026

WHEREAS, the Township of Montclair is subject to the requirements of the Sen. Byron M. Baer Open Public Meetings Act, Chapter 23, P.L. 1975 (N.J.S.A. 10:4-6 *et. seq*.); and

WHEREAS, while the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; Section 8 of the Open Public Meetings Act further provides that a public body may lawfully exclude the public from a portion of a meeting at which the public body discusses any or all of the nine (9) items enumerated in N.J.S.A. 10:4-12b; and

WHEREAS, the Mayor and Council of the Township of Montclair has determined that issues permitted by N.J.S.A. 10:4-12(b) to be discussed without the public being present are necessary and appropriate to be discussed during an "Executive Session" to be held on November 24, 2026 at 5:30 P.M. for approximately 1 1/2 hours

WHEREAS, the regular meeting of the Mayor and Council will reconvene following the end of the Executive Session, at approximately 7:00 p.m. this evening.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Montclair, Conty of Essex, State of New Jersey that the public shall be excluded from discussion of **only** the following general subject matter(s) that are heretofore described as specifically as possible without undermining the need for confidentiality:

_____ Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion. *[cite the legal citation to the provision(s) relied upon: _____and the nature of the matter is_____ _____]*;

_____ Any matter in which the release of information would impair a right to receive funds from the federal government. *[The nature of the matter is_____ _____]*;

_____ Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly. *[The nature*

of the matter, described as specifically as possible without undermining the need for confidentiality is _____];

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body. *[The collective bargaining contract(s) discussed are between _____];*

___ Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed." *[The nature of the matter is _____;*

___ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law." *[The nature of the matter is_____];*

___ Any pending or anticipated litigation or contract negotiation in which the public body is a party or may become a party; Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer *[The nature of the matter is to discuss _____];*

___Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer, or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. *[The nature of the discussion is personnel and legal matters.]*

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility." *[The nature of the matter is_____];*

BE IT FURTHER RESOLVED, that the Mayor and Council of the Township of Montclair hereby declares that the Minutes of the discussion of the aforementioned subjects may be made public, consistent with N.J.S.A. 10:41-3, solely at a time when the items which are the subject of the Executive Session discussion are resolved and the Township Attorney advises that a reason for confidentiality no longer exists; and

BE IT FURTHER RESOLVED, that this Resolution shall take place immediately.

AGENDA ITEM NO. A

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Clerk
ITEM TYPE:	Ordinance
AGENDA SECTION:	PENDING ORDINANCE(S)/SECOND READING [OPEN HEARING] I am going to open the public hearing without objection. Â Is there anyone in present who wishes to be heard in relation to the proposed Ordinance? [CLOSE HEARING] Â Without objection I am closing the hearing.
SUBJECT:	**Amended Pending Ordinance O-26-50**: Ordinance Amending Montclair Code Chapter 327, Article III - Traffic Regulations, Parking Prohibited at all Times

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ATTACHMENTS:

Amended Pending Ordinance O-26-50: Ordinance Amending Montclair Code Chapter 327, Article III - Traffic Regulations, Parking Prohibited at all Times

AMENDED PENDING ORDINANCE O-26-50
TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 327, ARTICLE III – TRAFFIC REGULATIONS, PARKING PROHIBITED AT ALL TIMES

October 20, 2026 (date of introduction)
November 10, 2026 (date of public hearing, amendment, and re-introduction)
November 24, 2026 (date of 2nd public hearing)

WHEREAS, the installation of the chicane on Upper Mountain Avenue has necessitated a revision of the parking regulations and the modification of where parking is allowed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Montclair, County of Essex, State of New Jersey, update the Township's Parking, Standing and Stopping, Parking prohibited at all times

Street Name	Side	Location
Upper Mountain Avenue	West	From the intersection of Watching Avenue, south, to a point 230 north of Bloomfield Avenue
Upper Mountain Avenue	West	From the intersection of Laurel Place, south, to Bellevue Avenue
Upper Mountain Avenue	West	From the intersection of Watchung Avenue to a point 700 feet north, therefrom
Upper Mountain Avenue	West	From a point 1,100 feet north of the intersection of Watchung Avenue to a point ~~650~~430 feet north, therefrom
Upper Mountain Avenue	West	From a point ~~1160~~2,150 feet north of the intersection of Watchung Avenue to a point ~~330~~500 feet north therefrom~~thence~~
Upper Mountain Avenue	East	From a point ~~550~~700 feet north of the intersection of Watchung Avenue ~~510~~400 feet ~~thence~~ north therefrom
Upper Mountain Avenue	East	From a point 1,~~510~~530 feet north of the intersection of Watchung Avenue to a point ~~500~~620 feet north therefrom~~thence~~

BE IT FURTHER ORDAINED, that all other provisions of Chapter 327-16 not amended herein shall remain in full force and effect and if any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed only to the extent of such conflict; and

BE IT FURTHER ORDAINED, that if any section, subsection, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subsection, clause, or provision, and the remainder of this ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon its passage and publication according to law.

RECORD OF COUNCIL VOTE ON RE-INTRODUCTION						
COUNCIL MEMBER	**MOVANT**	**SECOND**	**YES**	**NO**	**ABSTAIN**	**ABSENT**
Deputy Mayor Andersen		✓	✓			
Councilor Birmingham			✓			
Councilor D'Amato			✓			
Councilor Harrison				✓		
Councilor Toler				✓		
Councilor Williams			✓			
Mayor Baskerville	✓		✓			

I HEREBY CERTIFY the foregoing to be a true copy of Ordinance O-26-50 re-introduced as amended by the Mayor and Council of the Township of Montclair, in the County of Essex, at its meeting held on November 10, 2026.

A. Bermúdez Nieves
Angelese Bermúdez Nieves, Township Clerk

**amendments made on November 10 are highlighted in yellow*

AGENDA ITEM NO. B

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Clerk
ITEM TYPE:	Ordinance
AGENDA SECTION:	PENDING ORDINANCE(S)/SECOND READING [OPEN HEARING] I am going to open the public hearing without objection. Â Is there anyone in present who wishes to be heard in relation to the proposed Ordinance? [CLOSE HEARING] Â Without objection I am closing the hearing.
SUBJECT:	**Pending Ordinance O-26-51:** Ordinance Amending Part II, General Legislation of the Revised Ordinances of the Township of Montclair, New Jersey, 2000, as Amended and Supplemented to Repeal and Replace Chapter 324: Trees.

ATTACHMENTS:

Pending Ordinance O-26-51: Ordinance Amending Part II, General Legislation of the Revised Ordinances of the Township of Montclair, New Jersey, 2000, as Amended and Supplemented to Repeal and Replace Chapter 324: Trees.

Amendments made prior to the introduction highlighted in yellow on page 12

PENDING ORDINANCE O-26-51
TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING PART II, GENERAL LEGISLATION OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO REPEAL AND REPLACE CHAPTER 324 TREES.

November 10, 2026 (date of introduction)
November 24, 2026 (date of public hearing)

WHEREAS, the Township of Montclair (the "Township") first adopted its Shade Tree Code as Chapter 324 of the Montclair Municipal Code on June 12, 2012, through Ordinance No. O-12-44; and

WHEREAS, N.J.S.A. 40:48-2 authorizes municipalities to regulate trees for the protection of property and persons and for the preservation of the public health, safety and welfare; and

WHEREAS, N.J.S.A. 40:55D-2j states that a purpose of the Municipal Land Use Law is to promote the conservation of valuable natural resources; and

WHEREAS, N.J.S.A. 40:55D-62 authorizes the Township to establish zoning relating to the nature and extent of the uses of land; and

WHEREAS, N.J.S.A. 40:55D-62 authorizes the Township to adopt zoning ordinances that are substantially consistent with the master plan; and

WHEREAS, the Township Council of the Township of Montclair finds that trees and the urban forest are vital natural resources worthy of protection and conservation on a sustainable basis, and provide numerous benefits including but not limited to: stabilizing soil, reducing stormwater runoff and wind erosion, improving air and water quality, mitigating noise and air pollution, sequestering carbon dioxide, mitigating the urban heat island effect, providing and supporting wildlife habitat, and enhancing property values; and

WHEREAS, indiscriminate, uncontrolled removal of trees upon lots and tracts of land within the Township would cause increased drainage control costs, increased soil erosion and sedimentation, degradation of water resources, establishment of a heat island effect and increased dust and pollution, loss of biodiversity, wildlife and pollinator services, adversely impact property values, and negatively affect the health, safety, and general welfare of the Township and its residents; and

WHEREAS, the development of a mature and sustainable urban forest resource throughout the Township requires a comprehensive program for the planting, management, and removal of trees on both public and private property; and

WHEREAS, the Township's Sustainability and Resilience Master Plan Amendment ("the Amendment") finds that "Tree canopy plays a vital role in reducing the impacts of extreme heat in urban areas,"; and

WHEREAS, the Amendment further finds that "As climate change intensifies heatwaves, protecting and expanding Montclair's tree canopy is not just a beautification effort — it's a critical tool for community health and resilience"; and

WHEREAS, the Township adopted its Tree Preservation Ordinance in 2012 to "preserve and enhance the Township's trees and maintain a sustainable urban forest," and the Amendment recognizes that "concerns about insufficient tree cover persist"; and

WHEREAS, the Amendment establishes as a Township recommendation to "Increase net tree canopy coverage by 10 percent by 2040 through robust planting of new trees and active maintenance and protection of existing tree resources"; and

WHEREAS, the Amendment calls to "protect and preserve the urban canopy" and to "expand Montclair's urban tree canopy" as core resilience strategies.

NOW, THEREFORE, LET IT BE ORDAINED BY THE MAYOR AND THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY, THAT:

Note: Additions are shown in **Bold and Underlined**. Deletions are shown in ~~Strikeouts~~.

SECTION 1.

Part II, General Legislation of the Revised General Ordinances of the Township of Montclair, New Jersey, 2000, shall be amended and supplemented by repealing Chapter 324 Trees:

~~**§ 324-1. Findings and purpose.**~~

~~The Council of the Township of Montclair finds that:~~

~~A. Trees and the urban forest are a valuable natural resource worthy of protection and conservation on a sustainable basis.~~

~~B. Trees stabilize soil, help reduce stormwater runoff and wind erosion of soils, improve water quality, reduce noise pollution, reduce air pollution, sequester carbon dioxide associated with global warming, create shade and help reduce energy consumption in the summertime, lower ambient air temperatures throughout the Township during the summer, and provide habitat for birds and other species.~~

~~C. Trees create scenic benefits that enhance local property values in the Township.~~

D. The development of a mature and sustainable urban forest resource throughout the Township requires a comprehensive program for the management of the planting and removal of trees on public and private property.

§ 324-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DIAMETER AT BREAST HEIGHT or DBH — The diameter of a tree measured at 4 1/2 feet above the ground on the downhill side of the tree.

MONTCLAIR TREE REPLANTING FUND or TREE FUND — The separate account established by the Township's governing body for the replanting of trees on public property, School Board property, and/ or county property and funded by those persons electing to pay into the Montclair Tree Replanting Fund instead of implementing an on-site tree restoration plan.

PROPERTY — All private lots within the Township, whether developed, undeveloped, subdivided, or otherwise without exception.

SHADE TREE — Any deciduous or coniferous species which is eight inches or more DBH or has obtained a height of at least 25 feet.

TOWNSHIP FORESTER — A person employed by the Township who is certified by the State of New Jersey as a certified tree expert and has a minimum of three years of experience in the planting, care, and maintenance of trees.

TREE — Any shade tree.

TREE REMOVAL CONTRACTOR — A person in the regular business of removing trees for hire who is registered with the Township.

TREE REMOVAL PERMIT — A permit issued by the Township pursuant to the provisions of this article authorizing a person to remove trees.

§ 324-3. Applicability; prohibited acts; emergency exemption.

A. Applicability. The provisions of this article shall apply to trees on all property within the Township.

B. Prohibitions. No person, applicant, or tree removal contractor may remove, destroy, or substantially alter a tree without having first been issued a tree removal permit. Routine annual pruning to maintain the health of a tree or drastic pruning in response to damage from adverse weather conditions shall not be considered substantially altering the tree.

C. Emergency exemption. A tree removal permit is not required when there is an immediate safety risk to person or property.

§ 324-4. Permit application; tree removal contractor registration and insurance.

A. No tree within the Township may be removed or substantially altered by any person other than a tree removal contractor registered with the Township. The tree removal contractor shall endorse each tree removal permit application on forms provided by the Township.

B. A tree removal permit shall be issued upon filing of a complete application and payment of the required fee.

C. An application for a tree removal permit shall include, at minimum, the following:

(1) A tree restoration plan, defined as a plan prepared by the tree removal contractor on behalf of the applicant providing the specifications, contractors, costs, and timing for the replacement of trees removed from the applicant's property; payment of the equivalent value of the removed trees into the Montclair Tree Replanting Fund; or a combination thereof. Tree restoration plans shall be fully implemented within one year of the issuance of the tree removal permit.

(2) A tree restoration plan certification, defined as the self-affidavit certification submitted by the tree removal contractor for the implementation of the tree restoration plan submitted as part of the tree removal permit application. The tree removal contractor shall certify that the tree restoration plan will be fully implemented as submitted.

(3) A certification of diseased trees, defined as the certification by the tree removal contractor that a tree being removed meets the criteria for a diseased tree based on § 324-6, Standards for decision making on tree removal permit applications.

D. All tree removal contractors operating within the Township shall:

(1) Be licensed in accordance with the New Jersey Tree Experts and Tree Care Operators Licensing Act;[1]

(2) Maintain the required insurance;

(3) Hold a current valid registration with the Township of Montclair; and

(4) Display proof of same on each of its vehicles operating in the Township.

E. A tree removal contractor shall carry and provide proof of the following insurance coverage:
$2,000,000 property damage and bodily injury insurance per incident; $300,000 automobile insurance per incident; and workers' compensation insurance in such amounts as required by law. All tree removal contractors shall require their insurers to provide the Township with a minimum of 30 days' advance notice of the cancellation of any required coverage. Upon the cancellation of any of the required insurance coverage, the tree removal contractor's registration shall automatically be suspended, and the tree removal contractor shall thereafter be prohibited from performing. Upon the submission of proof of satisfactory proof of insurance coverage, licensure in accordance with the New Jersey Tree Experts and Tree Care Operators

Licensing Act, and a certification that the tree removal contractor has read, understands, and will comply with all requirements of this rule, then the Township Clerk shall register the tree removal contractor as approved to do business in the Township.

§ 324-5. Tree replacement.

A. Persons removing any tree shall replace said tree with a new tree as provided below. Replacement trees shall be two- to two-and-one-half-inch caliper and be limited to native species or species suited to urban environments. The Township Forester shall prepare, publish on the municipal website, www.montclairnjusa.org, and annually review a suitable species list for replacement trees. Any applicant who makes an application for a financial waiver and is granted one shall be exempt from the replacement provision, provided that replacement trees are not available through the Township.

B. In lieu of providing a replacement tree, a contribution of $250 shall be paid to the Tree Fund. Said fund shall be used to supplement public tree replacement in the Township.

§ 324-6. Standards for decision making on tree removal permit applications.

The tree removal contractor shall be responsible for a tree removal permit application's compliance with all applicable and relevant tree management guidelines, including, without limitation, the American National Standard A300 (Part 5) Management practices "Tree and Development: A Technical Guide to Preservation of Trees During Land Development" (Matheny and Clark), "Protection and Care of Urban Forest" (NJDEP Division of Parks and Forestry), "Evaluation of Hazard Trees in Urban Areas" (Matheny and Clark), "Urban Tree Risk Management" (USDA Forest Service), all as may be changed or supplemented from time to time.

§ 324-7. Enforcement; violations and penalties.

A. The Township Forester shall have the authority to enter onto any property in the Township and to issue a stop-work order to any person in violation of this article.

B. Violations of this article shall be punishable by a fine of no more than $1,000.

C. The Township shall revoke the registration of any tree removal contractor who has submitted a fraudulent tree removal permit application or a false certification.

D. Noncompliance with the provisions of this article may be grounds for denial of registration of a tree removal contractor.

§ 324-8. Fees.

A. Application fee for a tree removal permit shall be $15 per tree.

B. A tree removal contractor shall pay an annual registration fee of $75.

C. Exemptions:

(1) The tree removal permit application fee is waived for the removal of diseased trees or trees deemed hazardous.

(2) The removal permit fee is waived for the removal of shade trees listed as invasive exotic.

(3) An applicant with a financial hardship may request a waiver of permit fees by filing a personal financial hardship exemption request letter with his or her tree removal permit.

(4) These fee exemptions do not constitute an exemption from any other provision of this article.

§ 324-9. Notices; registration deadline.

A. Within 30 days of the adoption of this article, the Town Clerk shall mail a copy of this article to persons and entities known to be in the business of maintaining, cutting, or removing trees within the Township.

B. Within 60 days thereafter, any company desiring to conduct the business of maintaining, cutting, or removing trees within the Township shall register with the Township.

SECTION 2.

Part II, General Legislation of the Revised General Ordinances of the Township of Montclair, New Jersey, 2000, shall be amended and supplemented by replacing Chapter 324 Preservation of Shade Trees:

324-1. PURPOSE.

A. Objectives. The Township desires to mitigate the net loss of mature tree canopy and over time increase tree canopy coverage throughout the municipality through a comprehensive framework of preservation, education, protection, and sustainable and appropriate tree replacement. This Chapter shall be considered to be part of the zoning ordinance of the Township of Montclair. The purposes of this Chapter are to:

(1) Establish that it shall be unlawful to cut down, remove, damage or destroy any trees covered by this ordinance except in accordance with the provisions of this ordinance;

(2) Establish requirements for the replacement of trees that are removed in order to mitigate the net loss of canopy and provide stormwater and ecosystem services;

(3) Manage stormwater by reducing runoff and soil erosion, removing pollutants, and promoting infiltration of rainwater into the soil, consequently lowering the risk of flooding and supporting aquifer recharge;

(4) Reduce the impacts of extreme heat and mitigate the urban heat island effect;

(5) Protect the environment, public health, safety and welfare by providing ecosystem services for riparian and water quality protection, carbon sequestration, reduced soil erosion, species habitat, biodiversity and pollinator services;

(6) Enhance property values and provide public health benefits of cleaner air, shade and access to natural spaces, particularly in overburdened communities as defined in N.J.S.A. 13:1D-158 and N.J.A.C. 7:11-1.5;

(7) Preserve historically, culturally, and aesthetically significant trees and woodlands; and

(8) Provide penalties for violations and assign responsibility for oversight and enforcement.

B. Process and Standards. The Township Council seeks to provide a fair and efficient regulatory process that balances the public interest in tree preservation, ecosystem protection, stormwater management, and climate resilience with the property rights of individual landowners.

324-2. DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE OFFICER means a person authorized to review and either approve or deny Tree Removal Permit Applications and Tree Planting Permit Applications pursuant to this Chapter, the Township Arborist or his/or her designee.

APPLICANT means any individual, resident, corporation, utility company, partnership, firm, association, or other entity that applies for approval to remove, plant, or modify trees regulated under this Chapter.

AVERAGE TREE means a tree with a Diameter at Breast Height ("DBH") (defined below) between six (6) and twenty-three (23) inches and/or a Coniferous Tree that is at least 20 feet tall that is not an Invasive Tree, Hazard Tree, Dead Tree, or Extraordinary Tree.

CALIPER means the diameter of a tree's trunk, measured at a specific height above the soil line. For Replacement Trees, Caliper is measured at six (6) inches above the top of the root flare where the caliper is four (4) inches or less, and twelve (12) inches above the top of the root flare where the caliper is more than four (4) inches.

CONIFEROUS TREE means a tree that bears cones and retains its foliage year-round, commonly referred to as an evergreen.

CRITICAL ROOT ZONE ("CRZ") means the radius around a tree where the majority of a tree's root system exists. The CRZ is calculated as DBH (in inches) x 1.5 feet. Example: a 6-inch DBH tree has a 9-foot CRZ.

DEAD TREE means a tree with a DBH (diameter at breast height, measured at 4.5 feet from the ground) of six (6) inches or greater and which's New Jersey Licensed Tree Expert and/or NJISA certified arborist states in writing, with dated photographs, that (a), crown dieback is approximately 75% or greater, and/or (b) living tissue is insufficient to sustain the tree, and/or (c) is fatally diseased.

DIAMETER AT BREAST HEIGHT (DBH) means the tree trunk diameter to the nearest whole inch, ignoring fractional value, measured at 4.5 feet above ground on the downhill side of the tree.

EXTRAORDINARY TREE means a tree that is not an Invasive Tree, Hazard Tree, or Dead Tree, meeting one or more of the following criteria: (a) is listed on or, is at least the same size as a species on, the New Jersey Champion Big and Heritage Tree Register; and/or (b) any tree with a DBH over thirty-five (35) inches; and/or (c) a Coniferous Tree that is at least 50 feet tall.

FINANCIAL HARDSHIP means that the total costs for the unanticipated removal of one or more Regulated Trees including any required replacement will create an immediate economic burden for the Applicant .

HAZARD TREE means a tree determined by a Licensed Tree Expert as presenting significant and imminent risk to public health, safety, or property, including trees

assessed as high or extreme risk under the International Society of Arboriculture (ISA) Tree Risk Assessment methodology.

HEAT ISLAND means areas which the Township has identified in accordance with the New Jersey Department of Environmental Protection map.

INVASIVE TREE means a tree on the Township's published list of prohibited tree species maintained on the Township website. Invasive Trees are exempt from removal permitting requirements under this Chapter.

LAND USE BOARD means the Township's Planning Board or Zoning Board of Adjustment, as applicable.

LICENSED TREE EXPERT (NJLTE) means an individual licensed by the New Jersey Board of Tree Experts with a current, valid license under N.J.A.C. 7:3A-1.1 et seq.

MINOR TREE means a tree with a DBH below six (6) inches, or a Coniferous tree below 8 ft tall. Minor Trees are exempt from removal permitting requirements under this Chapter.

PRIVATELY OWNED PROPERTY means any land not owned by the Township of Montclair, the Montclair Board of Education, other New Jersey Municipalities, Essex County or the State of New Jersey.

PUBLIC OWNED PROPERTY means any land owned by the Township of Montclair, the Montclair Board of Education, any other New Jersey Municipality, Essex County, or the State of New Jersey.

REGULATED TREE means Average Tree, Dead Tree, Significant Tree, Extraordinary Tree, or Hazard Tree.

REPLACEMENT TREE means a nursery-grown tree (balled and burlapped or container-grown) of a species on the Township Tree Replacement Species List, planted at a minimum of 2.5-inch caliper.

SIGNIFICANT TREE means a tree with a DBH between 24 and 35 inches or a Coniferous Tree that is at least 30 feet tall that is not an Invasive Tree, Hazard Tree, Dead Tree, or Extraordinary Tree.

STREET TREE means a tree planted within any part of the public right-of-way or easements, including in the sidewalk, planting strip within the roadway right-of-way. i.e., islands, medians, pedestrian refuges.

TIER 1 SPECIES means large-maturing canopy tree that reaches a mature height of at least forty feet or a mature canopy spread of at least 30 feet and that is designated on the Township Tree Replacement Species List.

TIER 2 SPECIES means trees on the Township Tree Replacement Species List that do not meet Tier 1 criteria but are otherwise approved for planting.

TOWNSHIP ARBORIST means a Township employee or contractor certified by the State of New Jersey or the ISA as a certified tree expert.

TOWNSHIP TREE REPLACEMENT SPECIES LIST means a publicly available list of approved replacement species, classified as Tier 1 Species or Tier 2 Species on the Township's lists of Tier 1 Species and Tier 2 Species and reviewed annually by the Township. In designating and annually reviewing the list, the Township shall give preference to species tolerant of projected regional climate conditions, including increased heat, drought, and storm intensity, developed in consultation with the Director of Sustainability.

TREE REMOVAL means cutting down, destroying, substantially altering or abusing an established tree or its critical root system. Examples include: girdling, toxic application, root system compression, tree topping, and improper grading within the CRZ. Tree Removal does not include routine pruning or maintenance.

TREE REMOVAL PERMIT means a permit issued by the Township authorizing removal of Regulated Trees.

TREE REPLACEMENT SCHEDULE means the table specifying the required number, species, and size of trees that shall be planted, and/or fees in lieu paid, to proportionately replace trees removed.

324-3. APPLICABILITY.

This Chapter applies to all trees within the jurisdiction of the Township of Montclair on both public and private property, except for Minor Trees, Invasive Trees, and those specifically exempted in Section 324-7 of this Chapter. Trees located within the Township or County right-of-way or easements are considered public trees and subject to Section 324-4.

324-4. PROHIBITION ON REMOVAL OF STREET TREES AND MUNICIPAL, COUNTY AND STATE TREES.

A. Exclusive Authority. No tree located on public property or within the public right-of-way, including but not limited to any tree in streets, highways, sidewalks, planting strips, islands, medians, pedestrian refuges, or any other public land owned or controlled by the Township, Montclair Board of Education, other municipalities, Essex County, or State of New Jersey may be removed, pruned, damaged, or destroyed by any private individual, property owner, contractor, or entity. Removal of Street Trees and all trees on Township property or on Township streets is reserved exclusively to the Township of Montclair or its authorized agents or any public utility acting pursuant to Board of Public Utilities regulations.

B. Municipal Removal Process. Removal of Street Trees and Public Owned Property trees shall be authorized only through a documented process that includes:

(1) Review by the Township Arborist

(2) Written determination of the reason for removal. All municipal tree removals shall comply with this Chapter's standards and require replacement according to the Tree Replacement Schedule, as feasible. All decisions concerning trees on Public Owned Property shall be submitted to the Administrative Officer; and

(3) Must provide the Township with notice prior to removal for Emergency Tree removals.

C. Penalties for Unauthorized Removal. Any unauthorized removal, damage, or destruction of a Street Tree or tree on public owned property by any private person, contractor, property owner, or entity shall constitute a violation of this Chapter subject to the penalties set forth in Section 324-10. The violator shall be liable for replacement of the removed tree at their own expense at the ratio set forth in Section 324-6B , plus all associated costs, plus penalties of up to Two Thousand Dollars and Zero Cents ($2,000.00) per tree.

D. Notification of Unauthorized Removal. Any person or entity with knowledge of unauthorized removal or damage to a Street Tree or municipal tree may report the violation to the Sustainability Department, the Township Arborist, or the Code Enforcement Officer. All unauthorized removals shall be documented and recorded in the Township Tree Removal Permit database.

324-5. TREE REMOVAL ON PRIVATELY OWNED PROPERTY

A. Permit Required. Except to the extent authorized pursuant to Section 324-5E, no Average Tree, Significant Tree, Extraordinary Tree, Dead Tree, or Hazard Tree on Privately Owned Property shall be removed, destroyed, or substantially altered unless the Property Owner or authorized representative first obtains a Tree Removal Permit from the Township. A Tree Removal Permit is not required for removal of Minor Trees and Invasive Trees on Privately Owned Property.

Permits shall be placed at the site of removal prior to the extraction.

B. Application Submission. All applications for tree removal of Average, Significant, Extraordinary, Dead, or Hazard Trees shall be submitted on a Township-prescribed form to the Administrative Officer, in the Department of Public Works. Applications shall include at minimum: (1) property identification (tax block, lot, street address); (2) certification of tree DBH, species, and condition; (3) a Tree Replacement Plan or specification of in-lieu payment option; (4) a listing of all Average, Significant and Extraordinary Trees removed from the property during the prior two years; and (5) certification by the Property Owner that all information is accurate and replacement requirements are understood. Applications that involve removal of an Extraordinary Tree shall also include information to address the considerations listed in C below. If an application to a Land Use Board proposes the removal of any Average, Significant or Extraordinary Trees, the application shall include this information as part of the submittal to the Land Use Board and shall address the considerations in C below. The Administrative Officer or the Land Use Board may require such additional information as deemed administratively appropriate for proper evaluation of the application, which may include but is not limited to photographs, site plans, surveys, or professional tree risk assessments.

The fee for the Tree Removal Application is:

$100 for up to 2 trees, and $100 for each additional tree; and

Extraordinary tree the application fee is $300 per tree.

Application fees may be waived in the case of emergency tree removals, provided that the procedures for emergency tree removals are followed.

C. For Average and Significant Trees, the Administrative Officer shall within ~~20~~ 10 business days of receipt of a completed application grant the permit.

For Extraordinary Trees, the Administrative Officer shall within 20 days of receipt of a completed application grant or deny the requested permit in whole or in part, or make recommendations that would make the application acceptable to the Administrative Officer, in writing and in accordance with the following considerations:

(1) **A report by the Township Arborist to verify the reason for the necessity of removal;**

(2) **The extent to which Critical Root Zones of other trees will be disturbed, resulting in relief or reductions to the Critical Root Zone utility;**

(3) **Whether limb removal or sufficient pruning of the tree would negate the reason for removal;**

(4) **Whether removal would impair the growth and development of remaining trees on the subject property or adjacent property;**

(5) **Whether the proposed removal would materially alter or adversely impact existing drainage patterns, soil instability, erosion, or sedimentation;**

(6) **Whether the proposed removal would constitute a significant change in the screening with respect to buildings on contiguous lots;**

(7) **Whether the proposed removal would constitute a horticulturally advantageous thinning of an existing overgrown area;**

(8) **Whether proposed or necessary changes in the topography of the area where such tree(s) are located will alter land configuration so as to cause injury to other trees located nearby and whether those changes will require welling, construction of any aerification system, or other tree removal or replacement;**

(9) **Whether the continued presence of the tree(s) proposed for removal are:**

(i) likely to cause a hardship, OR

(ii) for some other adequate reason within the intent of this Ordinance;

(10) **Whether the tree is in poor health or is diseased and whether such weakness or disease in the tree can be adequately addressed by removal or pruning portions of the tree;**

(11) **Whether removal would create a hazardous condition or violate any other provision of this Chapter;**

(12) **Whether the proposed removal is requested to facilitate usage of solar panels;**

(13) **The unique physical characteristics of the lot and suitable measures to mitigate adverse impacts such as welling and aeration systems; and**

(14) **Whether the proposed removal will worsen urban Heat Island conditions on the property or in the surrounding neighborhood, with particular weight given to areas the Township has identified as low canopy or high heat areas.**

D. Special Submission Requirements for Hazard Trees and Dead Trees. Applications for removal of Hazard or Dead Trees shall include a written certification from a New Jersey Licensed Tree Expert and/or a New Jersey ISA certified arborist documenting that the tree meets the applicable criteria, using standard ISA Tree Risk Assessment methodology; The Administrative Officer may require such additional supporting documentation as deemed administratively appropriate.

E. Emergency Tree Removal. Where a Hazard and/or Dead Tree poses imminent threat to people or property, the Property Owner may act prior to obtaining a permit,

provided that: the Administrative Officer and/or the Department of Public Works is given prior notice if feasible; and within 10 business days, the Property Owner submits a complete application with explanation and Licensed Tree Expert statement attesting to the emergency.

Emergency removal of Extraordinary Trees requires a TRAQ-qualified expert statement.

F. Application Review and Determination.

(1) The Township Arborist or designee shall serve as the Administrative Officer and review all Tree Removal Permit applications. The Administrative Officer shall evaluate each application pursuant to the provisions of C and D above.

(2) All decisions shall be issued in writing. In the case of denial of an application, the Administrative Officer shall list reasons for denial.

(3) Where the Township Arborist position is vacant or the Arborist is unavailable, the review shall be conducted by the Director of Sustainability or their designee. Any Administrative Officer who is not a Licensed Tree Expert or certified arborist shall complete continuing education in urban forestry and canopy management as a condition of exercising review authority under this Chapter.

G. If Tree Removal is proposed in connection with any construction permit application, the Construction Official shall not issue the construction permit until the required Tree Removal Permit has been obtained.

H. Additional Regulated Tree Protections.

(1) Extraordinary Trees are presumptively protected. When construction is proposed and removal of an Extraordinary Tree cannot be approved pursuant to C above, removal can be approved only upon clear and convincing evidence that removal is essential to construction of a permitted structure with no reasonable alternative site design, certified by the Township Engineer.

(2) Where development on a property is being proposed in either an application to a Land Use Board or in an application for a construction permit, Average and Significant Trees shall be preserved through site design modification, infrastructure relocation, or other alternatives before removal is authorized. Applicants shall document all efforts.

(3) When no other Land Use Board review is otherwise required, Planning Board review shall be required where:

(a) The plan includes proposed removal of more than five (5) Average, Significant or Extraordinary Trees; OR

(b) Removal of ten (10) or more Average, Significant, or Extraordinary Trees within a two-year period on the same contiguous property in common ownership regardless of the number of applications involved or any change in ownership.

The Planning Board shall take into account the considerations listed in Section 324.5C in determining whether to approve, approve with conditions or deny the application.

I. Permit Validity. Approved Tree Removal Permits are valid for twelve (12) months from issuance. If the approved tree removal has not occurred within the twelve (12) month period, the permit may be renewed upon submission of a renewal application. Renewal applications require a $50 renewal fee. If the applicant diligently pursues other governmental approval or if approved development/construction is ongoing, the permit may be renewed for up to one (1) year without paying a renewal fee.

J. Compliance with Other Ordinances. All tree removal activity shall comply with Chapter 294: Steep Slope of the codified ordinances and other applicable ordinances.

K. Certificate of Occupancy. Where a Certificate of Occupancy is required, no Certificate of Occupancy shall be issued until the property owner has demonstrated that each required replacement tree has been planted and/or any required payment to the Tree Fund has been made.

(1) **The property owner can receive a temporary Certificate of Occupancy until it has demonstrated that each required replacement tree has been planted and/or any required payment to the Tree Fund has been made.**

(2) **The property owner must apply for the Certificate of Occupancy within the allotted time provided on the Temporary Certificate of Occupancy.**

L. Tree Removal Prior to Development Application. If any Tree Removal has occurred that required a Tree Removal Permit in the area proposed for development with or without a Tree Removal Permit required pursuant to this Chapter 324 within a two-year period prior to the submission of an application for development to a Land Use Board or application for a construction permit, the application shall be reviewed as if the Tree removal had not occurred. The two (2) year period shall commence from the time the tree removal has occurred.

L. Record Keeping. The Township shall maintain a publicly accessible database of all tree permits and decisions including all decisions concerning trees on Public Owned Property.

324-6. TREE REPLACEMENT REQUIREMENTS

A. On-Site Replacement Preference. Where a tree is removed, on-site replacement with Replacement Trees from the Township Tree Replacement Species List is required whenever practicable. Replacement Trees shall be minimum 2.5-inch caliper and planted within twelve (12) months of removal, during optimal planting seasons.

B. Tree Replacement Schedule. Removed trees shall be replaced according to the following schedule based on DBH:

DBH Category	Replacement Trees	Fee In Lieu
6" to 12.99"	1 tree (Tier 1 preferred)	$450
13" to 23.99" or at least 20 feet tall for a coniferous tree	2 trees (at least 1 Tier 1)	$900
24" to 35" or at least 30 feet tall for a Coniferous Tree	3 trees (mix of Tier 1/2)	$1350
Over 35" or at least 50 feet tall for a Coniferous Tree (Extraordinary)	4 trees (at least 2 Tier 1)	$1800
Dead or Hazard	1:1 ratio (Tier 1 tree to be replaced by a Tier 1 Species)	$450

C. In-Lieu Payment Option. Where on-site replacement is not feasible, the Property Owner may pay a Tree Fund contribution for each tree not planted. Fees shall be deposited in the Township Tree Fund. Payment must be made within 30 days of permit issuance, unless waived due to a demonstrated Financial Hardship.

The property owner must provide a sworn notarized statement to the Department of Sustainability explaining why a Financial Hardship exists, and the Department Director or his or her designee will provide a decision about such financial hardship within 20 days.

A property owner shall not qualify for a Financial Hardship if they are voluntarily removing a tree.

D. Replacement Tree Specifications and Survival.

(1) All Replacement Trees shall be nursery-grown, with a minimum 2.5-inch caliper of approved species and permanently planted.

(2) Within 10 business days of completing replacement, the owner shall submit documentation, including the nursery receipt stating the species and Caliper of each Replacement Tree, dated photographs, and planting location. The Administrative Officer shall verify that the species and size planted match those required by the approved permit. A Replacement Tree that does not match the approved species and size shall not satisfy the replacement obligation.

(3) Trees shall be maintained by the Property Owner. If a Replacement Tree does not survive in acceptable condition for two (2) years after planting, the Property Owner shall replant at their own expense. Property Owner shall submit photographic evidence of tree survival at two (2) years, at which point permit may be considered closed.

E. The Administrative Officer may approve a Replacement Tree not on the Township Tree Replacement Species List where the Applicant demonstrates it is a native species of ecological and canopy value equal to or greater than a listed Tier 1 or Tier 2 Species.

324-7. LIMITED EXEMPTIONS FROM REPLACEMENT REQUIREMENTS

The following trees may be exempted from tree replacement requirements, if properly documented to the Administrative Officer:

(1) **Invasive Species on Privately Owned Property;**

(2) **Property used for silviculture under a State-approved forest stewardship or woodland management plan;**

(3) **Trees on tree farms in active operation, nurseries, fruit orchards, and garden centers; and**

(4) **Trees removed pursuant to NJDEP or EPA approved environmental cleanup or habitat enhancement plans.**

324-8. REGISTERED TREE CONTRACTORS

All tree removal contractors operating in the Township shall be licensed under N.J.A.C. 7:3A-1.1 et seq., maintain required liability insurance, hold a current valid registration with the Township, display proof of registration on each vehicle, and certify compliance with this ordinance. Registrations are valid for one (1) year and the fee for registration is $100. A tree removal contractor shall carry and provide proof of the following insurance coverage: $2,000,000 property damage and bodily injury insurance per incident; $300,000 automobile insurance per incident; and workers' compensation insurance in such amounts as required by law. All tree removal contractors shall require their insurers to provide the Township with a minimum of 30 days' advance notice of the cancellation of any required coverage. Upon the cancellation of any of the required insurance coverage, the tree removal contractor's registration shall automatically be suspended, and the tree removal contractor shall thereafter be prohibited from performing. Upon the submission of proof of satisfactory proof of insurance coverage, licensure in accordance with the New Jersey Tree Experts and Tree Care Operators Licensing Act, and a certification that the tree removal contractor has read, understands, and will comply with all requirements of this ordinance, then the Township Clerk shall register the tree removal contractor as approved to do business in the Township. Contractors must verify issuance of an approved Tree Removal Permit before conducting any removal unless exempted for any reasons under this Chapter. Removal without a valid permit constitutes a separate violation with enhanced penalties.

324-9. ENFORCEMENT

This Chapter shall be enforced by the Township Arborist, Construction Official, Zoning Officer, or Code Enforcement Officer. Enforcement officers are authorized to enter property for enforcement purposes, issue stop-work orders, and inspect replacement trees.

324-10. Violations and Penalties

A. Any violation of this Chapter is subject to a fine of up to Two Thousand Dollars and Zero Cents ($2,000.00), community service up to ninety (90) days, or any

combination thereof. Each unlawfully removed or damaged tree constitutes a separate violation to the Property Owner of record. Each day a violation continues constitutes a separate offense. Contractors removing trees without a valid permit shall be assessed separate, additional penalties. Violation automatically invalidates any existing permits and suspends eligibility for new permits or renewal of registrations.

B. The removal of a tree in violation of this Chapter shall automatically invalidate or void any existing Tree Removal Permit(s) associated with a property and terminate the issuance of any future permits until the matter has been resolved and any required tree replacement has been completed. This provision shall be applicable to contractors, agents and/or person who remove tree(s) without properly registering with the Township in accordance with Section 324-8.

C. In addition to the suspension of any active Tree Removal Permit, any company, business, or other entity who removes or damages any tree in violation of this article shall be subject to potential suspension of their tree removal permit within the Township as follows:

(1). First Offense: 90-day suspension;

(2) Second Offense: 180-day suspension;

(3) Third Offense: One year suspension; and

(4) Any offense thereafter: permanent suspension.

324-11. Appeals

Appeals of decisions of the Administrative Officer to approve or deny a permit application shall be filed with the Zoning Board of Adjustment as applicable, within twenty (20) days of the written decision, and shall be subject to N.J.S.A. 40:55D-72.

Appeals of decisions by the Planning Board or the Zoning Board of Adjustment shall be filed with any court of competent jurisdiction according to law.

324-12. Annual Reporting

The Township Arborist or designee shall submit an annual report to the Township Council by February 1 each year, summarizing: (a) all permit activity; (b) total Tree Removals and Replacements; (c) compliance and enforcement actions; (d) revenues collected and funds expended; (e) trends analysis including changes in the tree canopy; and (f) recommendations for policy improvement.

SECTION 3.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section. Finding or holding any such portion to be unconstitutional, void, or ineffective shall not affect any other portion of this Ordinance. All ordinances or portions of ordinances inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

SECTION 4.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

RECORD OF COUNCIL VOTE ON INTRODUCTION						
COUNCIL MEMBER	**MOVANT**	**SECOND**	**YES**	**NO**	**ABSTAIN**	**ABSENT**
Deputy Mayor Andersen	✓		✓			
Councilor Birmingham			✓			
Councilor D'Amato			✓			
Councilor Harrison		✓	✓			
Councilor Toler			✓			
Councilor Williams			✓			
Mayor Baskerville			✓			

I HEREBY CERTIFY the foregoing to be a true copy of Ordinance O-26-51 introduced as amended by the Mayor and Council of the Township of Montclair, in the County of Essex, at its meeting held on November 10, 2026.

Angelese Bermúdez Nieves, Township Clerk

AGENDA ITEM NO. C

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Clerk
ITEM TYPE:	Ordinance
AGENDA SECTION:	PENDING ORDINANCE(S)/SECOND READING [OPEN HEARING] I am going to open the public hearing without objection. Â Is there anyone in present who wishes to be heard in relation to the proposed Ordinance? [CLOSE HEARING] Â Without objection I am closing the hearing.
SUBJECT:	**Pending Ordinance O-26-52:** Ordinance Amending Salary Ordinance O-26-21: Creating Certain Offices, Positions, and Employments in the Township of Montclair in the County of Essex, and Fixing the Salary Rangers Thereof

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ATTACHMENTS:

Pending Ordinance O-26-52: Ordinance Amending Salary Ordinance O-26-21: Creating Certain Offices, Positions, and Employments in the Township of Montclair in the County of Essex, and Fixing the Salary Rangers Thereof

PENDING ORDINANCE O-26-52
TOWNSHIP OF MONTCLAIR

AN ORDINANCE AMENDING SALARY ORDINANCE O-26-21 CREATING CERTAIN OFFICES, POSITIONS AND EMPLOYMENTS IN THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, AND FIXING THE SALARY RANGES THEREOF

November 10, 2026 (date of introduction)
November 24, 2026 (date of public hearing)

BE IT ORDAINED, by the Mayor and Council of the Township of Montclair an Ordinance amending Ordinance O-26-21 creating certain offices, positions and employments in the Township of Montclair, in the County of Essex, and fixing the salary ranges thereof is amended as follows:

Section 1. The following enumerated offices, positions and employments in the Township of Montclair, in the County of Essex, hereby are created, except as statute otherwise provided, and the respective salary ranges hereby are fixed as the amount to be paid to holders of the said respective offices, positions and employments and shall receive as a salary, pay or compensation therefor an amount within the salary range as set forth for such office, position and employment.

Position	Employment Status	Minimum	Maximum
Information Technology Manager - Public Safety	Full-Time	$80,214	$130,000

Section 2. The following part-time positions are hereby established, with the respective hourly salary ranges set forth below. Both positions shall be limited to a maximum of twenty-eight (28) hours per week and shall be compensated on an hourly basis.

Position	Employment Status	Minimum Hourly Rate	Maximum Hourly Rate
Community Forestry Manager	Part-Time	$35.00	$70.00
Assistant Township Attorney	Part-Time	$34.59	$59.28

Compensation for employees appointed to these positions shall be established within the applicable hourly salary range and processed in accordance with the Township's biweekly payroll schedule.

BE IT FURTHER ORDAINED that any ordinance or part of any ordinance inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that, except as modified by this Ordinance or any other duly enacted amendment, Ordinance O-26-21 shall remain in full force and effect.

RECORD OF COUNCIL VOTE ON INTRODUCTION						
COUNCIL MEMBER	**MOVANT**	**SECOND**	**YES**	**NO**	**ABSTAIN**	**ABSENT**
Deputy Mayor Andersen			✓			
Councilor Birmingham			✓			
Councilor D'Amato			✓			
Councilor Harrison			✓			
Councilor Toler			✓			
Councilor Williams	✓		✓			
Mayor Baskerville		✓	✓			

I HEREBY CERTIFY the foregoing to be a true copy of Ordinance O-26-52 introduced by the Mayor and Council of the Township of Montclair, in the County of Essex, at its meeting held on November 10, 2026.

A. Bermúdez Nieves

Angelese Bermúdez Nieves, Township Clerk

AGENDA ITEM NO. D

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Public Works
ITEM TYPE:	Ordinance
AGENDA SECTION:	**NEW BUSINESS ORDINANCE(S)**
SUBJECT:	Ordinance to amend Chapter 297 Streets and Sidewalks Article II Excavations in Streets

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ATTACHMENTS:

Chapter 297 Streets and Sidewalks Art. II Excavations in Streets Final.docx
Memorandum

O-26-XXX
TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING PART II, GENERAL LEGISLATION OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO REPEAL AND REPLACE CHAPTER 297 STREETS AND SIDEWALKS, ARTICLE II EXCAVATIONS IN STREETS.

November 24, 2026 (Date of Introduction)

WHEREAS The Township seeks to repeal and replace Chapter 297 Streets and Sidewalks, Article II Excavations in Streets; and

WHEREAS this amendment will dictate the excavation of streets and repaving it from curb-to-curb.

NOW, THEREFORE, LET IT BE ORDAINED BY THE MAYOR AND THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY, THAT:

Note: Additions are shown in **Bold and Underlined**. Deletions are shown in ~~Strikeouts~~.

SECTION 1.

Part II, General Legislation of the Revised General Ordinances of the Township of Montclair, New Jersey, 2000, shall be amended and supplemented by repealing Chapter 297 Streets and Sidewalks, Article II Excavation in Streets:

~~**§ 297-15. Definitions.**~~
~~The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:~~

~~**APPLICANT**~~
~~Any person who makes application for a permit.~~
~~**EMERGENCY**~~
~~Any unforeseen circumstance which calls for immediate action.~~
~~**ENGINEER**~~
~~The Township Engineer of the Township of Montclair or her authorized deputy, representative or inspector, or a licensed engineer engaged by the Township to perform the engineering services required by this article.~~
~~**EXCAVATION**~~
~~Any trench opening, which shall be no greater than five feet in width and 15 feet in length. Any opening larger in size than that described hereinabove shall be considered by the Engineer when determining fees.~~

PERMITTEE

Any person who has been issued a permit and has agreed to fulfill all the terms of this article.

PERSON

Includes any natural person, partnership, firm, association, utility or corporation.

STREET

The improved portion of the right-of-way of any public street, public highway, public way, public road or public easement within the Township, including that portion of the right-of-way improved with curbs and sidewalks.

TOWNSHIP

The Township of Montclair, Essex County, New Jersey.

§ 297-16. Permit required.

A. It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface of any street, except for the erection of public utility poles, as provided for by the Public Utility Law, without first securing a permit from the Township of Montclair for each separate undertaking.

B. In no event shall any street opening occur within two years of any street having been surfaced, except in the event of an emergency as provided for in Subsection C below.

C. Any person maintaining pipes, lines or underground conduits in or under the surface of any street by virtue of any law, ordinance or franchise may proceed with an excavation or opening without a permit when emergency circumstances demand the work be done immediately and where the permit could not reasonably and practically have been obtained beforehand. Such person, however, shall thereafter apply for a permit on the first regular business day on which the office of the Township Engineer is open for business, and said permit shall be retroactive to the date when the work was begun.

§ 297-17. Limit to authorized work.

No person to whom a permit has been granted under the provisions of this article shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that, upon approval by the Engineer and payment of the additional fee, additional work may be done under the provisions of the permit in an amount not greater than 10% of the amount specified in the permit, as determined by the Engineer. Any deposit and bond posted in connection with the original permit shall be deemed to cover such additional work as may be approved pursuant to this section.

§ 297-18. Commencement of work; permit fees; exception.

A. Work for which a permit has been issued pursuant to this article shall commence within 30 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated.

B. In the event that no street work has been commenced, the permittee may, within 60 days of the issuance of the permit, request, in writing, the refund of the permit fee paid, except that the application fee is nonrefundable. Permits thus terminated may be renewed

upon the payment of an additional application fee and the required permit and inspection fees as determined by the Township Engineer and defined within § 297-30.7.

§ 297-19. No transferability of permit.

Permits issued under this article are not transferable from one person to another, and the work shall be carried out only at the location specifically designated in the permit.

§ 297-20. Expiration of permit; extension.

Every permit issued hereunder shall expire at the end of the period of time specified in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present, in writing, to the Engineer a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Engineer, such an extension is warranted, the permittee may be granted such additional time as is reasonably necessary to complete the work.

§ 297-21. Right to use of street.

Every permit issued hereunder shall be granted subject to the right of the Township or any other person entitled thereto to use the street for any purpose for which such street may lawfully be used, with the exception of the specific area needed to perform the work. The permittee shall take all reasonable actions to assure that any restriction on the use of the street shall involve as small an area as possible and shall be of as short duration as possible.

§ 297-22. Revocation of permit.

A. Every permit issued under this article may be revoked by the Engineer after notice for:

(1) Violation of any condition of the permit.

(2) Violation of any provision of this article or any other applicable ordinance or law relating to the work.

(3) The existence of any condition or the doing of any work constituting or creating a nuisance or endangering the lives or property of others.

B. Written notice of such violation shall be served upon the person to whom the permit was granted or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.

C. Upon receiving notice of revocation of a permit, the contractor is immediately to suspend all work that had been authorized by the permit, and promptly backfill and repair any opening. Failure to properly backfill and repair the opening will result in the Township utilizing either the deposit or the performance bond to effect proper repairs. The contractor will be penalized as stated in § 297-30.8.

§ 297-23. Duties and responsibilities of applicant; review of application.

A. It shall be the duty and responsibility of any person applying for a permit to:

(1) Pay an application fee as provided in § 297-30.7. This fee is nonrefundable.

(2) Present a properly completed application form to the Township Engineer's office.

B. The Engineer shall have a minimum of three working days to review the application. The Engineer, after reviewing said application form, will approve or deny the street opening permit.

(1) When the Engineer denies the application, she will so advise the applicant, in writing, along with an explanation as to the reason or reasons the permit is denied.

(2) When the Engineer approves an application, she will advise the applicant as to the requisite fees, as provided in § 297-30.7. She shall further advise the applicant of the applicant's responsibility to provide liability insurance and a surety bond necessary to cover the work proposed in said application and as more particularly set forth in § 297-29 below.

(3) Once the applicant meets all requirements stated by the Engineer, the Engineer will then grant the permit.

C. The application for a permit shall:

(1) Contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Township and the laws of the State of New Jersey in relation thereto.

(2) Furnish, in duplicate, plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces, the location of the excavation work, and such other information as may be prescribed by the Engineer.

(3) Agree to indemnify and hold harmless the Township, its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of said work to be done in said application. The acceptance of any permit under this article shall constitute such agreement by the applicant, whether the same is expressed or not.

§ 297-24. Duties and responsibilities of permittee.

A. It should be the duty and responsibility of any person obtaining a permit to pay a permit fee, nonrefundable (except as provided in § 297-18), for the issuance of an excavation permit, which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The minimum excavation permit fee shall be in the amount varying with the type, amount and age of the surface to be opened, dug or excavated under the permit issued, as provided in § 297-30.7.

B. The applicant shall furnish a certificate of insurance as required by § 297-29 below.

C. The applicant shall deposit with the Township of Montclair a surety bond as required in § 297-29 below.

D. The applicant shall submit, when required by the Engineer, a list of owners and tenants of all property abutting the area where the work authorized by the permit is to be performed.

E. It should be the duty and responsibility of any person obtaining a permit to keep the original copy of the permit at all times while such work is in progress and show such permit upon demand to any authorized representative of the Township.

§ 297-25. General regulations.

A. No openings or excavations in any street shall extend beyond the center line of the street until the surface of the street is restored to a condition safe and convenient for travel.

B. The work of excavation shall be so conducted as not to interfere with any utility lines or connections or other underground facilities, unless permission of the proper authorities in connection with such facilities shall have been obtained.

C. The permittee shall expose all utilities facilities, including sewers, storm drains, gas mains, water mains, telephone and electrical conduits, and other utility obstructions, sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation if necessary.

D. Where a pipe drain, pipe culvert or other structure or facility is encountered, it shall be replaced, restored, straightened or protected by the permittee.

E. If, in the process of his work, the permittee damages any public or private utility property, the utility may make the necessary repairs and file a claim against the permittee with the Township for the cost thereof. If the claim is not paid promptly by the permittee, the amount may be withheld by the Engineer from the deposit or charged against the permittee's performance bond.

F. Any monument of granite, concrete, iron, steel, brass or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the Township shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission, in writing, from the Engineer to do so. Permission shall be granted only upon the condition that the permittee shall pay all expenses incidental to its proper replacement.

G. If any work performed under the permit interferes with the established drainage system of any street, provisions shall be made by the permittee to provide proper drainage to the satisfaction of the Engineer.

H. When any earth, sand, gravel, rock, stone or other excavated material is caused to be deposited upon or to roll, flow or wash upon any street so as to create a nuisance or endanger life or property, the person responsible therefor shall cause the same to be removed immediately from the street upon notification to do so by the Engineer. In the event that it is not removed within eight hours after notification, the Engineer shall cause such removal, and the cost of such removal shall be paid by the permittee or deducted from his deposit.

I. To protect the public, every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Montclair Police Department. All safety requirements and precautionary measures shall be based upon and in conformance with law and specifically, where applicable, the Manual on Uniform Traffic Control Devices, including all amendments (latest edition). Whenever any person fails to provide or maintain the safety devices required by the Police Department, such devices shall be installed and maintained by the Township. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No unauthorized person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this article.

J. While work is in progress and while workmen are on the site, every permittee shall maintain safe crossing for vehicle traffic at all street intersections and safe crossings for pedestrians at intervals of not more than 300 feet. Two lanes of traffic shall be held open at all intersections, where possible, by the removal of dirt and the use of covering steel plates. While work is in progress and workmen are not on the site, all excavations, whether at intersections or elsewhere, shall be covered by steel plates. All plates must lie firmly secured and, when necessary and practical, embedded in bituminous material, so as to withstand the normal flow of traffic on the street. When the size and character of the excavation make it impractical to use steel plates, the permittee shall so advise the Engineer at the time when he applies for his permit and shall not proceed with the work until he obtains the Engineer's consent not to use steel plates.

K. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

L. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. Wherever necessary, in the opinion of the Engineer, in order to expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins will be required to prevent the spreading of dirt into traffic lanes; temporary wooden plank walks shall be installed where the excavated area is muddy and causes inconvenience to pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee or his agent shall keep a passageway at least 1/2 the sidewalk width open along such sidewalk line.

M. In the case of any leak, explosion or other accident in any subsurface pipe, line or other facility, it shall be lawful for the person owning or responsible for such facility to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such facility, the Engineer, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the same on the basis of cost plus 15% to such person.

N. In granting any permit under this article, the Engineer may attach such other conditions thereto as may be reasonably necessary to prevent danger to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

(1) Limitations on the period of the year in which the work may be performed.

(2) Restrictions as to the size and type of equipment.

(3) Designation of routes upon which material may be transported.

(4) The place and manner of disposal of excavated materials.

(5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion thereof.

(6) Regulations as to the use of streets in the course of the work.

§ 297-26. Pavement cuts; restoration.

A. All pavement cuts, openings and excavations shall be properly made and backfilled according to Township specifications.

B. The Engineer must be notified by the permittee not more than 48 hours, nor less than 24 hours, prior to the beginning of work or the date and approximate time at which work will be begun.

C. No work shall be performed by the permittee unless or until the Engineer shall be present or permission has been given by the Engineer to proceed in his absence.

D. Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be four feet or over in depth, the pavement in the base shall be removed at least one foot beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a one-foot shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

E. No tunneling shall be allowed without the express approval of the Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Township Engineer and shall be done only in a method approved by him.

F. The work of restoration to be carried out by the permittee, including both paving surface and paving base, shall be performed as follows:

(1) Every person who opens or excavates any street in the Township shall thoroughly and completely refill the opening or excavation, the surface shall be restored to the same condition as it was before the opening, and such restoration shall be in accordance with the requirements of the Township and specifications of the Department of Transportation of the State of New Jersey, which specifications are hereby adopted as specifications of the Township for restoration of surfaces of public streets in the Township. As restored, the surface shall conform to the part of the street immediately adjoining the opening. If, within two years after the restoration of the surface as herein provided, defects shall appear therein, resulting from defective workmanship by the permittee, he shall reimburse the Township for the cost of all necessary repairs to the permanent paving plus 15%.

(2) Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compaction shall be done by mechanical tampers or by rolling in layers. Backfill material to be used shall only be densely graded aggregate (DOA) conforming to New Jersey Department of Transportation specifications. The use of excavated material or any other material to backfill the trench is allowed only when specifically permitted by the Township Engineer, in writing.

(3) Backfilling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed six inches in thickness. Layers that are power-tamped shall not exceed six inches in thickness.

The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in three-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes 24 inches or less in diameter shall be tamped as specified above to a depth of 18 inches above the tops of the pipe before any additional backfilling is placed thereon.

(4) Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six inches above the rock bottom of the trench, and the space under, around and six inches above the pipe shall be backfilled with clean river sand, noncorrosive soil or 1/4 inch minus gravel. Broken pavement, large stones and debris shall not be used in the backfill.

(5) Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type until the surface is unyielding. The surface shall then be graded as required.

(6) On improved streets, a temporary paving of bituminous concrete, Mix 1-2, six inches thick, placed in two layers, each thoroughly bound and compacted, shall be installed flush with the surface of the adjoining pavement.

(7) Permanent restoration of pavement shall be completed within seven days and shall be in accordance with the Township of Montclair's Pavement Restoration Detail on file in the office of the Township Engineer. Except for restoration of streets and roadways that have been resurfaced or reconstructed within five years prior to the date of the excavation, the restoration of the trench shall be in accordance with the Special Trench Restoration Standard Detail issued by the Township of Montclair Engineering Department and on file in the office of the Township Engineer. This requirement shall apply to all permittees, including, but not limited to, public utilities, contractors, property owners and tenants.

G. In the event that any work performed by or for a permittee shall be, in the opinion of the Engineer, unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him or in the event that the work for which the permit was granted is not completed within the time fixed by the Engineer, the Township may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 15%, to the permittee or his surety.

H. Where trenches are parallel to the street or where a number of cross trenches are laid in close proximity to one another by the permittee or where the equipment used may damage adjacent paved surfaces, it shall be the prerogative of the Engineer to require a negotiated contribution from the permittee for the resurfacing in place of patching of such streets if the total area of the proposed patch or probable damaged area exceeds 15% of the total pavement surfacing between curb faces or between concrete or stone gutter edges in any block. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.

I. After such excavation or opening is commenced, the work of making and backfilling the same shall be prosecuted with due diligence and so as not to obstruct the street more than is actually necessary. If the work is not so prosecuted or if the work does not, in the judgment of the Engineer, comply with the terms of this article, he shall so notify the

person named in the permit and shall require such person, within three days after the service of such notice, to proceed with the diligent prosecution of such work or property to complete the same, as the case may be. If such notice is not complied with, the Township shall do such work as may be necessary to backfill such excavations and to restore the street or part thereof excavated to the same condition as before such excavation was made. All expenses incurred by the Township shall be recovered from the permittee's deposit or surety, plus an administrative charge of 15%. No further permit shall be granted any person unless and until any opening or excavation already made by him has met all requirements of this article. The Engineer shall be the sole judge of proper performance, and his opinion shall be final.

J. The Engineer or his authorized agents shall make daily inspections of all work authorized by permits issued pursuant to this article. The Engineer is empowered to employ an inspector if the Engineer is of the opinion that the work to be performed pursuant to a permit authorized by this article is such that an inspector is necessary to ensure compliance with the various provisions of this article.

K. Upon completion of all work accomplished under the provisions of the permit, the permittee shall notify the Engineer, in writing, on a form prescribed by him. A certificate of final inspection shall be issued by the Engineer to the permittee no sooner than two years after the permanent restoration of the opening or excavation has been made, provided that the work authorized by the permit has been performed according to Township specifications. Prior to the issuance of a certificate, the Engineer shall make a final inspection of the restoration to determine whether Township specifications have been adhered to.

L. If any settlement in a restored area occurs within a period of two years from date of completion of the permanent restoration, it shall in general be as conclusive evidence of defective backfilling. Any expense which may be incurred by the Township in correcting such settlement shall be paid by the permittee or recovered from his bond, plus 15%.

M. Unless part of the work is being performed by the Township, no opening or excavation made by a permittee shall be considered in the charge or care of the Township or of any officer or person employed by the Township, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening or excavation, except in the exercise of police power, where and when it is necessary to protect life and property.

N. If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Engineer shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible.

§ 297-27. Yearly bond may be posted; schedule of charges.

A. Whenever any public utility or municipal authority maintaining underground facilities shall contemplate more than one street opening or excavation per calendar year, it may post a surety bond for the calendar year or part thereof to cover the estimated fees and cost of any and all work. Said bond must be written by a reputable surety company licensed to do business in the State of New Jersey, and the bond shall be conditioned

upon the payment of all charges estimated to be required by this article during the term of the bond. Such bond must be approved by the Township Attorney as to form.
B. Deposit schedule. The Engineer is authorized to establish a schedule of charges for inspections, labor, materials and such other expenses and requirements of this article. The schedule shall be open to public inspection in the office of the Engineer upon demand.

§ 297-28. Decision of Engineer final.
The decision of the Engineer as to the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this article, shall be final and conclusive.

§ 297-29. Certificate of insurance and surety bond required.
A. A certificate of insurance shall be required of the applicant prior to the commencement of work as permitted by this article. Said certificate shall indicate that the applicant is insured against claims for damages for personal injury as well as against claims for property damage which may arise out of or from the performance of the work, whether such performance is done by himself, his subcontractor or anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations. Such insurance shall provide complete third-party coverage for the Township of Montclair and shall at all times be in an amount not less than $1,000,000 for each person, bodily injury; and $1,000,000 for each accident, bodily injury; and for property damages, in an amount not less than $1,000,000. Failure of the applicant to file such certificate shall be grounds for denying a permit; provided, however, that Township departments, franchised public utilities and other governmental agencies may be relieved of the obligation of submitting such a certificate if they do the work contemplated under the permit with their own personnel or with a contractor insured as required. However, such waiver shall not release any such organization from any and all liability under any of the obligations provided herein.
B. Each applicant, upon the receipt of a permit, shall provide the Township with a surety bond to guarantee the faithful performance of the work authorized by said permit and the proper maintenance of said excavation for a period of not less than two years after the closure and completion of said work. The amount of the bond shall be determined by the Engineer. However, in no event shall the bond furnished be in an amount less than $1,000. If the applicant contemplates requesting more than one permit per year as said permits may be required by this article, the Engineer may request the applicant to furnish a single bond as required herein in such amount as the Engineer may deem necessary. Said bond must be written by a reputable surety company licensed to do business in the State of New Jersey and must be in a form as approved by the Township Attorney of the Township of Montclair. The bond shall be noncancelable.

§ 297-30. Notice of default in performance and completion of work.
A. Whenever the Engineer shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given first to the principal and if default has not been corrected to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Engineer to be reasonably necessary for the completion of the work.

B. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, pay over to the Engineer the estimated cost of doing the work as set forth in the notice. Upon the receipt of such moneys, the Engineer shall proceed by such mode as he deems convenient to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of said sum in hand.
C. In the event of any default in the performance of any term or condition of the permit for the work, the surety or any person employed or engaged on his behalf shall have the right to go upon the premises to complete the required work or make it safe.
D. No person shall interfere with or obstruct the ingress or egress to or from any such premises by any authorized representative or agent of any surety or of the Township engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof.

§ 297-30.1. Notification of adjoining property owners and tenants.
If, in the opinion of the Engineer, the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, he shall require the permittee to notify the owners or tenants of such properties and to provide to the Engineer a certification that said permittee has notified the abutting and adjoining property owners and/or tenants, together with a list of those persons notified.

§ 297-30.2. Notification of Police and Fire Departments.
The permittee shall notify, in writing, the Township Police and Fire Departments of his intention to excavate a street within the Township. Such notification shall state the nature of the work to be done and the location of such project. He shall also notify the Police and Fire Public Safety Departments when any openings or excavations have been closed, permitting traffic to flow thereon. The permittee shall, in all cases, be responsible for and required to have traffic directors to maintain traffic with regard to safety and flow.

§ 297-30.3. Enforcement.
The Township Engineer shall be responsible for enforcing all provisions of this article.

§ 297-30.4. Liability of Township.
This article shall not be construed as imposing upon the Township or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor shall the Township or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit or the approval of any excavation.

§ 297-30.5. Notice of improvement.
When the Township shall improve or pave any street, the Engineer shall give notice to all persons owning property abutting on the street about to be paved or improved and to all public utility companies operating in the Township; and all such persons and utility companies shall do all work which would necessitate excavation of the street within 30

~~days from the giving of such notice. The time may be extended if permission has been requested, in writing, and has been approved by the Engineer.~~

~~**§ 297-30.6. Contracts proposed by Township; county and state roads.**~~
~~Street opening permits shall not be required for any contracts proposed by the Township which require the opening of Township streets. Contract proposals requiring the opening of county or state roads will still require the obtaining of permits from those agencies as may currently be in force. All guaranties are provided for within plans and/or specifications so provided by the Township.~~

~~**§ 297-30.7. Fees.**~~
~~A. Excavations.~~

~~(1) Road opening permits, application fee: pay an application fee of $75 upon receiving an application form from the Township Engineer. This fee is nonrefundable.~~
~~(2) Road opening permits, permit fees:~~
~~(a) On streets constructed, reconstructed or resurfaced not more than one year prior to the issuance of the excavation permit, the following fees will be charged in addition to any application fee related to the proposed opening:~~
~~[1] To public utility companies: $250.~~
~~[2] To all other permittees: $500.~~
~~(b) On streets constructed, reconstructed or resurfaced more than one year but fewer than five years prior to the issuance of the excavation permit, $300.~~
~~(c) On streets constructed, reconstructed or resurfaced more than five years but fewer than 10 years prior to the issuance of the excavation permit, $200.~~
~~(d) On streets constructed, reconstructed or resurfaced more than 10 years prior to the issuance of the excavation permit, $150.~~
~~(e) In addition to the fee set forth above, any person subject to § 297-16 shall also pay the cost of inspections conducted on behalf of the Township by third-party professionals. The Township shall require the estimated cost of such inspection(s) to be deposited in escrow at the time of issuance of a permit.~~

~~**§ 297-30.8. Violations and penalties.**~~
~~In case any person shall violate any provisions of this article, any permit issued by the Township to such person under this article shall be revoked, and such person, upon conviction before the courts, shall be sentenced to pay a fine of not more than $2,000 per each day of violation and costs of court. Additionally, such person shall bear all costs associated with remediation work on any constructed, reconstructed, or resurfaced road.~~

SECTION 2.

Part II, General Legislation of the Revised General Ordinances of the Township of Montclair, New Jersey, 2000, shall be amended and supplemented by replacing Chapter 297 Streets and Sidewalks, Article II Excavation in Streets:

§ 297-15. Definitions.

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT

Any person who makes application for a permit.

EMERGENCY

Any unforeseen circumstance which calls for immediate action due to an immediate threat to public health, safety, life, or property, including natural gas leaks, water main breaks, sewer backups, or hazardous electrical failures.

ENGINEER

The Township Engineer of the Township of Montclair or their authorized deputy, representative or inspector, or a licensed engineer engaged by the Township to perform the engineering services required by this article.

MINOR EXCAVATION

Any trench opening, which shall be no greater in length than the width of the roadway where the work is being performed and no greater opening than 5 feet in width. Any opening larger in size than that described hereinabove shall be considered a major excavation at the discretion of the Township Engineer when determining fees and restoration requirements.

MAJOR EXCAVATION

Any trench opening, or combination of trench openings, which are greater in length than the width of the roadway where the work is being performed and / or greater than 5 feet in width.

MORATORIUM STREET

Any Township Street, roadway, right-of-way, or public alley that has undergone full reconstruction, milling, resurfacing, or structural overlay within the preceding seven (7) years (84 months) starting from December 31st of the project completion calendar year.

PERMITTEE

Any person who has been issued a permit and has agreed to fulfill all the terms of this article.

PERSON

Includes any natural person, partnership, firm, association, utility or corporation.

RIGHT-OF-WAY

The surface of, and the space above or below, any public street, road, lane, path, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held

by the Township as an easement or in fee simple ownership, or any other area that is determined by the Township to be a right-of-way.

STREET

The improved portion of the right-of-way of any public street, public highway, public way, public road or public easement within the Township, including that portion of the right-of-way improved with curbs and sidewalks.

TOWNSHIP

The Township of Montclair, Essex County, New Jersey.

TOWNSHIP-OWNED UTILITY

Water, sewer, stormwater, or other public utility operations which are owned, operated, and maintained directly by the Township of Montclair.

§ 297-16. Permit required.

A. It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of any street, except for the erection of public utility poles, as provided for by the Public Utility Law, without first securing a permit from the Township of Montclair for each separate undertaking.

B. In no event shall any street opening occur within seven (7) years (84 months) of any street being designated as a moratorium street, which shall commence from the date of final completion and municipal acceptance of any street reconstruction, milling, overlay, or paving project, except in the events provided in Subsection C below.

C. Any person maintaining pipes, lines or underground conduits in or under the surface of any street by virtue of any law, ordinance or franchise may proceed with an excavation or opening without a permit when emergency circumstances demand the work be done immediately and where the permit could not reasonably and practically have been obtained beforehand. Such person, however, shall thereafter apply for a permit on the first regular business day on which the office of the Township Engineer is open for business, and said permit shall be retroactive to the date when the work was begun. A waiver for exceptions to moratorium streets shall be evaluated on a case-by-case basis at the discretion of the Township.

D. A public utility under a Municipal Consent to open public streets shall not be required to post the required deposit if said utility has posted with the Township a surety bond in the amount of fifty thousand ($50,000.00) dollars guaranteeing the restoration and maintenance of all streets disturbed by the utility, said bond to be renewed annually. Notwithstanding, public utilities performing street excavations exceeding fifty (50) linear feet shall be required to complete full-width roadway resurfacing within one calendar year of utility work completion. All restoration work shall comply with the most recent New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction. Public utilities must also

obtain and retain preconstruction photographs of the roadway, curb, sidewalk, and surrounding area before starting any work, which shall be made available to the Township Engineer upon request.

E. Escrow account to be established by this chapter as required for Major Excavations. Refer to section § 297-35d.

§ 297-17. Limit to authorized work.
No person to whom a permit has been granted under the provisions of this article shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that, upon approval by the Engineer and payment of the additional fee, additional work may be done under the provisions of the permit in an amount not greater than 10% of the amount specified in the permit, as determined by the Engineer. Any deposit and bond posted in connection with the original permit shall be deemed to cover such additional work as may be approved pursuant to this section.

§ 297-18. Commencement of work; permit fees; exception.
Work for which a permit has been issued pursuant to this article shall commence within one calendar year after the issuance of the permit thereof. If not commenced, the permit shall be automatically terminated, unless notice for renewal is provided to the Township. A limit of one renewal per permit application is permitted.

§ 297-19. No transferability of permit.
Permits issued under this article are not transferable from one person to another, and the work shall be carried out only at the location specifically designated in the permit.

§ 297-20. Expiration of permit; extension.
Every permit issued here under shall expire at the end of the period of time specified in §297-18. If the permittee shall be unable to complete the work within the specified time, the permittee shall, prior to expiration of the permit, present, in writing, to the Engineer a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Engineer, such an extension is warranted, the permittee may be granted.

§ 297-21. Maintenance and Protection of Traffic.
Any excavation permit that requires a roadway closure, a traffic detour plan shall be submitted as part of the permit application. A traffic detour plan may be waived at the discretion of the Engineer.

§ 297-22. Revocation of permit.

A. Every permit issued under this article may be revoked by the Engineer after notice for:

(1) Violation of any condition of the permit.

(2) Violation of any provision of this article or any other applicable ordinance or law relating to the work.

(3) The existence of any condition or the doing of any work constituting or creating a nuisance or endangering the lives or property of others.

B. Written notice of such violation shall be served upon the person to whom the permit was granted or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.

C. Upon receiving notice of revocation of a permit, the contractor is immediately to suspend all work that had been authorized by the permit and promptly backfill and repair any opening. Failure to properly backfill and repair the opening will result in the Township utilizing either the deposit or the performance bond to effect proper repairs. The contractor will be penalized as stated in § 297-37.

§ 297-23. Duties and responsibilities of applicant.

A. It shall be the duty and responsibility of any person applying for a permit to:

(1) Pay an application fee as provided in § 297-35. This fee is non-refundable.

(2) Present a properly completed application package to the Township Engineer's office.

B. The Engineer shall have a minimum of fifteen business days to review the application. The Engineer, after reviewing said application form, will approve or deny the street opening permit.

(1) When the Engineer denies the application, the Engineer will advise the applicant, in writing, along with an explanation as to the reason or reasons the permit is denied.

(2) When the Engineer approves an application, the Engineer will advise the applicant as to the requisite fees, as provided in § 297.35, and the requirement to provide liability insurance and a surety bond as set forth in § 297-29.

(3) Once the applicant meets all requirements stated by the Engineer, the Engineer will then grant the permit.

(4) It should be the duty and responsibility of any person obtaining a permit to keep the original copy of the permit while such work is in progress and

show such permit upon demand to any authorized representative of the Township.

C. The application for a minor excavation permit shall include the following:

(1) The name, address, and phone contact of the applicant; the name, address, and phone contact of the property owner(s); the name, address, e-mail address, and twenty-four-hour phone contact of the contractor(s)/subcontractor(s) performing the work; with the name of the Township road to be opened [with notation to cross streets and immediately adjacent street address(es)]; the nature of work to be performed; linear feet and square footage of trench opening, and the anticipated start and completion dates.

(2) Completed right-of-way construction permit application checklist with supporting required documents.

(3) Contain an agreement on behalf of the applicant that the work shall be done in full compliance with the ordinances of the Township and the laws of the State of New Jersey in relation thereto.

(4) Furnish, in duplicate, sketch(es) showing the extent of the proposed excavation work, the dimensions the location of the excavation work, and such other information as may be prescribed by the Engineer.

(5) Agree to indemnify and hold harmless the Township, its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of said work to be done in said application. The acceptance of any permit under this article shall constitute such agreement by the applicant, whether the same is expressed or not.

(6) A draft copy of the required public notice to be issued to adjacent properties located within 200 feet of the subject property a minimum of 48 hours prior to mobilization.

(7) Payment in the form of a check or money order made payable to the "Township of Montclair" or in the form of a valid credit card. No cash will be accepted. Including all application fees, and any applicable moratorium fees.

D. The application for a major excavation permit shall include the following:

(1) The name, address, and phone contact of the applicant; the name, address, and phone contact of the property owner(s) / Utility Owner, as applicable; the name, address, e-mail address, and twenty-four-hour phone contact of the contractor(s)/subcontractor(s) performing the work; with the name of the Township road to be opened [with notation to cross streets and immediately adjacent street address(es)]; the nature of work to be performed; linear feet

and square footage of trench opening, and the anticipated start and completion dates.

(2) Completed right-of-way construction permit application checklist with supporting required documents.

(3) Contain an agreement on behalf of the applicant that the work shall be done in full compliance with the ordinances of the Township and the laws of the State of New Jersey in relation thereto.

(4) Furnish, in duplicate, plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces, the location of the excavation work, traffic control and detour plan and such other information as may be prescribed by the Engineer.

(5) Agree to indemnify and hold harmless the Township, its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of said work to be done in said application. The acceptance of any permit under this article shall constitute such agreement by the applicant, whether the same is expressed or not.

(6) A draft copy of the required public notice to be issued to adjacent properties located within 200-feet of the subject property or 200-feet from the excavation limits, whichever is more restrictive, minimum of 48 hours prior to mobilization.

(7) Acknowledgement of the required pre-construction meeting, with contact information and availability to schedule the same. Additional requirements may be provided at this meeting at the discretion of the Township, which will be provided in writing after the meeting.

(8) Payment in the form of a check or money order made payable to the "Township of Montclair" or in the form of a valid credit card. No cash will be accepted. Including all application fees, escrow deposits, and any applicable moratorium fees.

§ 297-24. General regulations.

A. The work of excavation shall be conducted so as not to interfere with any utility lines or connections or other underground facilities, unless permission of the proper authorities in connection with such facilities shall have been obtained.

B. Where a pipe drain, pipe culvert or other structure or facility is encountered, it shall be replaced, restored, straightened or protected by the permittee, at the discretion of the Township Engineer.

C. Any monument of granite, concrete, iron, steel, brass or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the Township shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission, in writing, from the Engineer to do so. Permission shall be granted only upon the condition that the permittee shall pay all expenses incidental to its proper replacement.

D. If any work performed under the permit interferes with the established drainage system of any street, provisions shall be made by the permittee to provide proper drainage to the satisfaction of the Engineer.

E. When any earth, sand, gravel, rock, stone or other excavated material is caused to be deposited upon or to roll, flow or wash upon any street so as to create a nuisance or endanger life or property, the person responsible therefor shall cause the same to be removed immediately from the street upon notification to do so by the Engineer. In the event that it is not removed within eight hours after notification, the Engineer shall cause such removal, and the cost of such removal shall be paid by the permittee or deducted from his deposit.

F. To protect the public, every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Montclair Police Department. All safety requirements and precautionary measures shall be based upon and in conformance with law and specifically, where applicable, the Manual on Uniform Traffic Control Devices, including all amendments (latest edition). Whenever any person fails to provide or maintain the safety devices required by the Police Department, such devices shall be installed and maintained by the Township. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No unauthorized person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this article.

G. While work is in progress and while workmen are on the site, every permittee shall maintain safe crossing for vehicle traffic at all street intersections and safe crossings for pedestrians at intervals of not more than 300 feet. Two lanes of traffic shall be held open at all intersections, where possible, by the removal of dirt and the use of covering steel plates. While work is in progress and workmen are not on the site, all excavations, whether at intersections or elsewhere, shall be covered by steel plates. All plates must lie firmly secured and, when necessary and practical, embedded in bituminous material, so as to withstand the normal flow of traffic on the street. When the size and character of the excavation make it impractical to use steel plates, the permittee shall so advise the Engineer at the time when he applies for his permit and shall not proceed with the work until he obtains the Engineer's consent not to use steel plates.

H. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants. Any property owner(s) who will have restricted driveway access due to the permitted work shall be notified a minimum of 24 hours in advance.

I. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. Wherever necessary, in the opinion of the Engineer, in order to expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins will be required to prevent the spreading of dirt into traffic lanes; temporary wooden plank walks shall be installed where the excavated area is muddy and causes inconvenience to pedestrians. If the street is not wide enough to hold the excavated material, the same shall be removed from the site and disposed of in accordance with all applicable laws and regulations.

J. In the case of any incident in any subsurface pipe, line or other facility, it shall be lawful for the person owning or responsible for such facility to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such facility, the Engineer, after such notice as deemed necessary under the circumstances of the particular case, shall proceed to do the same on the basis of cost plus 15% to such person.

K. In granting any permit under this article, the Engineer may attach such other conditions thereto as may be reasonably necessary to prevent danger to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

(1) Limitations on the period of the year in which the work may be performed.

(2) Restrictions as to the size and type of equipment.

(3) Designation of routes upon which material may be transported.

(4) The place and manner of disposal of excavated materials.

(5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noises and other results that are offensive or injurious to the neighborhood, the general public, or any portion thereof.

(6) Regulations as to the use of streets in the course of work.

(7) Restoration requirements at the sole discretion of the Township.

§ 297-25. Pavement cuts; restoration.

A. All pavement cuts, openings and excavations shall be properly made and backfilled according to Township specifications.

B. The Engineer must be notified by the permittee not more than 48 hours, nor less than 24 hours, prior to the beginning of work or the date and approximate time at which work will begin.

C. No work shall be performed by the permittee unless or until the Engineer or designee shall be present or permission has been given by the Engineer to proceed.

D. Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be four feet or over in depth, the pavement in the base shall be removed at least one foot beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a one-foot shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

E. No tunneling shall be allowed without the express approval of the Engineer and permission therefore endorsed upon the permit. The backfilling of a tunnel excavation shall be done only in the presence of the Township Engineer or his/her designee and shall be done only by an approved method.

F. The work of restoration to be carried out by the permittee or permittee's subcontractor(s), including both paving surface and paving base, shall be performed as follows:

(1) Every person who opens or excavates any street in the Township shall thoroughly and completely refill the opening or excavation, the surface shall be restored to the same condition as it was before the opening, and such restoration shall be in accordance with the requirements of the Township and specifications of the Department of Transportation of the State of New Jersey, which specifications are hereby adopted as specifications of the Township for restoration of surfaces of public streets in the Township. As restored, the surface shall conform to the part of the street immediately adjoining the opening. If, within two years after the restoration of the surface as herein provided, defects shall appear therein, resulting from defective workmanship by the permittee. The permittee will be notified of the same by the Township and will be required to return to perform the necessary corrective action. Should the permittee fail to return within 45 days, the posted surety bond will be utilized to cover the cost of the repairs in accordance with § 297-35.

(2) Backfilling in any street opened or excavated pursuant to a road opening permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compaction shall be done by mechanical tampers or by rolling in layers. Backfill material to be used shall only be densely graded aggregate (DOA) conforming to New Jersey Department of Transportation specifications. The use of excavated material or any other material to backfill the trench is allowed only when specifically permitted by the Township Engineer, in writing.

(3) Backfilling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed six inches in thickness. Layers that are power-tamped shall not exceed six inches in thickness. The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling of all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in three-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes 24 inches or less in diameter shall be tamped as specified above to a depth of 18 inches above the tops of the pipe before any additional backfilling is placed thereon.

(4) Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six inches above the rock bottom of the trench, and the space under, around and six inches above the pipe shall be backfilled with clean river sand, noncorrosive soil or 1/4 inch minus gravel. Broken pavement, large stones and debris shall not be used in the backfill.

(5) Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type until the surface is unyielding. The surface shall then be graded as required.

(6) On improved streets, a temporary paving of bituminous concrete, mix 1-2, six inches thick, placed in two layers, each thoroughly bound and compacted, shall be installed flush with the surface of the adjoining pavement.

(7) Permanent restoration for Minor Excavation of pavement shall be completed within thirty days and shall be in accordance with the Township specifications. Except for restoration of streets and roadways that have been resurfaced or reconstructed within seven years prior to the date of the excavation. The restoration of the trench shall be infrared repaired after a trench settlement period of 90 days from the completion of the work. Additional restoration requirements may be prescribed at the discretion of an authorized Township Representative which will be provided in writing.

(8) Permanent restoration for Major Excavation of pavement shall be completed after 90 days of trench settlement and within one calendar year from completion of the permitted work. The required restoration shall be curb-to-curb milling and paving to the furthest extents of the trenched roadway. Additional restoration requirements may be prescribed at the discretion of an authorized Township Representative, which will be provided in writing.

G. In the event that any work performed by or for a permittee shall be, in the opinion of the Township, unsatisfactory. The permittee will be notified of the same by the Township and will be required to return to perform the necessary corrective action. Should the permittee fail to return within 45 days, the posted surety bond will be utilized to cover the cost of the repairs in accordance with § 297.35.

H. The Engineer or his/her designee shall make daily inspections of all work authorized by permits issued pursuant to this article. The Engineer is empowered to employ an inspector if the Engineer is of the opinion that the work to be performed pursuant to a permit authorized by this article is such that an inspector is necessary to ensure compliance with the various provisions of this article.

I. Upon completion of all work accomplished under the provisions of the permit, the permittee shall notify the Engineer in writing. A certificate of final inspection shall be issued by the Engineer to the permittee no sooner than two years after the permanent restoration of the opening or excavation has been made, provided that the work authorized by the permit has been performed according to Township specifications, at the request of the Applicant. Prior to the issuance of a certificate, the Engineer shall make a final inspection of the restoration to determine whether Township specifications have been adhered to.

J. If any settlement in a restored area occurs within a period of two years from date of completion of the permanent restoration, it shall in general be as conclusive evidence of defective backfilling. Any expense which may be incurred by the Township in correcting such settlement shall be paid by the permittee via the posted surety bond in accordance with § 297-35.

K. Unless part of the work is being performed by the Township, no opening or excavation made by a permittee shall be considered in the charge or care of the Township or of any officer or person employed by the Township, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening or excavation, except in the exercise of police power, where and when it is necessary to protect life and property.

L. If, at the discretion Engineer, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Engineer shall have full power to order, at the

time the permit is granted, that a crew and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible.

§ 297-26. Public Utility Bonds

A. Any public utility maintaining underground facilities may post a surety bond in the amount required in § 297-16D. Said bond must be written by a reputable surety company licensed to do business in the State of New Jersey, and the bond shall be conditioned upon the payment of all charges estimated to be required by this article during the term of the bond. Such bond must be approved by the Township Attorney as to form. If any portion of the posted amount is drawn down, the same must be replenished prior to any additional permit applications being accepted. Engineering Cost Determination.

B. Deposit schedule. The Engineer is authorized to establish a schedule of charges for inspections, labor, materials and such other expenses and requirements of this article.

C. The decision of the Engineer as to the cost of any work done or repairs made by the Township, pursuant to the provisions of this article, shall be final and conclusive.

§ 297-28. Certificate of insurance and surety bond required.

A. A certificate of insurance shall be submitted as part of the application package to the Township. Said certificate shall indicate that the applicant is insured against claims for damages for personal injury as well as against claims for property damage which may arise out of or from the performance of the work, whether such performance is done by the permitee, authorized subcontractor or anyone directly or indirectly employed by the permitee. Such insurance shall include protection against liability arising from completed operations. Such insurance shall provide complete third-party coverage for the Township of Montclair and shall at all times be in an amount not less than $1,000,000 for each person, bodily injury; and $1,000,000 for each accident, bodily injury; and for property damages, in an amount not less than $1,000,000. Failure of the applicant to file such certificate shall be grounds for denying a permit; provided, however, that Township departments, franchised public utilities and other governmental agencies may be relieved of the obligation of submitting such a certificate if they do the work contemplated under the permit with their own personnel or with a contractor insured as required. However, such waiver shall not release any such organization from any and all liability under any of the obligations provided herein.

B. Each applicant shall provide the Township with a surety bond to guarantee the faithful performance of the work requested and the proper maintenance of said excavation for a period of not less than two years after the closure and completion of said work as part of the application package. The amount of the bond shall be determined by the Engineer. However, in no event shall the bond furnished be in an

amount less than $10,000. If the applicant contemplates requesting more than one permit per year as said permits may be required by this article, the Engineer may request the applicant to furnish a single bond as required herein in such amount as the Engineer may deem necessary. However, in no event shall the bond furnished be in an amount less than $25,000. Said bond must be written by a reputable surety company licensed to do business in the State of New Jersey and must be in a form as approved by the Township Attorney of the Township of Montclair. The bond shall be non-cancelable. If any portion of the posted amount is drawn down, the same must be replenished prior to any additional permit applications being accepted.

§ 297-29. Notice of default in performance and completion of work.
A. If the Engineer determines that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given first to the principal and if default has not been corrected to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Engineer to be reasonably necessary for the completion of the work.

B. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, pay over to the Township the estimated cost of doing the work as set forth in the notice. Upon the receipt of such money, the Engineer shall proceed by such mode deemed convenient to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of said sum in hand.

C. In the event of any default in the performance of any term or condition of the permit for the work, the surety or any person employed or engaged on the agency's behalf shall have the right to go upon the premises to complete the required work or make it safe.

D. No person shall interfere with or obstruct the ingress or egress to or from any such premises by any authorized representative or agent of any surety or of the Township engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof.

§ 297-30. Notification of adjoining property owners and tenants.
As required in § 297-23C (6) for minor excavations or § 297-23D (6) for major excavation, the Applicant shall provide the requisite public notices. Proof of notification shall be provided to the Engineer prior to commencement of work.

§ 297-31. Notification of Police and Fire Departments.
The permittee shall notify, in writing, the Township Police and Fire Departments of the intention to excavate a street within the Township. Such notification shall state the nature of the work to be done and the location of such project. The permittee shall also notify the Police and Fire Public Safety Departments when any openings or excavations have been closed, permitting traffic to flow thereon. The permittee

shall, in all cases, be responsible for and required to have traffic directors to maintain traffic with regard to safety and flow.

§ 297-32. Enforcement.
The Township Engineer or his/her designee shall be responsible for enforcing all provisions of this article.

§ 297-33. Liability of Township.
This article shall not be construed as imposing upon the Township or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor shall the Township or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit or the approval of any excavation.

§ 297-34. Contracts proposed by Township; county and state roads.
Street opening permits shall not be required for any contracts proposed by the Township and / or operations performed by a Township owned Utility which require the opening of Township streets. Contract proposals requiring the opening of county or state roads will still require the obtaining of permits from those agencies as may currently be in force. All guaranties are provided for within plans and/or specifications so provided by the Township.

§ 297-35. Fees.
A. Excavations.

(1) Road opening permits, application fee: pay an application fee of $200 upon submission of an application package to the Township Engineer. This fee is non-refundable.

(2) Road opening permits, permit fees:

(a) Minor Excavation Fee: $500.

(b) Major Excavation Fee: $500 plus $3.00 per square foot over 100 square feet.

(c) Moratorium Fee Schedule:

1. Within preceding 1 year: $5,000.00.
2. Within preceding 2 to 3 years: $2,500.00.
3. Within preceding 4 to 5 years: $1,500.00.
4. Within preceding 6 to 7 years: $1,000.00.

(d) In addition to the fee set forth above, any person subject to § 297-16 shall also pay the cost of inspections conducted on behalf of the Township by third-party professionals. The Township shall require the estimated cost of

such inspection(s) to be deposited in escrow at the time of issuance of a permit. The initial deposit shall be no less than $10,000.00. If funds are drawn down to under $1,000.00, additional $10,000.00 deposits will be required throughout the duration of the project.

§ 297-37. Violations and penalties.
In case any person shall violate any provisions of this article, any permit issued by the Township to such person under this article shall be revoked, and such person, upon conviction before the courts, shall be sentenced to pay a fine of not more than $2,000 each day the violation persist and court cost. Additionally, such person shall bear all costs associated with remediation work on any constructed, reconstructed, or resurfaced road.

SECTION 3.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section. Finding or holding any such portion to be unconstitutional, void, or ineffective shall not affect any other portion of this Ordinance. All ordinances or portions of ordinances inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

SECTION 4.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Department of Public Works 219 N. Fullerton Ave Montclair, NJ 07042 Tel: 973-509-5700

MEMORANDUM

TO: Stephen D. Marks Township Manager

FROM: Michael Primavera, Interim Director of Public Works

DATE: October 27, 2026

RE: Ordinance to amend Chapter 297 Streets & Sidewalks Article II Street Excavations

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The Montclair Department of Public Works reviewed Ordinance 297 Article II which has not been amended since August of 2014. The ordinance was originally designed to cover the street only on an address-by-address basis. In recent years Montclair has seen an uptick in major upgrades to electrical, gas and other infrastructure governed by the Board of Public Utilities. The ordinance as currently constituted has no section protecting Township streets and ensuring full restoration. The current version before you has a number of changes and additions to ensure residents, when doing work under on what is defined as minor excavations, can still perform their work without worrying about being forced to do a major restoration.

The ordinance now defines major excavations as anything over five feet in width and any length greater than the width of the road. Any excavation that falls under what is defined as major would require curb to curb restoration within the limits as defined by the Township Engineer.

The ordinance also creates a longer moratorium for the current ordinance only has a 2-year moratorium. The new ordinance creates a 7-year moratorium and also creates fees attached to timeframes when a road is required to be excavated within the 7-year window. A 7-year moratorium was chosen based on surrounding towns, many have either 5 or 10- year moratoriums. The best option after much thought was to fall in the middle.

We have increased and added fees to this ordinance. There will now be an escrow fee added for inspectors from a township contracted engineering firm to ensure the Township is not encumbering the costs. Along with this there will be moratorium fees added based on how long after road competition an excavation will occur.

The Department of Public Works is requesting the council pass this amendment to ensure that our streets and residents who use them are protected from roads being left in a manner that is unsuitable. This ordinance will also ensure the Townships Capital Budget isn’t used to supplement work performed by outside entities.

AGENDA ITEM NO. E

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Water & Sewer Utilities
ITEM TYPE:	Ordinance
AGENDA SECTION:	**NEW BUSINESS ORDINANCE(S)**
SUBJECT:	Ordinance amending Part II. General Legislation of the revised General Ordinances of the Township of Montclair, New Jersey, 2000, as amended and supplemented to add Section 341.5.1 Lead Service Line to Chapter 341 Water, Article I: Facilities, Use; Rates and Charges

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ATTACHMENTS:

Ordinance amending Part II. General Legislation of the revised General Ordinances of the Township of Montclair, New Jersey, 2000, as amended and supplemented to add Section 341.5.1 Lead Service Line to Chapter 341

O-26-
TOWNSHIP OF MONTCLAIR

ORDINANCE AMENDING PART II, GENERAL LEGISLATION OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO ADD SECTION 341.5.1 LEAD SERVICE LINE TO CHAPTER 341 WATER, ARTICLE I: FACILITIES, USE; RATES AND CHARGES.

November 24, 2026 (date of introduction)

WHEREAS, the State of New Jersey passed the Lead Service Line Replacement Law (P.L 2021, Ch.183), pursuant to N.J.S.A. 58:12A-1 *et seq.* which requires all public community water systems to inventory, notify customers about, and fully replace all lead and galvanized steel lines by July 2031; and

WHEREAS, the Township of Montclair's Water Bureau has been tasked with overseeing the removals and meeting the States deadline.

NOW, THEREFOREBE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF MONTCLAIR, COUNTY OF ESSEX, NEW JERSEY, THAT:

Note: Additions are shown in **Bold and Underlined**. Deletions are shown in ~~Strikeouts~~.

SECTION 1.

Part II, General Legislation of the Revised General Ordinances of the Township of Montclair, New Jersey, 2000, shall be amended and supplemented by adding Section 341-5.1 Lead Service Lines of Chapter 341 Water, Article I: Facilities, Use; Rates and Charges:

§ 341-5.1 Lead Service Lines

A. Definition.
Definitions As used in this section, the following terms shall mean:

CONTRACTOR
A licensed vendor that contracts with the Township of Montclair to replace lead service lines.

DWELLING
Any room or group of rooms or any part thereof containing one or more dwelling units.
This chapter shall also apply to buildings and structures.

DWELLING UNIT
Any room or groups of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking, eating or bathing.

LEAD SAFE
Any condition that does not allow access or exposure to lead, in any form, to the extent that adverse human health effects are possible.

LEAD SERVICE LINE
The water line on private property that leads to the structure or building that is connected to the curb box in the street. This is also described and defined as the "service pipe."

LEAD SERVICE LINE REPLACEMENT PROGRAM(S)
The Township of Montclair, from time to time, when funding is available, may engage in a public contract to remove and replace known or documented lead service and supply lines which will be performed at no cost to the property owner or occupant.

LEAD SUPPLY LINE
The water line within the Township right-of-way that leads from the curb box into the street to the water main. This is also described and defined as the "supply pipe." This section of piping is owned and maintained by the Township of Montclair.

OCCUPANT

A person or persons in actual possession of and living in the building or dwelling unit.

OWNER

Any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or who has equitable title and is either in actual possession or collects rents therefrom; or who is executor, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents has charge, care or control of any dwelling or rooming house.

UNKNOWN SERVICE LINE

Water service material that is not on record or has not been identified by homeowner plumber or Township Representative.

B. Lead Service Lines Prohibited.

(1) It is hereby established that the existence of lead service as defined by the New Jersey Department of Environmental Protection ("NJDEP") is prohibited within the Township of Montclair ("Township") or any address served by the Montclair Water Bureau that is not within Montclair but part of Montclair's water system.

(a) Unknown service lines are considered by the Township to be lead lines as defined by the NJDEP. Owners must provide proof of line as stated in subsection C below.

C. Exclusion from Requirement; Proof Required.

(1) A property owner may be excluded by:

(a) Self-certifying by submitting a photo to the Water Bureau and written proof from a licensed plumber that there is no lead service line on the property; OR

(b) Proof that the lead line was replaced by providing the invoice and a copy of the plumbing permit approval sticker.

D. Mandatory Replacement of Lead Service Line.

(1) The owner of any dwelling, building or structure serviced by a lead service line is required to have the lead service line on their property replaced in accordance with the following options:

(a) Participation in the Lead Service Line Replacement Program offered by the Township of Montclair at no cost to the owner:

[1] Lead Service Line must be verified by the Montclair Water Bureau prior to being eligible to participate in the program.

[2] Right of Entry must be signed and returned to the Montclair Water Bureau prior to being eligible to participate in the program as stated in subsection E.

(b) Replacing the Lead Service Line on their own and at their own expense. If the owner selects this option, the owner is required to provide the Township proof that the Lead Service Line has been replaced. Proof must include at a minimum: a permit issued by the Township to a licensed plumber that is authorized to do the work: invoice from the contractor who completed the work and an inspection verifying removal.

E. Authorization to Access Property.

(1) Unless an owner has provided proof that it does not have a lead service line pursuant to subsection C above, the Town or contractor shall seek to gain access to building to identify or replace lead service line. Whenever the Township or contractor is unable to gain access to the premises to either identify and/or replace a lead service line, then:

(a) The Town or contractor shall send by certified and regular mail to the owner of the premises reflected by tax roll that the contractor is unable to gain access to the premises and requests that the owner communicate with the contractor within two weeks of the date the letter to set a reasonable date and time when access can be achieved;

(b) The same letter will also be posted to the premises where access is needed;

(c) If no access is gained within 10 days of the transmittal of the second notice, the Township shall enforce its rights as stated in section 341-19 until access is granted.

(2) If the owner of the dwelling, building or structure does not participate in the Lead Service Line Replacement Program or is inaccessible or otherwise denies access to the property as stated above in subsection E, then the Township may proceed as follows

(a) The Township may secure entrance to the property from the owner or current occupant of the dwelling, building or structure, and the Township shall incur no liability from the owner. The Township or contractor will provide a Right of Entry form for completion. The Right of Entry will provide the Township or contractor access to verify and replace Lead Service Line.

(b) If access is granted by the occupant of the dwelling, building or structure, the occupant shall be held harmless, and no liability shall be incurred to the Township, contractor or occupant due to the replacement of the Lead Service Line by the Township; and

(c) If access is denied by the current occupant or owner, then the Township may commence procedures including Court action, to conduct the replacement of the lead service line at the owner's expense or may seek court action requiring the owner to replace the Lead Service Line within 90 days, at the owners sole cost.

F. Proof of Lead Service Line Replacement Required for Certificate of Smoke Detector, Carbon Monoxide Detector and Portable Fire Extinguishers.

(a) Upon the sale or transfer of ownership of any dwelling, building or structure that occurs from the date this ordinance is codified the owner must provide proof that the lead service line has been replaced in order to secure a Certificate of Smoke Detectors, Carbon Monoxide Detectors and Portable Fire Extinguishers.

(b) Upon the transfer of any Township owned property within 90 days of closing, the buyer is responsible for replacing the Lead Service Line, by either participating in the Townships program if available or replacing at the sole cost of the owner as stated in subsection D above.

SECTION 2.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section. Finding or holding any such portion to be unconstitutional, void, or ineffective shall not affect any other portion of this Ordinance. All ordinances or portions of ordinances inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

SECTION 3.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

AGENDA ITEM NO. F

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Planning, Zoning, and Community Development
ITEM TYPE:	Ordinance
AGENDA SECTION:	**NEW BUSINESS ORDINANCE(S)**
SUBJECT:	An ordinance to amend Chapter 65 Affordable Housing of the Code of the Township of Montclair, New Jersey to include enforcement provisions for affordable housing.

ATTACHMENTS:

An ordinance to amend Chapter 65 Affordable Housing of the Code of the Township of Montclair, New Jersey to include enforcement provisions for affordable housing.

PENDING ORDINANCE O-26-

TOWNSHIP OF MONTCLAIR
AN ORDINANCE TO AMEND CHAPTER 65 AFFORDABLE HOUSING OF THE CODE OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY TO INCLUDE ENFORCEMENT PROVISIONS FOR AFFORDABLE HOUSING

November 24, 2026 (date of introduction)

WHEREAS, pursuant to N.J.S.A. 52:27D-313(a), the Township Council of the Township of Montclair petitioned the Affordable Housing Dispute Resolution Program ("Program") to review and approve its Fourth Round Housing Element and Fair Share Plan by and through a Complaint for Declaratory Judgment, Docket No. ESX-L-000297-25; and

WHEREAS, the Township of Montclair Planning Board adopted a Fourth Round Housing Element and Fair Share Plan (HEFSP) pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. and the Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element; and

WHEREAS, a Consent Order determining Final Compliance Certification (N.J.S.A. 52:27D-304(q)) of Montclair Township's HEFSP was issued by the Superior Court of New Jersey on September 3, 2026; and

WHEREAS, the Township of Montclair's Fourth Round HEFSP promotes an affordable housing program that includes a variety of programs designed to maintain and create affordable housing but does not include the provisions for enforcement pursuant to P.L. 2024, c.2, which amended the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*); and

WHEREAS, Chapter 65 Affordable Housing of the Montclair Code must be amended to implement and incorporate the relevant provisions of the HEFSP addressing enforcement of affordable housing regulations pursuant to the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Montclair, in the County of Essex, State of New Jersey that it hereby amends Chapter 65 of the Montclair Code as follows:

§ 65-18.2 Enforcement of Affordable Housing Regulations

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the Township may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The Township may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

   a. A fine of not more than $2,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

   b. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected and payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

   c. The Township shall have the authority to levy fines against the owner of the development for instances of noncompliance with New Jersey Housing Resource Center ("NJHRC") advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be $5,000, the fine for the second offense of noncompliance shall be $10,000, and the fine for each subsequent offense of noncompliance shall be $15,000.

C. The Township may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

1. Such judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Township , including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred

by the Township in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the Township for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Township for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the Township. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the owner or forfeited to the Township.

3. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
4. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Township may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
5. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the Township shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the Township, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

D. It is the responsibility of the Municipal Housing Liaison and the Administrative Agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an Administrative Agent or Municipal Housing Liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same

size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the Municipal Housing Liaison or the Administrative Agent to refer a certified tenant.

E. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

F. The Agency and the Department hereby reserve, for themselves and for each Administrative Agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

G. Appeals. Appeals from all decisions of an Administrative Agent appointed pursuant to this subchapter must be filed, in writing, with the Municipal Housing Liaison. A decision by the Municipal Housing Liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an Administrative Agent's decision is a final administrative action.

§ 65-18.3. Severability.

If any sentence, paragraph, section, or other component of this chapter, or the application thereof to any person or circumstance is adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any of the foregoing components loses its force and effect, such judgement or action will apply only to the specific component under consideration and will not affect, impair, or void the remaining provisions of this chapter.

AGENDA ITEM NO. G

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Planning, Zoning, and Community Development
ITEM TYPE:	Ordinance
AGENDA SECTION:	**NEW BUSINESS ORDINANCE(S)**
SUBJECT:	An ordinance to amend Chapter 65 Affordable Housing of the Code of the Township of Montclair, New Jersey to include enforcement provisions for affordable housing

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ATTACHMENTS:

An ordinance to amend Chapter 65 Affordable Housing of the Code of the Township of Montclair, New Jersey to include enforcement provisions for affordable housing

PENDING ORDINANCE O-26-

TOWNSHIP OF MONTCLAIR
AN ORDINANCE TO AMEND CHAPTER 65 AFFORDABLE HOUSING OF THE CODE OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY TO ADDRESS ASSISTED LIVING FACILITIES, GROUP HOMES AND SUPPORTIVE HOUSING

November 24, 2026 (date of introduction)

WHEREAS, pursuant to N.J.S.A. 52:27D-313(a), the Township Council of the Township of Montclair petitioned the Affordable Housing Dispute Resolution Program ("Program") to review and approve its Fourth Round Housing Element and Fair Share Plan by and through a Complaint for Declaratory Judgment, Docket No. ESX-L-000297-25; and

WHEREAS, the Township of Montclair Planning Board adopted a Fourth Round Housing Element and Fair Share Plan (HEFSP) pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. and the Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element; and

WHEREAS, a Consent Order determining Final Compliance Certification (N.J.S.A. 52:27D-304(q)) of Montclair Township's HEFSP was issued by the Superior Court of New Jersey on September 3, 2026; and

WHEREAS, the Township of Montclair's Fourth Round HEFSP promotes an affordable housing program that includes assisted living facilities, group homes and supportive housing pursuant to P.L. 2024, c.2, which amended the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*); and

WHEREAS, Chapter 65 Affordable Housing of the Montclair Code must be amended to implement and incorporate the relevant provisions of the HEFSP addressing assisted living facilities, group homes and supportive housing pursuant to the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of Montclair, in the County of Essex, State of New Jersey that it hereby amends Chapter 65 of the Montclair Code as follows:

§ 65-3. Programs.

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H. Assisted Living Residence.

(1) At least 20 percent of the apartments in the facility shall be restricted to low- and moderate-income households.

(2) The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.

(3) A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.

(4) Assisted living units are considered age-restricted housing and shall be included with the maximum number of units that may be age-restricted.

(5) Low- and moderate-income residents cannot be charged any upfront fees which include one-time, initial payments required upon move-in that are separate from ongoing monthly rent or personal care charges.

(6) The units shall comply with UHAC with the following exceptions:

(a) Affirmative marketing provided that the units are restricted to recipients of Medicaid waivers;

(b) All of 5:80-26.4 (affordability average, bedroom distribution) does not apply to assisted living facilities except (j), efficiency is affordable to 1 person, one bedroom affordable to 1.5 people household and a 2 bedroom unit is affordable two a 2 person household or a 2 one person household.

(c) The deed restriction may be on the facility, rather than individual apartments or rooms;

(d) Low/moderate income split and affordability average only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and

(e) For assisted living units, the combined cost of rent, food, and services may not exceed 80 percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4. The affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

I. Supportive Housing and Group Homes

(1) The following provisions apply to group homes, residential health care facilities, and supportive shared living housing:

(a) Supportive housing units, including group homes, must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable, and may, with the approval of the Municipal Housing Liaison and the Administrative Agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

(b) Units may, with the approval of the Administrative Agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.

(c) Bedrooms may be counted as individual units if they are within restricted units that are group homes, other arrangements in which households live in distinct bedrooms and may share kitchen and plumbing facilities, central heat, and common areas, or provider-managed housing.

(d) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

(e) Occupancy shall not be restricted to youth under 18 years of age.

(f) Pursuant to N.J.A.C. 5:80-26.4(f), in affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.

(g) The bedrooms and/or units shall comply with UHAC with the following exceptions:

i. Affirmative marketing;

ii. Affordability average and bedroom distribution.

(h) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Fair Housing Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

(i) Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

(j) The following documentation shall be submitted by the sponsor to the Township prior to marketing the completed units or facility:

i. An Affirmative Marketing Plan; and

ii. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

(b) The sponsor/owner shall complete annual monitoring, including the special needs housing survey, facility license, certificate of occupancy, and affordability controls, as directed by the Municipal Housing Liaison.

AGENDA ITEM NO. 1

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Finance Department
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Bills List

ATTACHMENTS:

Bill List Resolution
Bill List
Payroll Summary Sheet
ACH Checks
Manual Checks

Montclair

BILL LIST RESOLUTION

WHEREAS, INVOICES AGAINST THE TOWNSHIP OF MONTCLAIR, IN FAVOR OF THE FOLLOWING PERSONS FOR THE AMOUNTS SET OPPOSITE THEIR RESPECTIVE NAMES, HAVE BEEN RECEIVED; DULY AUDITED AND FOUND CORRECT; AND

WHEREAS, THE PROCESSING, REVIEW, AND PAYMENT OF INVOICES HAVE BEEN CONDUCTED IN ACCORDANCE WITH LOCAL FINANCE NOTICE 2019-02 AND PURSUANT TO THE NEW JERSEY LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 *et seq*., INCLUDING APPLICABLE PROMPT PAYMENT REQUIREMENTS MANDATING THE TIMELY PAYMENT OF PROPERLY SUBMITTED AND APPROVED INVOICES WITHIN PRESCRIBED STATUTORY TIMEFRAMES; AND

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, THAT SAID INVOICES BE AND THEY ARE HEREBY ORDERED PAID, AND THAT CHECKS BE DRAWN BY THE FINANCE DEPARTMENT TO THE ORDER OF SUCH PERSONS FOR THE AMOUNTS RESPECTIVELY AND HEREINAFTER STATED ON THE COMPUTER PRINT-OUT ATTACHED HERETO AND MADE A PART HEREOF:

BILL LIST DATE: November 24, 2026 TOTAL: $ $ 30,450,283.30

TOWNSHIP OF MONTCLAIR

OFFICE OF THE CHIEF FINANCIAL OFFICER

INTEROFFICE MEMORANDUM

DATE: November 17, 2026

TO: Mayor and Township Council

FROM: Peter George, CFO / Director of Finance

SUBJECT: November 24, 2026 Bill List

Following is a preliminary version of the Bill List, aggregating $ 30,450,283.30 to be presented for approval at the November 24, 2026 Council Meeting. Should any changes be required, a listing of adjustments will accompany a revised Bill List that will be submitted on the day of the Council Meeting for your review.

TOWNSHIP OF MONTCLAIR

SUMMARY OF BILL LISTS

MEETING OF November 24, 2026

FUND	AMOUNT
CURRENT FUND	$ 28,509,634.44
GENERAL TRUST	$ 372,790.52
GENERAL CAPITAL	$ 268,325.74
WATER OPERATING	$ 706,409.03
WATER CAPITAL	$ 20,805.54
PARKING UTILITY OPERATING FUND	$ 62,186.59
ANIMAL CONTROL TRUST FUND	$ 39.00
STATE UNEMPLOYMENT TRUST FUND	$ 94,655.95
SECTION 8 FUND	$ 4,948.97
POLICE FORFEITURE TRUST FUND	$ 0.00
PARKING CAPITAL FUND	$ 0.00
SEWER OPERATING FUND	$ 30,741.18
SEWER CAPITAL FUND	$ 346,419.25
ICE ARENA UTILITY OPERATING FUND	$ 32,077.09
ICE ARENA UTILITY CAPITAL FUND	$ 1,250.00

TOTAL $ 30,450,283.30

IT IS HEREBY CERTIFIED
that the vouchers covering the above funds are
available in the respective accounts to be charged.

_____

Peter George, CFO / Director Finance

Rev 5-2026

List of Bills

All Funds

Meeting Date: 11/24/2026 For bills from 11/10/2026 to 11/17/2026

Vendor	PO	Description	Amount	Check Total
STICKEL,KOENIG,SULLIVAN, DRILL	2605353	Professional Services for Planning and Community Dev. Nov. 2026	585.00	**585.00**
Acuity Consulting Services, LLC	2605464	Professional Services for Planning Afford. Housing Admin. Agent Sept.&	4,690.50	**4,690.50**
Alert-All Corp.	2605012	2,000 Custom Black & Red Fire Hats	1,460.00	**1,460.00**
Amazon.com Services, Inc.	2605081	Pens, Measuring Devices, CO Detector	412.91	**412.91**
Amazon.com Services, Inc.	2605287	SENIOR SERVICES - SUPPLIES	423.05	**423.05**
Amazon.com Services, Inc.	2605296	10/23/26--Charger for Motorola APX 4000 dock, shop towles all purpose	222.67	**222.67**
Amazon.com Services, Inc.	2605383	10-PACK WATCH BATTERIES	5.99	**5.99**
Amazon.com Services, Inc.	2605390	Fire Prevention Office Supplies - Blanket PO	226.49	**226.49**
Amazon.com Services, Inc.	2605483	RECYCLER MOWER HANDLE	69.68	**69.68**
AMERICAN ROYAL HARDWARE	2605194	BLANKET: MISCELLANEOUS PURCHASES | CARPET CLEANER	6.29	**6.29**
AMERICAN ROYAL HARDWARE	2605198	CHRISTMAS TREE LIGHTS AND KEYS	1,566.65	**1,566.65**
AMERICAN ROYAL HARDWARE	2605210	BLANKET: MISCELLANEOUS PURCHASES | DUCT TAPE, ELECTRICIAL TAPE	25.60	**25.60**
AMERICAN ROYAL HARDWARE	2605233	BATTERIES, PADLOCKS, DUCT TAPE, AND TOOLS FOR DPW AND 205	364.24	**364.24**
AMERICAN ROYAL HARDWARE	2605290	Shelter Supplies - 11.05.26	125.41	**125.41**
AMERICAN ROYAL HARDWARE	2605322	9/23.9/30.10/20.10/26.10/28.11/04 Power strip, keys, bolts, washers, h	168.84	**168.84**
AMERICAN ROYAL HARDWARE	2605375	FD Elec Plugs, Duct Tape, Painters Tape, and Zip Ties	66.53	**66.53**
AMERICAN ROYAL HARDWARE	2605448	Hardware Item	62.06	**62.06**
AMERICAN WEAR INC.	2605249	UNIFORM WKLY RENTALS FOR THE GARAGE	42.90	
	2605259	UNIFORM WKLY RENTALS FOR THE GARAGE	42.90	
	2605382	UNIFORM WKLY RENTALS FOR THE GARAGE	42.90	
	2605480	UNIFORM WKLY RENTALS, WIPERS & HAND CLEANERS FOR THE GARAGE	42.90	**171.60**
Appletree	2605346	November Phone Answering Service for Dept. of Utilities	1,079.66	**1,079.66**
ARC AUTO GLASS	2605271	Rearview Mirror for SU-5	65.00	**65.00**
Architetural Heritage Consultants,	2605343	Professional Services Blanket for HPC Architect Consultant- Oct. 2026	281.25	
	2605359	Professional Services Blanket for HPC Architect Consultant- Oct. 2026	303.75	**585.00**
Armor Tuff, LLC	2604852	FD Flooring Materials & Installation of Communication Room Station #3	795.00	
	2605117	FD Purchase of Groves Brand Extractors & Dryers	62,975.00	**63,770.00**
ASSC OF MUNC ASSR OF ESSEX CTY	2605191	AMAEC HOLIDAY LUNCHEON	180.00	**180.00**
AT&T	2605349	FD Long Distance Bill Close 10.18.26	79.01	**79.01**
AT&T Mobility LLC	2605232	ATT/FIRSTNET October 2026 Acct# 287289900417 - Mobile Phones	2,506.37	**2,506.37**
Atlantic Coast Recylcing, LLC	2605316	PROCESSING AND DISPOSAL OF RECYCLABLE MATERIALS	11,880.48	**11,880.48**
ATLANTIC UNIFORM CO., INC.	2605386	HOLSTER WITH CONPACT LIGHT	237.50	
	2605465	PRISONER SECURITY/LAW ENFORCEMENT ACCESSORIES	115.99	**353.49**
BELGIOVINE/BROUGHTON GRILL	2605212	BLANKET: LUNCH SERVICE | DISPATCH INTERVIEWS	252.00	**252.00**
Best, Joseph	2605345	Work Boots Reimbursement- Joe Best	99.24	**99.24**
BIG BELLY SOLAR, INC.	2605248	SOLAR POWERED SIDEWALK RECEPTACLES THROUGHOUT MONTCLAIR 11/ 1 TO 12/ 1	10,257.02	**10,257.02**
BOB FRASER MASTER LOCKSMITHS	2605273	CHANGE LOCKS HEALTH DEPT DOORS - FRONT AND SIDE	1,063.00	
	2605334	Shelter - Med Room door 11.05.26	816.00	**1,879.00**
Borough of North Arlington	2605195	RANGE FEES	1,600.00	**1,600.00**
Bowco Laboratories Inc.	2605437	FD Regular Service Rats	124.80	**124.80**
BRANDON, CRAIG	2605344	2026 BOOT REIMUBURMENT	118.39	**118.39**
CAPP LLC	2604422	REPLACEMENT OF THE ELEVATOR BUTTON AT 205 CLAREMONT AVE	550.00	**550.00**
CDW GOVERNMENT, INC.	2605068	FD Electronics	2,781.50	**2,781.50**
CERTIFIED SPEEDOMETER SERVICE	2605206	BLANKET: FLEET CALIBRATIONS | SERVICE DATE 10/20/2026	400.00	**400.00**
CIVIL SOLUTIONS	2605208	Tax Map for 2028 Town wide revaluation	22,500.00	**22,500.00**
CLEARY GIACOBBE ALFIERI JACOBS, LLC	2605268	Tax Appeal Attorney - professional services rendered for September 1,	592.00	
	2605295	2026 Conflict Litigation Atty R-25-283 adpt 12/16/25 Legal Svcs Sept 2	9,860.50	**10,452.50**

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Vendor	PO	Description	Amount	Check Total
CONCENTRA MEDICAL CENTERS	2605169	2026 med svcs and fees (10/15/26 - 10/20/26)	1,154.50	
	2605258	2026 med svcs and fees (10.21.26 - 10.27.26)	669.50	**1,824.00**
CRJ CONTRACTING CORPORATION	2605199	Final retainage paymt.- Upper Mountain Ave Water Main Project 2026-Bid	20,805.54	**20,805.54**
Crossroads Pavement Maintenance, LL	2605214	TOWN HALL PARKING LOT IMPROVEMENTS	102,391.82	**102,391.82**
CUSTOM BANDAG INC.	2605281	TIRES FOR DCS 35	1,837.56	
	2605282	TIRES FOR DCS 137	2,639.60	
	2605283	TIRES FOR DCS 118	2,639.60	
	2605284	TIRES FOR DCS 140	2,639.60	**9,756.36**
Dan Swayze & Son, Inc.	2605472	TRAFFIC MARKINGS, SYMBOLS, AND LINE STRIPING AT 219 NO FULLERTON	37,183.69	**37,183.69**
DEBCO EQUIPMENT COMPANY	2605470	7 RM-110	175.00	**175.00**
DENVILLE LINE PAINTING	2605314	TRAFFIC STRIPING ON VARIOUS ROADS	9,466.53	**9,466.53**
Devin Close	2605103	Reimbursement to the IT Director - Air Travel to VerkadaOne 2026	620.18	
	2605294	Reimbursement to the IT Director - NJ public sector cybersecurity Summ	112.77	**732.95**
DIAL ENVIRONMENTAL	2605299	Monthly Pest Control Services Aug-Sept 2026	202.12	
	2605363	PEST CONTROL @ 219 N. FULLERTON AVE - NOVEMBER 2026	362.25	**564.37**
DIAL PEST CONTROL, INC.	2605374	FD Emergency Call and Nov Monthly Service	450.00	**450.00**
DIAMOND ROCK SPRING WATER	2605222	EDGEMONT SUPPLIES	186.50	**186.50**
DiFrancesco Bateman P.C.	2605267	Tax Appeal Attorney for professional services rendered September 1, -	7,677.50	**7,677.50**
DYNAMIC TESTING SERVICES, INC.	2605270	Nov 2026 monthly testing svcs	190.00	**190.00**
EAST COAST EMERGENCY LIGHTING	2604692	FLEET STRIP OUTS | REMOVAL OF EQUIPMENT FROM OLD VEHICLES	5,874.64	
	2604693	FLEET STRIP OUTS | STRIP OUT & INSTALLATION OF RADAR UNITS	1,386.00	**7,260.64**
Eastern Pest Services	2605202	Rodent Baiting Services at 54 Watchung Avenue -Sept-Oct.	315.00	**315.00**
ECUA RRF ESCROW ACCOUNT	2603028	2026 TIPPING FEES FOR 6/01/26-06/15/26	34,620.90	
	2605285	2026 TIPPING FEES - 2026 TIPPING FEES FROM 10/16 TO 10/31	34,034.08	**68,654.98**
Edmunds Gov Tech, Inc.	2604355	Credit card Hardware Ingenico DX4000 with Magic Box Adapter	1,542.00	**1,542.00**
Emerald Sports Management, LLC	2605479	OPERATIONS MANAGEMENT CLARY ANDERSON ICE ARENA (RFP26-P26)	5,833.33	**5,833.33**
Encore Fire Protection	2605368	FD Clean Agent Suppression Inspection - FIKE SHP PRO (In radio server	600.00	
	2605394	FD Semi Annual Wet Sprinkler Inspection, Clean Agent & Kitchen Suppres	1,895.50	
	2605438	FD Full Functional Fire Alarm Inspection - 1 Pine St	604.00	**3,099.50**
Enterprise Fleet Management, Inc.	2605387	Lease of Fleet Vehicles for Police | NOV INVOICE	15,554.46	**15,554.46**
Environmental Renewal LLC	2605254	2026 LEAF REMOVAL SERVICES	778.10	
	2605286	2026 LEAF REMOVAL SERVICES	778.10	
	2605457	2026 LEAF REMOVAL SERVICES	1,766.38	**3,322.58**
Essex County Recovery Bureau Inc.	2605443	TOWING OF A TRUCK AND SEA BOX	550.00	**550.00**
Expert Abstract, LLC	2605337	Title Searches for Home Improvment Program Oct. 2026	260.00	**260.00**
Firefighter One LLC	2605257	FD Hose Couplings	2,632.24	**2,632.24**
FMS Soutions LLC	2602845	UPFITTING FOR NEW MOTOR | ADDTL LIGHTING ACCESSORIES FOR M3	1,196.60	**1,196.60**
FOLEY INCORPORATED	2603975	Service for Generators 2026	4,261.30	**4,261.30**
FROGGY'S FOG	2604895	Smoke Generator for Fire Department - Training	1,739.97	**1,739.97**
GILL ASSOCIATES	2604901	Badges for Adult Recreational Programs	380.00	**380.00**
GOVERNANCE & FISCAL AFFAIRS	2605041	Comprehensive Procument Review Class for I. Roman	350.00	**350.00**
Graci, Ariel	2605219	NJ RISK ASSESSOR LEAD CLASS - REIM	70.00	
	2605329	REIMBURSEMENT ARIEL GRACI - HEALTH LEAD ID	19.99	**89.99**
GRAINGER, INC.	2605158	FD Blanket PO - Quick Connect Filter, Urinal Screen & Mat	478.22	
	2605221	FD Blanket PO - Janitorial Supplies, PT, Hand Soap, Detergent, and TP	1,146.21	
	2605367	FD Hand Soap, Urinal Screen, Air Freshener	894.20	
	2605436	FD FD Dry Erase Board	421.37	**2,940.00**
GRAINGER, INC.	2605319	NEW SENIOR SERVICES HUB - REFRIGERATOR	1,058.00	**1,058.00**
GREGORY, BRAEDON	2605330	Reimbursement - BHG - PHR recert/cert fees	219.00	**219.00**

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HILL'S PET NUTRITION , INC.	2605276	Animal Shelter Pet Food - 9/24-10/18/26	772.90	**772.90**
HINDS, COURTNEY	2605216	2026 BOOT REIMUBURMENT	150.00	**150.00**
HIRERIGHT, LLC	2605265	Oct 2026 monthly background checks	1,133.14	**1,133.14**
HSI EMERGENCY CARE SOLUTIONS, INC.	2605132	HSI Blanket PO - FD Training	483.60	**483.60**
HUDSON COUNTY MOTORS, INC.	2605269	AUTO PARTS FOR REPAIR ON DCS 132	2,223.31	
	2605328	REPAIRS FOR DCS 134	287.48	
	2605481	V CLAMP FOR DCS 100 AND CREDIT	30.60	**2,541.39**
Hurley, Judy	2605407	SENIOR SERVICES REIMBURSEMENT PROGRAM SUPPLIES	367.70	**367.70**
INTERNATIONAL CODE COUNCIL INC	2604719	FD '18 IFC New Jersey Edition	2,070.97	**2,070.97**
Jacob R. Nieman	2605293	AASHTO Design Guides	802.50	**802.50**
Jani-King of New Jersey, Inc.	2605350	Cleaning 54 Watchung Ave-October 2026	563.20	**563.20**
Jay's Exterminating Service	2605468	BLANKET: MONTHLY PEST | RODENT CONTROL | NOVEMBER 2026	149.00	**149.00**
Jonmatt Construction Group LLC	2604745	1 X 7 CHAIR RAIL	3,125.00	**3,125.00**
Kazmi, Zainab	2605370	APA Membership- Z.K. September 2026	756.70	**756.70**
KW Rastall, LLC	2605307	GASOLINE FUEL DELIVERED ON 10/22/26	22,589.98	**22,589.98**
LANGUAGE LINE SERVICES	2605304	BLANKET: 2026 OVER-THE-PHONE-TRANSLATION | OCTOBER	86.12	**86.12**
LIFESAVERS, INC.	2604539	FD Defibtech Lifeline AED High Use Battery Packs	924.75	**924.75**
Lighting Auto Spa LLC	2605469	BLANKET: 2026 FLEET CAR WASHES | AIR FRESHENERS | JUNE - SEPTEMBER	915.00	**915.00**
Lowe's Home Centers, LLC	2605255	Hoses for Animal Shelter	189.92	**189.92**
M & D AUTOMOTIVE	2605250	FED OIL FILTER FOR BD 6	82.45	
	2605317	PEAK LIGHTING FOR DCS 137	6.45	
	2605324	09/04/2026--Vehicle PA412 Oil filter lucas oil brakeleen and oil greas	90.17	
	2605331	OIL GREASE FOR DCS 60, FED OIL FILTER FOR DCS 67, BENCHMARK FOR DCS 74	391.88	
	2605476	SPARK PLUG FOR SPREADERS AND FILTERS FOR P 30	111.83	**682.78**
MARAVIGLIA, PATRICIA	2605452	PAYROLL SUPPORT SERV. 9/25-10/7/26	862.50	**862.50**
McGrath Rentcorp dba	2605224	FD 8x40 Storage Double-Door-Rent 10/20/2026 to 11/18/2026	145.00	**145.00**
MGL PRINTING SOLUTIONS	2604662	tax, water & sewer office envelopes	1,041.00	
	2604663	5k delinquent tax notices	1,026.00	
	2604868	50 count 1099 forms & envelopes	102.50	
	2605261	TOWNSHIP LOGO AND BLANK ENVELOPES FOR DCS	338.00	**2,507.50**
Michael Baker International	2605373	Preparation of Montclair Local Safety Action Plan & Demo Projects-Oct.	51,469.11	**51,469.11**
Midwest Veterinary Supply, Inc.	2605197	Animax Ointment	71.21	**71.21**
Miranda, Diego	2605227	SPANISH HERITAGE MONTH - ENTERTAINMENT - DJ	500.00	**500.00**
MONTCLAIR AMBULANCE UNIT	2605228	R-26-116 - OPIOID Settement Fund Program- Montclair Ambulance Unit	13,420.56	**13,420.56**
MONTCLAIR MOTORWERKS INC.	2605460	BLANKET: FLEET REPAIRS & SERVICE | NOVEMBER 2026	152.00	**152.00**
Morris Brick and Stone	2605366	10 yards of Mulch delivered	331.31	**331.31**
MR. JOHN	2605318	PORTABLE TOILET FACILITIES AT VARIOUS LOCATIONS THROUGHOUT MONTCLAIR	2,167.56	**2,167.56**
NAT'L FUEL OIL CO	2604943	DIESEL FUEL DELIVERED 9/24/2026	20,609.60	
	2605218	DIESEL FUEL DELIVERED ON 10/30/26	21,304.86	**41,914.46**
NATIONAL WATER MAIN CLEANING COMPAN	2605211	Sanitary Sewer Rehabilitation Project 2026 (R-26-056)	346,419.25	**346,419.25**
NEGLIA ENGINEERING ASSOCIATES	2605120	PHASE 2 OF THE WATERSHED IMPROVEMENT PLAN FROM 9/1/26 TO 9/30/26	8,487.50	
	2605192	2026 MUNICIPAL ROAD MAINTENANCE PROGRAM FROM JULY 1ST TO SEPTEMBER 30T	118,488.70	**126,976.20**
New Jersey Department of Labor	2605449	UI QTR Ending 9-30-26	94,655.95	**94,655.95**
NEW JERSEY FIRE EQUIPMENT	2605223	FD 2026 Blanket PO Firefighter Protective Clothing & Equipment	1,089.45	
	2605395	FD Alterations, Repairs & Addition	2,904.50	**3,993.95**
NJ DEPT OF HEALTH & SENIOR SRV	2605241	MONTHLY DOG REPORT DUE TO STATE OCT 2026 LIC #876 - 895	39.00	**39.00**
NJ MOTOR VEHICLE COMMISSION	2605253	Annual Admin Fee for MVC CAIRS Online Access Program	150.00	
	2605396	Fire Prevention Annual Administrative Fee for Online Access	150.00	**300.00**

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NJMMA	2605229	NJMMA ANNUAL CONFERENCE REGISTRATION-S.MARKS, MANAGER 11/03/2026	420.00	**420.00**
NJRPA	2605234	Professional Membership Registration for 2026-2027	680.00	**680.00**
NORTH JERSEY MEDIA GROUP	2605215	Montclair Times Notices- Planning and Community Development Dept. Oct.	52.00	**52.00**
NORTHEASTERN ARBORIST SUPPLIES	2605217	CHAIN LOOP FOR SHADE TREE	24.99	
	2605477	HOSE FOR PARKS	108.26	**133.25**
ONE CALL CONCEPTS, INC.	2605348	811-One Call Messages July-October	3,222.40	**3,222.40**
Pace Analytical Services, LLC	2605398	Laboratory Analysis Services for Drinking Water	337.69	**337.69**
PARKER McKAY P.A.	2604269	2026 Affordable Housing Special Counsel Attorney R-25-375 (12/16/2025)	640.00	**640.00**
PennyMac Loan Services, LLC	2604351	2026 TAX REFUND FOR 504-17, 181 HIGHLAND AVE.	9,349.61	**9,349.61**
Philadelphia Business Forms Company	2605263	Door hangers for meter reading notifications	827.04	**827.04**
Pitney Bowes	2605435	FD SendPro Mailstation Ink - Red # SL-870-1	392.64	**392.64**
PJ Building Cleaning LLC	2605213	CLEANING DETAIL | CELL BLOCK SHOWERS	770.00	**770.00**
PM AM CORPORATION	2605467	BLANKET: 2026 ALARM REGIST., FALSE ALARM TRACKING & BILLING SERVICES |	2,610.95	**2,610.95**
PRINTING TECHNIQUES	2605078	DOG AND CAT RENEWAL APPLICATIONS	1,205.00	**1,205.00**
PROSTOCK AUTO PARTS	2605308	PRIMEGUARD FOR SWEEPERS	140.88	**140.88**
PUBLIC SERVICE ELECTRIC & GAS	2605320	202 Glenridge Ave 08.08.26-09.08.26 Account 7685892804 BILL DATE: 10.0	920.01	
	2605325	13 The Crescent, 15 Park Street, Valley Road & Bellevue Ave. Account:	4,802.57	**5,722.58**
PUBLIC SERVICE ELECTRIC & GAS	2605397	October Electric Service (Water Bureau Locations)	55,086.16	**55,086.16**
Public Service Electric & Gas	2605422	ANNUAL RENTAL FEE FOR CAMERA ATTACHMENTS FOR 2 POLES 08/01/26 - 07/31/	81.18	**81.18**
REGIONAL COMMUNICATION, INC	2605205	ANTENNA CONNECTOR REPAIR FOR CAR #217	289.89	**289.89**
RICHVIEW CONSULTING	2605458	ARBORIST CONSULTING -AUGUST AND SEPTEMBER 2026	14,014.00	**14,014.00**
Ridgecrest Animal Hospital	2605196	Veterinary Services - 3.12.26, 7.27.26	360.30	**360.30**
ROUTE 23 AUTO MALL	2605309	LAMP FOR BD 6, ARM- WIPE FOR BD 6	323.55	
	2605347	Parts for SU-7 Sewer Vehicle	226.20	
	2605381	COVER FOR BD 6	7.20	**556.95**
RSC ARCHITECTS	2605225	Architect for the Renovations and Repairs as they relate to Clary Ande	1,250.00	
	2605226	ON-CALL SERVICES RELATED TO REPAIRS OF CLARY ANDERSON...(RFP 26-P04) 2	950.00	**2,200.00**
SANITATION EQUIPMENT CORP.	2605157	REPAIR FOR DCS TRUCK 132	3,155.47	
	2605252	ROLLER FOR DCS 132	833.66	
	2605482	REPAIRS TO TRUCK DCS 101	13,462.32	**17,451.45**
Solarwinds Worldwide, LLC	2605244	Solarwinds Contract termination fee	340.12	**340.12**
SONNY ELECTRIC INC.	2605315	INSTALLED A NEW 20 AMP DUPLEX ELECTRICAL RECEPTACLE OUTLET IN THE FINA	337.60	
	2605478	DPW ELEVATOR UPGRADES	4,288.76	**4,626.36**
STAPLES	2605010	Various office supplies for all DPW divisions: pens, markers, trash ca	958.88	
	2605015	VARIOUS OFFICE SUPPLIES FOR DCS-2027 CALENDARS AND PLANNERS	236.86	
	2605021	Office Supplies Planning/Community Development Department	199.52	
	2605028	HEALTH DEPARTMENT OFFICE SUPPLIES	1,161.88	
	2605136	Staples Order	581.90	
	2605163	Office Supplies Planning/Community Development Oct 28, 2026	57.26	
	2605167	FD Office Supplies - Blanket PO	408.36	
	2605204	Sec 8- Office Supplies	195.11	
	2605262	Annual order for Office Supplies for Dept. of Utilities	1,947.38	**5,747.15**
STAPLES	2605323	10/08/2026 Trifold Brochure Holders and supplies	228.65	
	2605362	FD Microfiber cloth, pledge, White Out, Post Its, Binder Clips, Pens a	213.73	
	2605444	FD Standing Desk	345.73	**788.11**
STICKEL,KOENIG,SULLIVAN, DRILL	2605352	Professional Services Blanket for BOA Attorney-Oct. 2026	1,529.00	**1,529.00**
STUDIO 042 OF MONTCLAIR	2605371	FD Printing 8.5x14 booklet folded to 8.5x7 full color printed Mylar/po	35.00	
	2605372	Printing 4.25x5.5 Fold over card, printed on side, blank inside 14pt c	190.00	
	2605393	FD Block Party Posters	125.00	**350.00**

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SUPERIOR DISTRIBUTORS	2605427	RED 6 OVAL FOR DCS 52	49.08	**49.08**
Szaferman, Lakind, Blumstein &	2604270	Professional Services Blanket for HPC Attorney- July 2026	390.00	
	2605431	Professional Services Blanket for HPC Attorney- Sep. & Nov. 2026 Inv.	510.00	**900.00**
The Big Ad-Vantage LLC	2603681	FD Apparel	365.00	**365.00**
THE HOME DEPOT PRO	2605160	FD Deckmate, Screws, Nails and Trim	649.40	**649.40**
THE PRINTER'S PLACE	2605246	Nameplate for Planning Board- Kevin Stoute	30.00	**30.00**
Toler, Aminah	2605292	Reimbursement for XJ Images invoices	600.00	**600.00**
Rutgers Center for Gov't Services	2605166	Housing Liaison HP 66006 FA 26-1	217.00	**217.00**
TREASURER, STATE OF NEW JERSEY	2605242	3RD QUARTER MARRIAGE LICENSE REPORT 2026	1,250.00	**1,250.00**
TREASURER, STATE OF NJ	2605209	PUBLIC HEALTH LIC RENEWAL	250.00	
	2605356	PUBLIC HEALTH LIC RENEWAL	100.00	**350.00**
TURN OUT FIRE & SAFETY	2605364	FD Uniform Captain Ferenz Shirt, Embroidery and Alterations	326.50	
	2605440	FD Company Shirt	374.50	
	2605441	FD Pants Shirt Embrodiery Trousers	474.00	**1,175.00**
TURN OUT UNIFORMS, INC.	2605306	BLANKET: 2026 CROSSING GUARD UNIFORMS | J. WODNICK	35.99	
	2605321	10/09/2026---UFX Polo Shirts for PEOGuimares and PEO Powtan	299.94	**335.93**
USA BLUE BOOK	2605399	Hydrant Tags	1,025.50	**1,025.50**
VERIZON	2605302	Broadband Services Account number; 84205912-00001 Bill Period 09.11.26	119.18	**119.18**
VERIZON BUSINESS	2605272	BLANKET: ACCT #: 6000031589 X26 --- 2026 MONTHLY PHONE SERVICE | NOVEM	7,899.39	**7,899.39**
VERIZON BUSINESS	2605277	Animal Shelter - Verizon bill October 2026	370.12	**370.12**
VERIZON BUSINESS	2605326	Monthly Service Fees Account # 550-785-930-0001-12 Bill Date :9.18.26&	1,731.71	**1,731.71**
VERIZON RBCC	2605355	EDGEMONT VERIZON CHARGES OCTOBER 2026	254.23	**254.23**
VERIZON WIRELESS	2605243	2026 VZW Acc:642106978-00001 (SEP 25 - OCT 24, 2026) - Ipads	458.70	**458.70**
Visual Computer Solutions, Inc.	2605298	8/21.8/22.10/23.10/24.10/25.10/26-- Pedestrianization Closure--MPD Dut	10,238.40	**10,238.40**
Vital Control Records	2605280	FD 2026 Shredding	32.28	
	2605333	BLANKET: CONSOLE CONTENT DESTRUCTION/SHRED-IT SERVICE | OCTOBER 2026	211.20	
	2605391	FD Office Shredding 10 16 26	16.14	**259.62**
VSP	2605107	Nov 2026 Vision Plan	1,793.00	**1,793.00**
W.B. MASON CO., INC.	2605279	FD Blanket PO - Water	69.52	
	2605311	Shelter - Water 10/23/26	24.15	
	2605360	FD Blanket PO - Water ,Poland Speing 1/2L, 24/ct	160.00	
	2605376	Water Delivery Planning and Community Development Blanket Oct. 2026	4.83	**258.50**
W.B. MASON COMPANY INC.	2605108	Shelter Cleaning supplies - 10.23.26	1,269.70	**1,269.70**
WATERS, MCPHERSON, MCNEILL, P.C,	2605385	Prof. Svcs. through 10/31/26- Bond Counsel	5,000.00	**5,000.00**
WELDON ASPHALT CO.	2605408	TOP FINE MIX FOR STREETS	890.42	
	2605409	TAC-KOTE PAIL FOR STREETS	497.56	**1,387.98**
William J. Guarini, Inc.	2605475	BLANKET: EMERGENCY SERVICE CALL | LEAKS INTERIOR CELL TOILET	250.00	
	2605484	REPAIRS ON 219 NO FULLERTONS BOILER AND KAVENY FIELD RPZ REPLACED	942.16	**1,192.16**
Y Landscape Design	2605256	Sept./Oct. Landscape Goods, Design, Native Plants Consultation and Ser	2,000.00	
	2605264	Landscape Goods, Design, Native Plants Consultation and Services	1,000.00	**3,000.00**
Totals			**1,351,165.34**	**1,351,165.34**

Total By Account

Account	Description	Current Yr	Approp. Yr	Other	Credit
01-107-00-000-000	Receivables with Full Reserves			9,349.61	
01-201-20-100-020	TOWNSHIP MANAGER O.E.	5,637.00			
01-201-20-105-020	HUMAN RESOURCES O.E.	3,516.14			
01-201-20-110-020	TOWNSHIP COUNCIL O.E.	600.00			
01-201-20-120-020	TOWNSHIP CLERK O.E.	581.90			
01-201-20-131-020	ACCOUNTING & TREASURY O.E.	862.50			
01-201-20-140-020	INFORMATION TECHNOLOGY O.E.	1,073.07			
01-201-20-145-020	TAX COLLECTOR O.E.	3,711.50			
01-201-20-150-020	ASSESSOR'S OFFICE O.E.	8,449.50			
01-201-20-155-020	TOWNSHIP ATTORNEY O.E.	10,210.50			
01-201-21-180-020	ADMINISTRATION-PLANNING O.E.	2,585.31			
01-201-21-185-020	BOARD OF ADJUSTMENT O.E.	1,529.00			
01-201-23-220-020	HEALTH INSURANCE O.E.	1,793.00			
01-201-23-310-020	ADMIN/CODE ENFORCE & ENVIRON OE	412.91			
01-201-25-240-020	POLICE O.E.	30,708.19			
01-201-25-265-020	FIRE O.E.	15,172.62			
01-201-26-290-020	COMMUNITY SERVICES O.E.	1,533.74			
01-201-26-291-020	STREETS REPAIR & MAINT O.E.	890.42			
01-201-26-292-020	STORM SEWER O.E.	12,477.23			
01-201-26-301-020	CENT GARAGE OPERATIONS O.E.	20,399.13			
01-201-26-305-020	REFUSE COLLECTION O.E.	462.84			
01-201-26-306-020	RECYCLING O.E.	22,137.50			
01-201-26-310-020	BUILDING MAINT-PUB WKS O.E.	21,494.29			
01-201-26-312-020	SHADE TREES O.E.	12,615.85			
01-201-26-315-020	COMPLETE STREETS O.E.	802.50			
01-201-27-331-020	HEALTH SERVICES O.E.	3,869.87			
01-201-27-334-020	DIVISION OF SENIOR SERVICES O.E.	2,789.48			
01-201-27-340-020	ANIMAL CONTROL/SHELTER O.E.	2,813.59			
01-201-28-371-020	PARKS/REC/CULTURAL AFFAIRS O/E	380.00			
01-201-28-372-020	RECREATION PROGRAMS O.E.	680.00			
01-201-28-376-020	PARKS SERVICES O.E.	1,566.65			
01-201-31-440-020	TELEPHONE O.E.	11,399.71			
01-201-31-459-020	FUEL DIESEL O.E.	41,914.46			
01-201-31-460-020	GASOLINE O.E.	22,589.98			
01-201-32-465-020	DUMP FEES O.E.	68,654.98			
01-201-44-902-020	OTHER CAPITAL IMPROVEMENTS	8,487.50			
01-213-24-331-070	Sustainable Jersey-PSE&G Partnership Program Grant			1,000.00	
01-213-24-331-071	USDA Tree Canopy Grant			3,681.40	
01-213-24-331-076	Opioid Settlement Funds 2024 Grant			13,420.56	
01-213-25-180-003	SS4A Grant			51,469.11	
01-213-25-265-012	AFG Grant			62,975.00	
01-260-05-100	Due To Claims			-	510,448.54
01-280-55-001-001	RESERVE FOR REVALUATION			22,500.00	
01-287-55-001-000	Due to State of New Jersey			1,250.00	
Totals for fund 01		**344,802.86**	**-**	**165,645.68**	**510,448.54**
03-101-01-001-000	Cash - Kearny Bank (Gen Trust Fund)			-	585.00
03-260-05-100	Due to Claims			-	13,386.60
03-270-56-012-000	Res. for Sp Deposit - Uniform Fire Safety			48.42	
03-270-56-018-000	Res. for Sp Deposit - Developer's Escrow			585.00	
03-270-56-024-000	Res. for Sp Deposit - LEA Penalty Acct			4,425.10	
03-275-56-040-000	Res. for Sp Deposit - Recycling Program			3,322.58	
03-286-56-046-000	Res. for Sp Deposit - COAH			5,590.50	
Totals for fund 03		**-**	**-**	**13,971.60**	**13,971.60**
04-215-21-005-000	Ord 21-05 Various Capital Improvements			795.00	
04-215-22-006-000	Ord 22-06 Various Capital Improvements-			8,722.82	
04-215-23-017-000	Ord 23-17 Various Capital Improvements			14,890.88	
04-215-24-018-000	Ord 24-18 Various Capital Improvements			37,183.69	
04-215-25-036-000	Ord 25-36 Various Capital Improvements			206,733.35	
04-260-05-100	Due to Claims			-	268,325.74
Totals for fund 04		**-**	**-**	**268,325.74**	**268,325.74**
06-201-55-501-020	Water Operating - Other Expenses	67,210.56			
06-260-05-100	Due to Claims			-	67,210.56
Totals for fund 06		**67,210.56**	**-**	**-**	**67,210.56**
07-215-25-035-000	Ord 25-35 Various Water Improvements			20,805.54	
07-260-05-100	Due to Claims			-	20,805.54
Totals for fund 07		**-**	**-**	**20,805.54**	**20,805.54**
09-201-55-501-020	Parking - Other Expenses	18,822.14			

Total By Account

Account	Description	Current Yr	Approp. Yr	Other	Credit
09-260-05-100	Due to Claims			-	18,822.14
Totals for fund 09		**18,822.14**	**-**	**-**	**18,822.14**
12-260-05-019-001	Due to State of NJ (Dept. of Health)			39.00	
12-260-05-100	Due to Claims			-	39.00
Totals for fund 12		**-**	**-**	**39.00**	**39.00**
13-260-05-100	Due to Claims			-	94,655.95
13-286-56-029-000	Reserve for Expenditures - S.U.I.			94,655.95	
Totals for fund 13		**-**	**-**	**94,655.95**	**94,655.95**
16-260-05-100	Due to Claims			-	195.11
16-286-56-030-000	Reserve - Section 8 Housing Program			195.11	
Totals for fund 16		**-**	**-**	**195.11**	**195.11**
22-201-55-501-020	Sewer - Other Expenses	2,238.58			
22-260-05-100	Due to Claims			-	2,238.58
Totals for fund 22		**2,238.58**	**-**	**-**	**2,238.58**
23-215-21-021-000	Ord 21-21 Various Capital Improvements			346,419.25	
23-260-05-100	Due to Claims			-	346,419.25
Totals for fund 23		**-**	**-**	**346,419.25**	**346,419.25**
24-201-55-501-020	Ice Arena - Other Expenses	6,783.33			
24-260-05-100	Due to Claims			-	6,783.33
Totals for fund 24		**6,783.33**	**-**	**-**	**6,783.33**
25-215-25-038-000	Various Improvements to the Cleary Anderson Arena			1,250.00	
25-260-05-100	Due to Claims			-	1,250.00
Totals for fund 25		**-**	**-**	**1,250.00**	**1,250.00**
Totals		**439,857.47**	**-**	**911,307.87**	**1,351,165.34**

Checks/Wires Previously Disbursed

Date	Check#	Vendor	Description	Amount
11/13/2026	2180	Bala Partners LLC	PO# 2605266	2,371.93
11/13/2026	2181	Christiana Trust as Custodian	PO# 2605336	245,500.00
11/16/2026	27963	Acorn Termite & Pest Control Inc.	PO# 2604851 Pest Control Services Ice Rink	140.00
11/16/2026	27964	Allied Equipment Services, LLC	PO# 2605036 New Floor scrubbing machine for	6,282.55
11/16/2026	27965	Atlantic Facilities Partners	PO# 2605047 Cleaning Services for Clary Ande	4,568.00
11/16/2026	27966	Awisco NJ, LLC	PO# 2605239 Propane for Zamboni	71.50
11/16/2026	27967	J & C Ice Technologies Inc.	PO# 2605300 Repair and Maintenance for Zambo	732.51
11/16/2026	27968	JESS-N-DAN INDUSTRIES, LLC	PO# 2605230 Facility Management Services - C	2,338.00
11/16/2026	27969	NAF'S PAINTS, INC.	PO# 2604564 Ice Paint and Supplies for Ice P	1,398.00
11/16/2026	27970	RESURFIX INC.	PO# 2604309 Annual Maintenance for Ice Resur	4,564.40
11/16/2026	27971	United Rentals	PO# 2605240 Equipment rental to install chil	5,198.80
11/20/2026	2026150	MONTCLAIR BOARD OF EDUCATION	Board of Education Levy 11/20/26	6,966,966.00
11/10/2026	2026147	MONTCLAIR BOARD OF EDUCATION	Board of Education Levy 11/09/26	6,966,966.00
11/12/2026	2026148	Aetna Life Insurance Company	AETNA November 2026	958,029.10
11/13/2026	2026149	County of Essex (Taxes)	4th QTR 2026 County Tax & Open Sp	10,344,189.28
11/04/2026	2026151	NORTH JERSEY DISTRICT WATER	PO# 2600060 Purchase of Water	591,009.85
10/27/2026	2026146	Montclair Public Library	Q4 Library Appropriation	1,155,339.25
Totals				**27,255,665.17**

Total By Fund

Fund	Previous Checks/Voids	Current Payments	Total
01 - CURRENT ACCOUNT	26,391,489.63	510,448.54	26,901,938.17
03 - DEDICATED TRUST	247,871.93	13,971.60	261,843.53
04 - CAPITAL	-	268,325.74	268,325.74
06 - Water Operating	591,009.85	67,210.56	658,220.41
07 - Water Capital	-	20,805.54	20,805.54
09 - PARKING UTILITY	-	18,822.14	18,822.14
12 - Animal Control	-	39.00	39.00

Total By Fund

Fund	Previous Checks/Voids	Current Payments	Total
13 - S.U.I	-	94,655.95	94,655.95
16 - Section 8	-	195.11	195.11
22 - SEWER OPERATING	-	2,238.58	2,238.58
23 - SEWER CAPITAL	-	346,419.25	346,419.25
24 - Ice Arena Utility Operating	25,293.76	6,783.33	32,077.09
25 - Ice Arena Utility Capital	-	1,250.00	1,250.00
Totals	**27,255,665.17**	**1,351,165.34**	**28,606,830.51**

TOWNSHIP OF MONTCLAIR
PAYROLL SHEET SUMMARY
Meeting of 11/24/26

Fund	Bi-Weekly 11/6/26 Amount	Weekly 11/5/26 Amount	Weekly 11/12/26 Amount	**Total Amount**
Current Fund	$ 1,433,362.63	$ 90,823.26	$ 83,510.38	$ 1,607,696.27
Parking Utility Operating Fund	39,971.37	1,136.30	2,256.78	43,364.45
General Trust Fund	103,658.83	7,288.16	-	110,946.99
Sewer Operating Fund	19,464.21	4,428.62	4,609.77	28,502.60
Water Operating Fund	31,404.78	8,602.07	8,181.77	48,188.62
Section 8 Fund	4,753.86	-	-	4,753.86
Total Bi-Weekly and Weekly Payroll	**$ 1,632,615.68**	**$ 112,278.41**	**$ 98,558.70**	**$ 1,843,452.79** *
*The Payroll list in the foregoing schedule includes amounts to be deducted for:				
Taxes & Deductions	726,581.08	52,792.32	45,957.74	825,331.14
NJ SUI (nr)	479.07	22.90	18.63	520.60
DCRP Employer Share	4,593.18	52.16	51.90	4,697.24
FSA Contributions	1,390.84	-	-	1,390.84
Total Deductions and Contributions	733,044.17	52,867.38	46,028.27	831,939.82

IT IS HERBY CERTIFIED

that sufficient salary and wage appropriations were available in the respective accounts charged.



Peter George, CFO

Wire Payments
Meeting of 11/24/26

MANUAL CHECK NUMBER	PURCHASE ORDER NUMBER	DISBURSEMENT NUMBER	VENDOR	DESCRIPTION	AMOUNT	MEETING DATE	Column1
2026146		6611	99066	Montclair Public Library	$1,155,339.25	11/24/2026	
2026147		6612	888	Montclair Board of Education	$6,966,966.00	11/24/2026	
2026148		6613	101299	Aetna Insurance Company	$958,029.10	11/24/2026	
2026149		6614	46060	County of Essex	$10,344,189.28	11/24/2026	
2026150		6615	888	Montclair Board of Education	$6,966,966.00	11/24/2026	
2026151	2600060		1080	North Jersey District Water	$591,009.85	11/24/2026	

Manual Checks
Meeting of 11/24/26

MANUAL CHECK NUMBER	PURCHASE ORDER OR DISBURSEMENT JOURNAL	VENDOR	DESCRIPTION	AMOUNT	PRINT DATE	FUND	MEETING DATE
2180	2605266	99118	Bala Partners LLC	2,371.93	11/13/2026	Tax Redemption	11/24/2026
2181	2605336	101237	Christiana Trust as Custodian	245,500.00	11/13/2026	Tax Redemption	11/24/2026
27963	2604851	101495	Acorn Termite & Pest Control Inc.	$140.00	11/16/2026	Clary Anderson	11/24/2026
27964	2605036	101512	Allied Equipment Services,LLC	$6,282.55	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27965	2605047	101515	Atlantic Facilities Partners	$4,568.00	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27966	2605239	100224	Awisco NJ,LLC	$71.50	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27967	2605300	101527	J & C Ice Technologies Inc.	$732.51	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27968	2605230	101485	JESS-N-DAN Industries,LLC	$2,338.00	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27969	2604564	101496	NAF'S PAINT, INC	$1,398.00	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27970	2604309	101474	RESURFIX INC.	$4,564.40	11/16/2026	Clary Anderson Ice Rink	11/24/2026
27971	2605240	99569	United Rentals	$5,198.80	11/16/2026	Clary Anderson Ice Rink	11/24/2026

AGENDA ITEM NO. 2

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Purchasing Office
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing purchases from vendors pursuant to contracts with certain approved County and N.J. State Cooperative Contracts pursuant to N.J.S.A. 40A:11-10 (CY 2027)

ATTACHMENTS:

Resolution authorizing purchases from vendors pursuant to contracts with certain approved county and NJ state cooperative contracts pursuant to N.J.S.A. 40A:11-10 (CY 2027)

RESOLUTION AUTHORIZING PURCHASES FROM VENDORS PURSUANT TO CONTRACTS WITH CERTAIN APPROVED COUNTY AND NJ STATE COOPERATIVE CONTRACTS PURSUANT TO N.J.S.A. 40A:11-10 (CY 2027)

November 24, 2026

WHEREAS, the N.J.S.A. 40A:11-4 requires that certain contracts awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, the Township of Montclair ("Township") has identified the need on a timely basis to purchase goods or services utilizing NJ State and County Cooperative Purchasing contracts; and

WHEREAS, the Township of Montclair is party to cooperative purchasing agreement with various cooperative pricing councils, a cooperative pricing program organized pursuant to N.J.S.A 40A:11-10 and N.J.A.C. 5:34-7.11: and

WHEREAS, the Township of Montclair intends to utilize the following vendors listed on Schedule A pursuant to their corresponding cooperative purchasing contracts for CY 2027; and

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Montclair, in the County of Essex, State of New Jersey as follows:

1. The Mayor and Council of the Township of Montclair hereby approves and authorizes the Township Manager to execute an Agreement/purchase order with the vendors listed on Schedule A for a term of one (1) year (Jan 1, 2027 – Dec 31, 2027).

2. The Township intends to utilize the vendors listed on Schedule A pursuant to their corresponding cooperative purchasing contracts for CY 2027 and such transactions shall be subject to all conditions applicable to the current cooperative purchasing agreements.

3. The amount of contract for each vendor is in accordance with the corresponding "not to exceed" (NTE) limits listed on Schedule A.

4. This is an open-ended contract with a maximum annual amount limit in accordance with the corresponding amount (NTE) listed on Schedule A.

5. For single purchase/contract, pursuant to NJSA 40A:11-4, when the cost of any goods or services, the cost of which in the aggregate exceeds the bid threshold ($53,000.00), the contract shall be awarded separately by resolution of the governing body.

6. Pursuant to N.J.A.C. 5:30-5.5 (b)(2) and LFN 2017-10, open-ended contracts do not require COF at the time the contract is awarded by the governing body, if no amount shall be encumbered until such time as the goods or services are ordered.

7. The total amount of each Agreement shall not exceed the limits set on Schedule A, subject to the appropriation of sufficient funds in the year 2027 temporary/adopted municipal budget.

8. All contracts commence January 1, 2027.

Subject: Schedule A – Township of Montclair List of Vendors and Cooperative Purchasing Contracts for CY 2027 (Jan 1, 2027 – Dec 31, 2027)

Vendors	Coop	Commodities	NTE/Year
1. Sanitation Equipment Corp., Totowa, NJ 07512	ESCNJ # 23/24-04	Vehicle parts and supplies	$150,000.00
2.Hudson County Motors, Inc., Secaucus, NJ 07094	ESCNJ # 23/24-04	Vehicle parts and supplies	$150,000.00
3. Tilcon New York, Inc. Parsippany, NJ 07054	MCCPC # 5, # 9	Asphalt, Crushed stones and Supplies	$100,000.00
4. Rio Supply, Inc., Sicklerville, New Jersey 08081	MCCPC # 47	Water meters/data recorders	$120,000.00
5.Precision Electric Motor Works, Clifton, NJ 07013	NJWCPS Contract # B-369-14	Repair and installation of pumps from various manufacturers	$100,000.00
6. Motorola Solutions, Inc., Chicago, IL 60661	25-TELE-132995	Radio communication equipment/supplies	$100,000.00
7.Custom Bandag, Inc., Linden, NJ 07036	NJ - 25-FLEET-82627 & 25-FLEET-81812	Tires for various vehicles	$130,000.00
8.CDW, Government, Inc., Vernon Hills, IL 60061	ESCNJ-AEPA-26D NJ - 20-TELE-01511	IT, computer supplies, hardware, software	$150,000.00
9.Route 23 Auto Mall, Butler NJ	NJ – 25-FLEET-128260	Trucks, auto parts and supplies	$100,000.00
10.W.B. Mason, Company, Inc. Secaucus, NJ 07094	NJ - 24-FOOD-84467 & 24-COMG-78752	Water, paper, office supplies and MRO	$60,000.00
11. Longo Electrical-Mechanical, Wharton, NJ 07885	PVSC B369-10	Repair, replace pumps and motors	$80,000.00
12. New Jersey Fire Equipment, Dunellen, NJ 08812	BC – Bid 26-16	FF protective equipment and clothing	$80,000.00
13.Grainger, Inc. South Plainfield, NJ 07080	25-COMG-96978	MRO and industrial supplies	$60,000.00
14. SHI International Corp., Somerset, NJ 08873	BCCPS – CK04 24-38	Software	$100,000.00
15. Cliffside Body Corp., Fairview, NJ 07022	ESCNJ 23/24/04	Trucks body, auto parts and supplies	$100,000.00
16. East Coast Emergency Lighting, Millstone, Township, NJ 08535	NJ - 17-FLEET-00761	Law enforcement firearms and equipment	$75,000.00
17. Eagle Point Gun Thorofare, NJ 08086	NJ - 17-FLEET-00721	Law enforcement firearms and equipment	$70,000.00
18.Dan Swayze & Son, Inc. Scotch Plains NJ 07076	MCCPC # 36	Traffic striping and roadway	$100,000.00
19. All Hands Fire Equipment, Neptune City, NJ 07753	21-FOOD-01685	Fire and environmental testing equipment and supplies	$70,000.00

20. Jewel Electric Supply Co., Jersey City, NJ 07306	21-FOOD-01749	Electrical equipment and supplies	$60,000.00
21. National Highway Products, Inc. Millville, NJ 08332	MCCPC # 28	Traffic sign material and supplies	$60,000.00

AGENDA ITEM NO. 3

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Law Department
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing the award of a Non-Fair and Open Professional Services Agreement to O'Toole Scrivo LLC for legal representation as special counsel

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ATTACHMENTS:

Resolution authorizing the award of a Non-Fair and Open Professional Services Agreement to Oâ€™Toole Scrivo LLC for legal representation as special counsel
COF

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES AGREEMENT TO O'TOOLE SCRIVO LLC FOR LEGAL REPRESENTATION AS SPECIAL COUNSEL

November 24, 2026

WHEREAS, the Township of Montclair has determined a need to retain an attorney to provide specialized legal services as special counsel; and

WHEREAS, O'Toole Scrivo LLC, 14 Village Park Road, Cedar Grove, New Jersey 07009, submitted a fee schedule for legal representation as special counsel; and

with experience and expertise in municipal law, litigation and affordable housing matters, and has the professional qualifications and resources necessary to provide the specialized legal services required for affordable litigation matters; and

WHEREAS, the Administration recommends awarding a non-fair and open contract to O'Toole Scrivo LLC. pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

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

WHEREAS, O'Toole Scrivo LLC has completed and submitted a Business Entity Disclosure Certification which certifies that O'Toole Scrivo 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 O'Toole Scrivo LLC from making any reportable contributions throughout the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account No. 01-201-20-155-028 in the amount of $20,000.00 for a one-year term to cover the cost of this contract; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Montclair, County of Essex, State of New Jersey, authorizes the Township Manager to enter into a contract with O'Toole Scrivo LLC. to provide legal presentation legal representation as special counsel in an amount not to exceed $20,000.00 for a one-year term subject to the appropriation of sufficient funds.

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

BE IT FURTHER RESOLVED that the above documents shall be available for public inspection at the office of the Township Clerk during regular business hours; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official newspaper of the Township of Montclair.

DRAFT

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Law Dept.
PURPOSE OF CONTRACT	Special Counsel
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	$ 20,000.00
ACCOUNT NUMBER (S)	01-201-20-155-028
NAME AND ADDRESS OF COMPANY	O'Toole Scrivo, LLC 14 Village Park Road Cedar Grove, NJ 07009

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/20/2026

AGENDA ITEM NO. 4

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Manager
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing Amendment No. 2 of the Non-Fair and Open Professional Services Agreement to Maraziti Falcon, LLP for legal representation as Special Counsel – Real Estate Negotiation Matters

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ATTACHMENTS:

Resolution authorizing Amendment No. 2 of the Non-Fair and Open Professional Services Agreement to Maraziti Falcon, LLP for legal representation as Special Counsel â€“ Real Estate Negotiation Matters
COF

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING AMENDMENT NO. 2 OF THE NON-FAIR AND OPEN PROFESSIONAL SERVICES AGREEMENT TO MARAZITI FALCON, LLP FOR LEGAL REPRESENTATION AS SPECIAL COUNSEL – REAL ESTATE NEGOTIATION MATTERS

November 24, 2026

WHEREAS, on April 21, 2026 the Mayor and Council of the Township of Montclair adopted Resolution R-26-147 awarding a non-fair and open contract to Marazti Falcon, LLP for real estate negotiations specifically PSEG electrical substation project; and

WHEREAS, on June 9, 2026 the Mayor and Council of the Township of Montclair adopted Resolution R-26-201 authorizing Amendment No. 1 to the Professional Services Agreement to increase the not to exceed contract amount to $50,000.00; and

WHEREAS, this contract to Marazti Falcon, LLP now requires an increase of funds in an amount not to exceed $20,000.00 for a new total contract amount not to exceed $70,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds for this contract Amendment No. 2 are available in Account No. _____ in the amount of $20,000.00; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Montclair hereby authorize the Township Manager to execute Amendment No. 2 to the Professional Service Agreement with Marazti Falcon, LLP to continue to provide legal representation for various real estate negotiations; and

BE IT FURTHER RESOLVED that the new total amount of this contract, as amended, shall not exceed $70,000.00 subject to the appropriation of sufficient funds in the year 2026 adopted municipal budget.

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DRAFT

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Law Dept.
PURPOSE OF CONTRACT	Amend Contract No. 2 Real Estate Negotiations
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	$ 20,000.00
ACCOUNT NUMBER (S)	01-201-44-907-019
NAME AND ADDRESS OF COMPANY	Maraziti Falcon, LLP 240 Cedar Knolls Road Suite 301 Cedar Knolls, NJ 07927

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/20/2026

AGENDA ITEM NO. 5

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Public Works
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing a Fair and Open Contract to Tony Sanchez LTD for the purchase of a salt spreader for the hook lift truck pursuant to the Bergen County Purchasing Cooperative Contract BC-BID-24-06

ATTACHMENTS:

Resolution authorizing a Fair and Open Contract to Tony Sanchez LTD for the purchase of a salt spreader for the hook lift truck pursuant to the Bergen County Purchasing Cooperative Contract BC-BID-24-06
COF

TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING AWARD OF FAIR AND OPEN CONTRACT TO TONY SANCHEZ LTD FOR THE PURCHASE OF A SALT SPREADER FOR THE HOOK LIFT TO BERGEN COUNTY COOPERATIVE PURCHASING CONTRACT BC-24-06

November 24th, 2026

WHEREAS, the Township has identified a need to purchase a salt spreader to for the Hook Lift Truck that was already purchased; and

WHEREAS, N.J.S.A. 40A:11-10 permits municipalities to award public contracts without public bidding when the vendor is an approved vendor of joint purchasing alliance with other municipalities and the municipality participates in a cooperative pricing system; and

WHEREAS, on September 30th, 2026, Tony Snachez LTD of 1685 U.S. Route 46 Ledgewood NJ, 07857 , submitted a proposal for the salt spreader for the new hook lift truck pursuant to their Bergen County Cooperative Purchasing Contract No. BC-24-06 for not to exceed $43,820.00; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in account number Various Utility Vehicles 04-215-24-018-002 $43,820.00 to cover the cost of this contract; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Montclair, in the County of Essex, State of New Jersey, that the Township Manager is hereby authorized to execute an agreement and/or issue a purchase order to Tony Sanchez LTD for the provisions of said goods and services pursuant to their Bergen County Cooperative Purchasing Contract No. BC-24-06 in the amount not to exceed $43,820; and

BE IT FURTHER RESOLVED that all services and transactions shall be subject to the terms and conditions of Bergen County Cooperative Purchasing Contract No. BC-24-06.

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Public Works
PURPOSE OF CONTRACT	Purchase of Salt Spreader for Hooklift Truck
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	43,820.00
ACCOUNT NUMBER (S)	04-215-24-018-002
NAME AND ADDRESS OF COMPANY	Tony Sanchez Ltd 1685 Rt. 46 West Ledgewood, NJ 07852

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/16/26

AGENDA ITEM NO. 6

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Planning, Zoning, and Community Development
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing an amendment to the Professional Services Agreement with Acuity Consulting Services for Administrative Agent Services

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ATTACHMENTS:

Resolution authorizing an amendment to the Professional Services Agreement with Acuity Consulting Services for Administrative Agent Services
COF

R-26-

TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH ACUITY CONSULTING SERVICES FOR ADMINISTRATAIVE AGENT SERVICES

November 24, 2026

WHEREAS, the Township awarded a contract to retain the services of Acuity Consulting Services (ACS) to serve as affordable housing administrative agent on December 16, 2025; and

WHEREAS, the contract was not to exceed $38,000; and

WHEREAS, expenses related to revising procedural manuals and ordinances to reflect changes to the NJ Uniform Housing Affordability Controls (UHAC) regulations has incurred additional expenses and the contract must be increased by an additional $5,000 to $43,000.

WHEREAS, the Chief Financial Officer has certified that additional funds are available in account 03-286-56-046-001 of the year 2026 adopted municipal budget;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, hereby authorizes the execution of this amendment to the contract with Acuity Consulting Services to increase the contract by $5,000 to $43,000.

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Planning & Community Dev
PURPOSE OF CONTRACT	Affordable Housing
	Administrative Agent
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	43,000.00
ACCOUNT NUMBER (S)	03-286-56-046-001
NAME AND ADDRESS OF COMPANY	Acuity Consulting Services, L
	8 Gentry Drive
	Long Valley, MJ 07853

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/16/26

AGENDA ITEM NO. 7

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Planning, Zoning, and Community Development
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing an amendment to the Professional Services Contract with Stickel, Koening, Sullivan & Drill for legal services to the Board of Adjustment. (RFQ-Q13)

ATTACHMENTS:

Resolution authorizing an amendment to the Professional Services Contract with Stickel, Koening, Sullivan & Drill for legal services to the Board of Adjustment. (RFQ-Q13)
COF

R-24-5

TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH STICKEL, KOENIG, SULLIVAN & DRILL FOR LEGAL SERVICES TO THE ZONING BOARD OF ADJUSTMENT (RFQ-Q13)

November 24, 2025

WHEREAS, on December 17, 2025, the Board of Adjustment awarded a contract (RFP-23-Q13) to retain the services of Stickel, Koenig, Sullivan & Drill to provide legal services including, but not limited to advice and consultation, attendance at meetings, preparation of documents and representation of the Board in suits and other proceedings and other services as may be required from time to time; and

WHEREAS, the contract was not to exceed $53,000 with $13,000 from the municipal budget and $40,000 from development escrow accounts; and

WHEREAS, the Board has incurred additional legal expenses from the municipal budget due to litigation, and the municipal portion of the contract must be increased by $7,000 from $13,000 to $20,000

WHEREAS, the Chief Financial Officer has certified that additional funds are available in account 01-201-21-180-116 of the year 2026 adopted municipal budget;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Montclair, in the County of Essex, hereby authorizes the execution of this amendment to the contract with Stickel, Koenig, Sullivan & Drill to increase the portion of the contract paid from the municipal budget by $7,000 to $20,000.

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Planning & Community Dev
PURPOSE OF CONTRACT	Board of Adjustment Attorne
	(total $20,000 budget & $40
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	7,000.00
ACCOUNT NUMBER (S)	01-201-21-185-028
	Upon Budget Transfer
NAME AND ADDRESS OF COMPANY	Stickel, Koenig, Sullivan & Dr
	571 Pompton Avenue
	Cedar Grove, NJ 07009

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/16/26

AGENDA ITEM NO. 8

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Department of Planning, Zoning, and Community Development
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution amending the Fair and Open Contract with H2M Associates, Inc. (H2M) to provide Licensed Site Remediation Professional (LSRP) Services for the Environmental Remediation Project at 399 Orange Road.

ATTACHMENTS:

Resolution amending the Fair and Open Contract with H2M Associates, Inc. (H2M) to provide Licensed Site Remediation Professional (LSRP) Services for the Environmental Remediation Project at 399 Orange Road
COF

R-26-

TOWNSHIP OF MONTCLAIR

RESOLUTION AMENDING THE FAIR AND OPEN CONTRACT WITH H2M ASSOCIATES, INC. (H2M) TO PROVIDE LISCENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES FOR THE ENVIRONMENTAL REMEDIATION PROJECT AT 399 ORANGE ROAD

November 23, 2026

WHEREAS, on October 29, 2024 the Mayor and Council of the Township of Montclair approved Resolution R-24-223 which authorized the award of contract to H2M Associates, Inc. (H2M) to provide environmental engineering and remediation services for the NJDEP Site Remediation Program No. 00316175 located at the former gas station known as Southend Pyramid Service Station located at 399 Orange Road, Montclair, New Jersey; and

WHEREAS, on February 24, 2026 the Township of Montclair approved Resolution R-26-076 which authorized the amendment of the contract to extend the term of the contract through December 31, 2026 and on July 14, 2026 the Township of Montclair approved Resolution R-26-237 which authorized the amendment of the contract to include additional testing and design work with a not to exceed cost of $106,300; and

WHEREAS, this project is on-going and H2M Associates, Inc. (H2M) has thorough knowledge of the environmental impact and health concerns of the Township; and

WHEREAS, N.J.S.A 40A:11-15 (9) authorizes contracting units to award contracts for any single rehabilitation project including the retention of engineer in connection with the project for a term necessary for the completion of the construction: and

WHEREAS, the scope of the contract needs to be expanded the preparation of a post-remediation site survey as detailed in a proposal from H2M Associates dated October 1, 2026 with a not to exceed cost of $6,450; and

WHEREAS, funding for these additional services will be paid from the Hazardous Discharge Site Remediation Grant provided for the subject property; and

WHEREAS, the Chief Financial Officer has certified that funds are available in budget lines 01-213-24-180-001 of the 2026 adopted municipal budget to cover the cost of this contract amendment; and now, therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the Township authorizes the amendment of the agreement with H2M Associates, Inc. (H2M) to increase the not to exceed amount of the contract by $6,450 to $286,695; 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.

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Planning & Community Dev
PURPOSE OF CONTRACT	Remediationof 399 Orange
	LSRP Services - site survey
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	6,450.00
ACCOUNT NUMBER (S)	01-213-24-180-001
NAME AND ADDRESS OF COMPANY	H2M Associates, Inc.
	119 Cherry Hill Road, Suite 1
	Parsippany, NJ 07054

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/16/26

AGENDA ITEM NO. 9

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Finance Department
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution requesting permission for the dedication by rider for payments in lieu of donations to Walnut Grover Corner Park improvements

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ATTACHMENTS:

Resolution requesting permission for the dedication by rider for payments in lieu of donations to Walnut Grover Corner Park improvements

RESOLUTION R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR PAYMENTS IN LIEU OF DONATIONS TO WALNUT GROVER CORNER PARK IMPROVEMENTS.

November 24, 2026

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Township of Montclair desires to create a fund to provide for the receipt of contributions for Donations to Walnut Grover Corner Park Improvements; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Payment in Lieu of Donations to Walnut Grover Corner Park Improvements are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, **BY THE MAYOR COUNCIL OF THE TOWNSHIP OF MONTCLAIR, COUNTY OF ESSEX, STATE OF NEW JERSEY THAT:**

1. The Town Council does hereby request permission of the Director of the Division of Local Government Services to receive anticipated revenues for contributions for Donations to Walnut Grover Corner Park Improvements

2. The Clerk of the Township of Montclair, County of Essex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

AGENDA ITEM NO. 10

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Clerk
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution to adopt the Council Meeting schedule for year 2027

ATTACHMENTS:

Resolution to adopt the Council Meeting schedule for year 2027

TOWNSHIP OF MONTCLAIR

RESOLUTION TO ADOPT THE COUNCIL MEETING SCHEDULE FOR YEAR 2027

November 24, 2026

WHEREAS, pursuant to N.J.S.A. 40:69A-179, also known as the Optional Municipal Charter Law or Faulkner Act, the Township Council shall by ordinance or resolution designate the time of holding regular meetings, which shall be at least monthly; and

WHEREAS, pursuant to Chapter 3, Article II, § 3-9 of the Code of the Township of Montclair, the Township Council shall schedule its regular and conference meetings by resolution adopted annually; and

WHEREAS, the Township Council desires to adopt the meeting schedule listed below for the 2026 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, County of Essex, that, in accordance with N.J.S.A. 40:69A-179 and Chapter 3, Article II, § 3-9 of the Code of the Township of Montclair, the attached schedule of the Township Council Meetings for calendar year 2027 is hereby adopted; and

BE IT FURTHER RESOLVED that in accordance N.J.S.A. 10:4-6, also known as the Open Public Meetings Act, the Township Clerk is hereby directed to post the attached schedule of the Township Council Meetings for calendar year 2027 on the Municipal Building bulletin board; official Township internet website, and keep one copy on file in the Office of the Township Clerk for examination by the public; and

BE IT FURTHER RESOLVED, that, from time to time, there may be a need for special meetings and emergency meetings as may be deemed necessary by the Township Council for the transaction of business and, upon being advised of the need for such a meeting, the Office of the Township Clerk shall publish and post notification of such a meeting in accordance with the requirements established by the Open Public Meetings Act and such other laws and regulations as may be applicable.

[COUNICL MEETING SCHEDULE FOR CALENDAR YEAR 2027 ON NEXT PAGE]

Township of Montclair • 205 Claremont Avenue • Montclair, New Jersey 07042 • telephone: 973-744-1400 • www.montclairnjusa.org

ANNUAL NOTICE OF COUNCIL MEETING SCHEDULE
CALENDAR YEAR 2027

Notice is hereby given pursuant to N.J.S.A. 10:4-1 et seq., the "Open Public Meetings Act," P.L. 1975, c. 231, and N.J.A.C. 5:39-1.1 et seq., New Jersey regulations for remote public meeting protocol. Regular and Conference Council Meetings will be held in Council Chambers at the Municipal Building, 205 Claremont Avenue, Montclair, New Jersey at 5:30 P.M. prevailing time, on the following Tuesdays, except where a different day or time is noted.

January 5	February 9	March 9
January 26	February 23	March 16
April 6	May 4	June 15
April 20	May 25	
July 13	August 3	September 14
		September 28
October 5	November 9	December 7
October 19	November 23	December 21

Executive Sessions will be scheduled as required. The Township Council may conduct public business and take action at all Council Meetings.

Council Meetings may be switched to remote using Cisco Webex if a public health emergency, a state of emergency, or a state of local disaster emergency has been declared by the Governor of New Jersey. The public will be able to participate in the remote meetings via phone. The phone number(s) and access code(s) for public participation during remote meetings will be provided on the Township website at https://www.montclairnjusa.org/Government/Council-Meeting-Agendas and posted on the bulletin board outside the main public entrance of the Municipal Building.

All relevant meeting documents will be available for download on the Township website athttps://www.montclairnjusa.org/Government/Council-Meeting-Agendas. All Council Meetings will broadcast live on local channel 34 and stream live on the MontclairTV34 YouTube channel.

Angelese Bermúdez Nieves
Township Clerk

DRAFT

AGENDA ITEM NO. 11

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Finance Department
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing transfer of funds pursuant N.J.S.A. 40A:4-58

ATTACHMENTS:

Resolution authorizing transfer of funds pursuant N.J.S.A. 40A4-58

R26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING TRANSFER OF FUNDS PURSUANT N.J.S.A. 40A:4-58

November 24, 2026

WHEREAS, the Municipal Chief Financial Officer has recommended certain transfer of funds from appropriations made in the budget to cover anticipated expenditures in accordance with the provisions of N.J.S.A. 40A:4-58; and

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers in the last two months of the fiscal year from appropriations with an excess over and above the amount necessary to fulfill the purpose for such appropriations, to those appropriations deemed to be insufficient; and

WHEREAS, the Governing Body has determined that there is an excess in appropriations over and above the amount necessary to fulfill certain appropriations in attached **Schedule B**;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair (not less than two-thirds of the full membership voting affirmative), that transfers be made between 2026 budget appropriations set forth opposite its designation:

AGENDA ITEM NO. 12

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Township Council
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution regarding the suspension of meter collection from December 12, 2026, through December 31, 2026

ATTACHMENTS:

Resolution regarding the suspension of meter collection from December 12, 2026, through December 31, 2026

Sponsors: Councilor Eileen Birmingham
Councilor Erik D'Amato

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION REGARDING THE SUSPENSION OF METER COLLECTION FROM DECEMBER 12, 2026, THROUGH DECEMBER 31, 2026

November 24, 2026

WHEREAS, the Township suspended meter collection during the 2025 holiday shopping period pursuant to Resolution R-25-340; and

WHEREAS, the Mayor and Council wish to continue that practice during the 2026 holiday shopping period;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, in the County of Essex, that the Township Manager is instructed to suspend meter collection, allowing two hours of free parking at metered spaces Township-wide from and including Saturday, December 12, 2026, through and including Thursday, December 31, 2026. Maximum parking time limits will otherwise remain strictly enforced.

AGENDA ITEM NO. 13

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Township Council
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution regarding the suspension of meter on November 27, 2026, and November 28, 2026

ATTACHMENTS:

Resolution regarding the suspension of meter on November 27, 2026, and November 28, 2026

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION REGARDING THE SUSPENSION OF METER ON NOVEMBER 27, 2026 AND NOVEMBER 28, 2026

WHEREAS, Small Business Saturday began in 2010 to encourage consumers to shop locally and support community businesses; and

WHEREAS, the Township has, in recent years, suspended meter collection on the Friday after Thanksgiving and on Small Business Saturday; and

WHEREAS, the Mayor and Council wish to continue that practice in support of local merchants.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, in the County of Essex, that the Township Manager is instructed to suspend meter collection, allowing two hours of free parking at metered spaces Township-wide on November 27, 2026, the Friday after Thanksgiving, and November 28, 2026, Small Business Saturday. Maximum parking time limits will otherwise remain strictly enforced.

AGENDA ITEM NO. 14

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Law Department
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing the retroactive eligibility for payment of accumulated sick leave benefits to former Fire Department Deputy Chief Michael Lizza

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ATTACHMENTS:

Resolution authorizing a lump-payment of accumulated sick benefits to former Fire Department Deputy Chief Michael Lizza

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING THE RETROACTIVE ELIGIBILITY FOR PAYMENT OF ACCUMULATED SICK LEAVE BENEFITS TO FORMER FIRE DEPARTMENT DEPUTY CHIEF MICHAEL LIZZA

November 24, 2026

WHEREAS, Michael Lizza was employed by the Township of Montclair as Deputy Chief of the Montclair Fire Department and retired from the Township effective September 1, 2026; and

WHEREAS, on September 29, 2026, the Township of Montclair adopted Ordinance O-26-44 amending Chapter 48, Personnel Regulations, Part 2, Fire Department Personnel, Article IV, Sick Leave, §48-33, Accumulated Leave Upon Retirement; and

WHEREAS, Ordinance O-26-44 authorized any regular member of the [Fire] Department, hired before May 21, 2010, that such accumulation of sick leave not exceeding 130 days shall be converted to a lump sum payment upon retirement from a state or locally administered retirement system; and

WHEREAS, the adoption of Ordinance O-26-44 occurred after Mr. Lizza's retirement; and

WHEREAS, the Township seeks to authorize the retroactive eligibility for payment of accumulated sick leave benefits to former Deputy Chief Michael Lizza pursuant to the amended provisions of §48-33 of the Township Code.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, authorizes a retroactive eligibility for payment of accumulated sick leave benefits to former Deputy Chief Michael Lizza pursuant to Ordinance O-26-44 and §48-33 of the Township Code.

BE IT FURTHER RESOLVED that the Township Manager, Chief Financial Officer, and Director of Human Resources are hereby authorized to take all necessary steps to effectuate said payment.

AGENDA ITEM NO. 15

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Manager
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing the execution of a memorandum of agreement with Montclair Emergency Services for Hope (MESH) for Code Blue Emergency shelter and support services

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ATTACHMENTS:

Resolution authorizing the execution of a memorandum of agreement with Montclair Emergency Services for Hope (MESH) for Code Blue EmergencyÂ shelter and support services
COF

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH MONTCLAIR EMERGENCY SERVICES FOR HOPE (MESH) FOR CODE BLUE EMERGENCY SHELTER AND SUPPORT SERVICES

November 24, 2026

WHEREAS, the Township of Montclair recognizes the need to coordinate emergency shelter and related support services for individuals and families experiencing homelessness during periods of extreme cold and other conditions designated under the Essex County Code Blue program; and

WHEREAS, Montclair Emergency Services for Hope ("MESH") is able to provide emergency shelter and related services during official Code Blue declaration periods; and

WHEREAS, the Township desires to enter into a Memorandum of Agreement ("MOA") with MESH, under which MESH will serve as the service provider and the Township will undertake municipal coordination, invoice review, and payment administration responsibilities as set forth in the MOA; and

WHEREAS, the proposed MOA establishes MESH's responsibilities for emergency shelter, basic amenities, referrals and service navigation, HMIS and program reporting, invoicing, and compliance with applicable requirements, and establishes the Township's responsibilities for coordination with MESH and Essex County; and

WHEREAS, the proposed MOA provides for a term from November 1, 2026, through March 31, 2027, a stated rate of Four Hundred Dollars and Zero Cents ($400.00) per 24-hour Code Blue service instance, and a maximum amount of Twenty-Three Thousand Five Hundred Dollars and Zero Cents ($23,500.00), subject to confirmation of applicable funding, County requirements, and required approvals; and

WHEREAS, the Mayor and Township Council finds that authorizing the MOA will support the coordination of emergency shelter services for Montclair residents and others in need during official Code Blue periods, subject to applicable law and available authorized funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, County of Essex, State of New Jersey, as follows:

1. The Mayor and Council hereby authorizes the Township Manager and/or his designee to execute a Memorandum of Agreement with Montclair Emergency Services for Hope (MESH) for the provision of Code Blue emergency shelter and support services for the period November 1, 2026, through March 31, 2027, substantially in the form presented to the Mayor and Council, subject to review and approval as to form by the Township Attorney.
2. MESH shall be identified as the service provider and shall be responsible for providing the services described in the MOA. The Township's responsibilities shall be limited to those

municipal coordination, documentation review, and payment administration functions stated in the MOA.

3. The MOA shall provide for payment only for eligible services actually rendered during official Code Blue declaration periods, upon submission and approval of required invoices and supporting documentation, subject to available and duly authorized funds and applicable Essex County program requirements.
4. The stated rate of Four Hundred Dollars and Zero Cents ($400.00) per 24-hour service instance and maximum amount of Twenty-Three Thousand Five Hundred Dollars and Zero Cents ($23,500.00) are authorized only to the extent confirmed as applicable to the Township–MESH agreement and consistent with approved funding and any required Essex County authorization. No payment obligation beyond duly authorized appropriations or funding is created by this Resolution.
5. The Township Manager and/or his designee are authorized to take such further actions and execute such documents as may be reasonably necessary to carry out the intent of this Resolution, consistent with its terms and applicable law.

Township of Montclair 205 Claremont Avenue Montclair, NJ 07042 tel: 973-509-4964 fax: 973-509-0370

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT THE TOWNSHIP OF MONTCLAIR HAS UNENCUMBERED FUNDS ON HAND FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

SUBMITTING DEPARTMENT	Manager's Office
PURPOSE OF CONTRACT	Overnight respite care for the homeless
TOTAL AMOUNT OF CONTRACT SUBJECT TO APPROPRIATIONS IN BUDGET	$ 23,500.00
ACCOUNT NUMBER (S)	01-201-27-331-154
NAME AND ADDRESS OF COMPANY	MESH PO Box 19189 Montclair, NJ 07042

Peter C. George, CMFO
Chief Financial Officer / Director of Finance

Date: 11/20/2026

AGENDA ITEM NO. 16

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Office of the Township Manager
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing the execution of a Memorandum of Understanding between the Township of Montclair and Downtown for the installation and use of pianos ***Office of the Township Manager***

ATTACHMENTS:

Resolution authorizing the execution of a Memorandum of Understanding between the Township of Montclair and Downtown for the installation and use of pianos

R-26-XXX
TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF MONTCLAIR AND DOWNTOWN FOR THE INSTALLATION AND USE OF PIANOS

November 10, 2026

WHEREAS, Downtown Montclair (the "Artist") is the artist and sole owner of the decorated pianos to be installed within the Township of Montclair (hereinafter "the Pianos"); and

WHEREAS, Downtown Montclair desires to install and display the Pianos as public art within the Township for the purpose of enriching the cultural and civic life of the community and providing residents and visitors with opportunities for public musical engagement; and

WHEREAS, the Mayor and Township Council desire to authorize the execution of a Memorandum of Understanding (the "MOU") providing the Artist with a limited license to install and display the Pianos at 50 Church Street, in the South End Business District near 307 Orange Road, the Upper Montclair Business District near 250 Bellevue Avenue and 107 Watchung Plaza, for a period of one year, subject to the terms and conditions set forth in the MOU; and

WHEREAS, the Pianos are intended to be available for use by members of the public during the hours and under the conditions established in the MOU; and

WHEREAS, the Artist shall retain sole ownership of, and sole responsibility for, the maintenance, insurance, storage, handling, transportation, and hours of access of the Pianos throughout the term of the Memorandum of Understanding;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Montclair;

1. The Township Manager is hereby authorized to execute the Memorandum of Understanding between the Artist and the Township of Montclair, for the Artist to install the pianos within the municipal right-of-way at the locations set forth in the MOU.

2. This MOU shall remain in force and effect from November 10, 2026 until April November 9, 2027, unless terminated earlier, and shall be subject to annual review as set forth in the MOU.

3. No municipal funds shall be expended by the Township for the installation, maintenance, transportation, storage, or removal of the Pianos pursuant to the MOU.

4. The Artist shall remain responsible for the ownership, maintenance, insurance, transportation, storage, and removal of the Pianos subject to the terms and conditions set forth in the MOU.

5. A copy of the fully executed MOU and all attachments shall be filed in the Office of the Township Clerk.

AGENDA ITEM NO. 17

Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE:	November 24, 2026
SUBMITTED BY:	Purchasing Office
ITEM TYPE:	Resolution
AGENDA SECTION:	CONSENT AGENDA
SUBJECT:	Resolution authorizing the Township to accept and pre-qualify responses to the request for proposals for Professional Services for CY 2027

ATTACHMENTS:

Resolution authorizing the Township to accept and pre-qualify responses to the request for proposals for Professional Services for CY 2027

RESOLUTION AUTHORIZING THE TOWNSHIP TO ACCEPT AND PRE-QUALIFY RESPONSES TO THE REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR CY 2027

November 24, 2026

WHEREAS, the Township has a need for qualified vendors for various professional services; and

WHEREAS, the Township Council approved R-23-119 (municipal utility engineering services and municipal engineering services) and R-23-214 (municipal architectural services) authorizing the use of competitive contracting; and

WHEREAS, on October 5, 2026, the Township issued the following Request for Proposals (RFP) seeking qualified professionals for the following:

1. RFP – 27 – P04 – Municipal Engineer (Competitive Contracting)
2. RFP – 27 – P05 – Municipal Architect (Competitive Contracting)
3. RFP – 27 – P06 – Municipal Utility Engineer (Competitive Contracting)
4. RFP – 27 – P07 – Municipal Landscape Architect
5. RFP – 27 – P08 – Licensed Site Remediation Professional Services (LSRP)
6. RFP – 27 – P09 – Municipal – Consultant Parking Services
7. RFP – 27 – P10 – Professional Planning, Land Use and Redevelopment Services

WHEREAS, the Township administration reviewed the proposals and has determined that the vendors listed in attachment A are qualified to provide effective and efficient services in their designated specialties, cost and other factors considered; and

WHEREAS, the Administration recommends that the vendors are qualified in their designated specialty(s) be considered by the authorized Township Administration Official, if and when the Administration finds it necessary, to engage the services of the respondent; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Montclair, that the vendors listed in attachment A are deemed qualified to be contracted for their designated specialties, cost and other factors considered for Township projects, on as needed basis when determined by the Administration, and

BE IT FURTHER RESOLVED, that no contract will be awarded to any vendor unless approved by the Township Manager and resolution is required for all contracts exceeding the bid threshold, said vendor will be evaluated for compliance with Township and all other NJ State and Federal contracting requirements; and

BE IT FURTHER RESOLVED, that pursuant to NJSA 40A:11-4.2 "Unless an exception is provided for under section 15 of P.L.1971, c.198 (C.40A:11-15) permitting a longer contract duration, contracts awarded pursuant to section 5 of P.L.1999, c.440 (C.40A:11-4.5) may be for a term not to exceed five (5) years".

Attachment A – List of Prequalified Vendors – CY 2027

Area of Practice

1. RFP – 27 - P04 – Municipal Engineer (Competitive Contracting)
2. RFP – 27 - P05 – Municipal Architect (Competitive Contracting)
3. RFP – 27 - P06 – Municipal Utility Engineer (Competitive Contracting)
4. RFP – 27 - P07 – Municipal Landscape Architect
5. RFP – 27 – P08 – Licensed Site Remediation Professional (LSRP) Services
6. RFP – 27 – P09 – Consultant – Parking Services
7. RFP – 27 – P10 - Professional Planning, Land Use and Redevelopment Services

VENDORS	AREA OF PRACTICE						
	P04	**P05**	**P06**	**P07**	**P08**	**P09**	**P10**
1.BWS Architects, Parsippany, NJ 07054		X					
2. Neglia Group, LLC, Lyndhurst, NJ 07071	X			X			X
3. Arterial, LLC, Montclair, NJ 07042				X			
4. Matrix New World Engineering, Fl0rham Park, NJ					X	X	
5. Van Cleef Engineering Associates, LLC., Mt. Arlington, NJ	X						
6. Arcari+Iovino Architects PC, Little Ferry, NJ 07643		X					
7. ENGenuity Infrastructure, Red Bank, NJ 07701	X		X	X		X	
8. Remington & Vernick Engineers, Secaucus, NJ 07094	X						
9. DMR Architects, Hasbrouck Heights, NJ 07604		X					
10. GZA GeoEnvironmental, Inc., Fairfield, NJ 07004					X		
11. T and M Associates, Bloomfield, NJ 07003	X		X	X	X		X
12. Bright View Engineering, Fairfield, NJ 07004	X		X			X	
13. RSC Architects, Hackensack, NJ 07601		X					
14. NV5, Inc., Morristown, NJ 07960					X		
15. Smith Maran Architecture, LLC, Montclair, NJ 07042		X					X
16. Jacobs Engineering Group, Inc. Morristown, NJ. 07960			X				
17. AKRF, Inc., Skillman, NJ 08558					X		
18. Nishuane Group, Group, LLC, Montclair, NJ 07042							X
19. THA Consulting, Inc., New Brunswick, NJ 08901						X	
20. TTI Environmental Inc., Moorestown, NJ 08057					X		
21. SSP Architects, Somerville, NJ 08876		X					