



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

TOWNSHIP COUNCIL REGULAR MEETING

April 25, 2023

7:00 PM

COUNCIL CHAMBERS

Sunshine Statement:

This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in the annual notice of the meeting schedule as set forth in Resolution R-22-245 adopted by the Township Council at its Regular Meeting of December 20, 2022; advertised in the official newspaper on December 29, 2022 and January 5, 2023, posted on the bulletin boards outside of the Municipal Building, and has remained continuously posted. In addition, a copy of the annual notice is and has been available to the public and is on file in the Office of the Township Clerk.

OPEN SESSION

Pledge of Allegiance

Roll Call

PUBLIC COMMENT

All speakers must complete the sign-in sheet next to the podium before addressing the Council. Please limit your comment to three minutes. If you wish to comment on a pending ordinance listed on this evening's agenda, please make your comment during the public hearing for that ordinance.

APPROVAL OF MINUTES

There have been presented to the Council the minutes of March 27, 2023. Are there any corrections or additions? Motion to adopt.

PENDING ORDINANCE(S)/SECOND READING

- A. **Ordinance O-23-09:** Ordinance to amend Chapter 202 Land use Procedures- Article III provisions applicable to both Planning Board and Zoning Board of Adjustments

*[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.*

- B. **Ordinance O-23-15:** Ordinance for adoption of Floodplain Management Regulations of the Township of Montclair

CONSENT AGENDA

Below items with asterisks (*) have been placed on the Consent Agenda by the Township Council and will be enacted by one motion. There will be no separate discussion of these items, unless requested by a Council Member.

- *1. **Resolution R-23-097:** Resolution authorizing the submission of a strategic plan for the Montclair Community Intervention Alliance Grant for fiscal year 2024 (Grant period: July 1, 2023-June 30,

2024)

- *2. **Resolution R-23-098:** Resolution authorizing emergency purchase pursuant to N.J.S.A. 40A:11-6 to acquire goods and services for emergency repair of Township computer system
- *3. **Resolution R-23-099:** Resolution authorizing the use of competitive contracting to acquire goods and services for operation, Management or Administration of data processing services in connection with Township payroll, Human Resources Information System (HRIS) benefit, pension, time, and attendance, ACA compliance and other finance reporting services
- *4. **Resolution R-23-100:** Resolution authorizing the use of competitive contracting for Consulting Services in connection with Township Professional Arborist
- *5. **Resolution R-23-101:** Resolution ratifying the emergency expenditure for the repair of the roadway on Bloomfield Avenue (at the intersection of Midland Avenue) due to a water main break
- *6. **Resolution R-23-102:** Resolution ratifying the emergency expenditure for the repair of a 6-inch main break on Glenridge Avenue (between Greenwood Avenue and North Willow Street)
- *7. **Resolution R-23-103:** Resolution ratifying the emergency expenditure for the repair of a 12-inch water main break within the intersection of Bloomfield Avenue and Midland Avenue
- *8. **Resolution R-23-104:** Resolution authorizing the award of a contract for the curbside collection and disposal of Municipal non-composted grass clippings
- 9. **Resolution R-23-105:** Resolution rejecting all bid proposals for Bid 23-07 for the Montclair Public Library ADA bathroom renovation (CDBG Funded Project) pursuant to N.J.S.A. 40A:11-13.2 (b)
- 10. **Resolution R-23-106:** Bills List Resolution

ADJOURNMENT



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TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY:

ITEM TYPE: Ordinance

AGENDA SECTION: **PENDING ORDINANCE(S)/SECOND READING**

SUBJECT: **Ordinance O-23-09:** Ordinance to amend Chapter 202 Land use Procedures- Article III provisions applicable to both Planning Board and Zoning Board of Adjustments

[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.

ATTACHMENTS:

[Item 0A NO VB PENDING O-23-09 Ordinance to amend Chapter 202 Land Use Procedures.pdf](#)

PENDING ORDINANCE O-23-09
TOWNSHIP OF MONTCLAIR

**ORDINANCE TO AMEND CHAPTER 202 LAND USE PROCEDURES – ARTICLE III
PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF
ADJUSTMENT**

March 14, 2023 (date of introduction)

April 25, 2023 (date of public hearing)

WHEREAS, Montclair Code Section 202-14 permits the Zoning Board of Adjustment to annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney; and

WHEREAS, escrow fees for non-residential variance applications have not been sufficient to cover the legal fees incurred associated with the review and meeting preparation for such non-residential variance applications; and

WHEREAS, Montclair Code Sections 202-6 and 202-15 permit the Planning Board and Zoning Board of Adjustment to employ or contract for and fix the compensation of such experts and other staff and services as they may deem necessary; and

WHEREAS, Montclair Code Section 295-11A(2) requires that all minor developments be subject to review by the reviewing engineer to determine that all stormwater runoff created by the development is adequately controlled and does not cause an adverse impact to adjoining property owners; and

WHEREAS, the escrow fee schedule contained in Montclair Code Section 202-27 does not include a line item for Board Engineer review; and

NOW THEREFORE BE IT ORDAINED by the Council of the Township of Montclair, in the County of Essex, State of New Jersey that it hereby amends Chapter 202 of the Montclair Code as follows:

Montclair Code § 202-27 Escrow Deposits

B. Scope of reimbursed services

(4) Variances and appeals

(a) Applications pursuant to N.J.S.A. 40:55D-70(a), (b) and (c) for multifamily and nonresidential development: \$250 per variance \$500 for the first variance and \$250 for each additional variance.

(7) Applications ~~for properties located in the steep slope zone~~ requiring board engineer review: \$750



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TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Department of Community Services

ITEM TYPE: Ordinance

AGENDA SECTION: **PENDING ORDINANCE(S)/SECOND READING**

SUBJECT: **Ordinance O-23-15:** Ordinance for adoption of Floodplain Management Regulations of the Township of Montclair

ATTACHMENTS:

[Item 0B NO VB PENDING O-23-15- Flood Damage Prevention \(00367635xD43F8\).pdf](#)

O-23-15
TOWNSHIP OF MONTCLAIR

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT
REGULATIONS OF THE TOWNSHIP OF MONTCLAIR**

**AN ORDINANCE BY THE COUNCIL OF THE TOWNSHIP OF MONTCLAIR
AMENDING THE TOWNSHIP OF MONTCLAIR CODE OF ORDINANCES TO REPEAL
CHAPTER 161, TITLED “FLOOD DAMAGE PREVENTION”; TO ADOPT A NEW
CHAPTER 161, TITLED “FLOOD DAMAGE PREVENTION”; TO ADOPT FLOOD
HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

April 12, 2023 (date of introduction)

April 25, 2023 (date of public hearing)

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 *et seq* and N.J.S.A. 40:55D *et seq.*, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of Montclair and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Township of Montclair was accepted for participation in the National Flood Insurance Program on September 15, 1977 and the Council of the Township of Montclair desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Township of Montclair is required, pursuant to N.J.A.C. 5:23 *et seq.*, to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Township of Montclair is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Township of Montclair is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Montclair in the County of Essex, in the State of New Jersey that the following floodplain management regulations are hereby adopted.

ARTICLE I. RECITALS

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

ARTICLE II. REVISIONS

These regulations specifically repeal and replace the following ordinance: Chapter 161, Flood Damage Prevention, adopted March 10, 2020 by Ordinance 20-03.

ARTICLE III- SCOPE AND ADMINISTRATION

161-1 Title.

These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Township of Montclair (hereinafter “these regulations”).

161-2 Scope.

These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in **Article IV** of these regulations.

161-3 Purposes and objectives.

The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- A. Protect human life and health.
- B. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- C. Manage the alteration of natural floodplains, stream channels and shorelines.
- D. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- E. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- F. Contribute to improved construction techniques in the floodplain.
- G. Minimize damage to public and private facilities and utilities.
- H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- I. Minimize the need for rescue and relief efforts associated with flooding.
- J. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.

- K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- L. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

161-4 Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of Montclair administer and enforce the State building codes, the Council of the Township of Montclair does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

161-5 Ordinary Building Maintenance and Minor Work.

Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement **Chapter 161-26** of this ordinance.

161-6 Warning.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

161-7 Other laws.

The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

161-8 Violations and Penalties for Noncompliance.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

161-8.1 Solid Waste Disposal in a Flood Hazard Area.

Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

161-9 Abrogation and greater restrictions.

These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

ARTICLE IV APPLICABILITY

161-10 General.

These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

161-11 Establishment of Flood Hazard Areas.

The Township of Montclair was accepted for participation in the National Flood Insurance Program on September 15, 1977.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Township of Montclair Department of Community Services 219 North Fullerton Avenue, Montclair, New Jersey.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

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- A. Effective Flood Insurance Study. Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study Essex County, New Jersey (All Jurisdictions) dated April 3, 2020 and the accompanying Flood Insurance Rate Maps (FIRM) identified in table **161-11(A)** whose effective date is June 4, 2007 and April 3, 2020 are hereby adopted by reference.

Table 161-11(A)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34013C0102	April 3, 2020	G	34013C0104	April 3, 2020	G
34013C0103	June 4, 2007	F	34013C0106	April 3, 2020	G
34013C0108	April 3, 2020	G	34013C0112	April 3, 2020	G
34013C0111	June 4, 2007	F			

- B. Federal Best Available Information. The Township of Montclair shall utilize Federal flood information as listed in table **161-11(B)** that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA’s Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 161-11(B)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
<i><u>None as of the date of this ordinance.</u></i>			

- C. Other Best Available Data. The Township of Montclair shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Montclair. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in **Chapters 161-11(A).** and **161-11(B).**, above. This information shall be used for floodplain regulation purposes only.
- D. State Regulated Flood Hazard Areas. For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in **Article XI**, and as described in the New Jersey Flood Hazard Area

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Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

List of State Studied Waters:

Name of Studied Water	File Name	Map Number
Nishuane Bk	SUPPIV02	N-1
Nishuane Bk	SUPPIV03	N-2
Second Rv	SUPPIV06	S-5
Second Rv	SUPPIV07	S-6
Third Rv	SUPPIV18	T-9
Third Rv	SUPPIV19	T-10
Peckman Rv	SUPPV009	2 of 2
Third Rv	SUPPIV21p	08P

161-12 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in **Chapter 161-11**, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in **Chapter 161-11**, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in **Chapters 161-11(A)**, and **161-11(B)**, above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - (1) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - (2) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to **Chapters 161-35** and **161-36**.
- C. AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of

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freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.

- D. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- E. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

ARTICLE V DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

161-13 Floodplain Administrator Designation.

The Township Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

161-14 General.

The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to **Article IX** of these regulations.

161-15 Coordination.

The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

161-16 Duties.

The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in **Article IV** of these regulations.
- B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for

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administering and documenting determinations of substantial improvement and substantial damage made pursuant to **Chapter 161-26** of these regulations.

- G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to **Article IX** of these regulations.
- I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- J. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- K. Inspect development in accordance with **Article VIII** of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with **Article IX** of these regulations.
- M. Cite violations in accordance with **Article X** of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of Montclair have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in **Chapter 161-11**.

161-17 Use of changed technical data.

The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

161-18 Other permits.

It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including Section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

161-19 Determination of Local Design Flood Elevations.

If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- A. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- B. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in **Chapters 161-11** and **161-12** respectively. This information shall be provided to the Construction Official and documented according to **Chapter 161-27**.

161-20 Requirement to submit new technical data.

Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

161-21 Activities in riverine flood hazard areas.

In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

161-22 Floodway encroachment.

Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

161-22.1 Floodway revisions.

A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood

Insurance Rate Map (FIRM) and has received the approval of FEMA.

161-23 Watercourse alteration.

Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

161-23.1 Engineering analysis.

The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

161-24 Alterations in coastal areas.

The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

161-25 Development in riparian zones.

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

161-26 Substantial improvement and substantial damage determinations.

When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- A. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage

occurred and before any repairs are made.

- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in **Chapter 161-5**, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- E. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

161-27 Department records.

In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

161-28 Liability.

The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination

of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

ARTICLE VI PERMITS

161-29 Permits Required.

Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

161-30 Application for permit.

The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in **Article VII** of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- F. Be signed by the applicant or the applicant's authorized agent.

161-31 Validity of permit.

The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

161-32 Expiration.

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

161-33 Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or

incomplete information, or in violation of any ordinance or code of this jurisdiction.

ARTICLE VII SITE PLANS AND CONSTRUCTION DOCUMENTS

161-34 Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- B. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with **Chapter 161-35**.
- C. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with **Chapter 161-35(C)** of these regulations.
- D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- G. Extent of any proposed alteration of sand dunes.
- H. Existing and proposed alignment of any proposed alteration of a watercourse.
- I. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

161-35 Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- A. Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with

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Appendix 1 of the FHACA to determine the required flood elevation.

- B. Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- C. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

161-36 Analyses and certifications by a Licensed Professional Engineer.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in **Chapter 161-37** of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in **Chapter 161-37** of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will

not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

- E. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

161-37 Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VIII INSPECTIONS

161-38 General.

Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

161-39 Inspections of development.

The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

161-40 Buildings and structures.

The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- A. Lowest floor elevation. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in **Chapter 161-74** shall be submitted to the Construction Official on an Elevation Certificate.
- B. Lowest horizontal structural member. In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in **Chapter 161-74** shall be submitted to the Construction Official on an Elevation Certificate.
- C. Installation of attendant utilities (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in **Chapter 161-74**.
- D. Final inspection. Prior to the final inspection, certification of the elevation required in **Chapter 161-74** shall be submitted to the Construction Official on an Elevation Certificate.

161-41 Manufactured homes.

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the

elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

ARTICLE IX VARIANCES

161-42 General.

The Montclair Planning Board shall hear and decide requests for variances. The Montclair Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in **Chapter 161-46**, the conditions of issuance set forth in **Chapter 161-47**, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Montclair Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

161-43 Historic structures.

A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

161-44 Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

161-45 Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in **Chapter 161-36(A)**. of these regulations.

161-46 Considerations.

In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

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- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

161-47 Conditions for issuance.

Variances shall only be issued upon:

- A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

ARTICLE X VIOLATIONS

161-48 Violations.

Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

161-49 Authority.

The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

161-50 Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

161-51 Review Period to Correct Violations.

A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

ARTICLE XI DEFINITIONS

161-52 General.

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

161-53 Definitions.

30 DAY PERIOD

The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION

Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION

Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES

Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES

Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE

Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE

A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING

A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. AREA OF SPECIAL FLOOD HAZARD – see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7

The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral,

vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24

The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE)

The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA

The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA

The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION

The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS

Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING

Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION

A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source

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and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION – FILL

A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING

Per the FHACA, “Critical Building” means that:

- A. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- B. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT

Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING

A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING

A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE

An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT

The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS

Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in a(2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in a(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION

Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA

Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE

Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING

Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile

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home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP

As related to **Article IX** of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board of the Township of Montclair requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING

Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- A. Prior to January 31, 1980; or
- B. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain

management standards required under the FHACA.

LETTER OF MAP AMENDMENT

A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE

The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION

A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL

A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM), it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL

Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER

A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION

The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's Local Design Flood Elevation (LD FE) be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE

The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR

In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME

A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL

Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK

This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE

A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL

Pursuant to the ASCE 24:

- A. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- B. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- C. Institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL

"Solid Waste Disposal" shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA

The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION

The Start of Construction is as follows:

- A. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- B. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES

Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE

A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION

A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION

The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE

A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING

Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique

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under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

ARTICLE XII SUBDIVISIONS AND OTHER DEVELOPMENTS

161-54 General.

Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

161-55 Subdivision requirements.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

ARTICLE XIII SITE IMPROVEMENT

161-56 Encroachment in floodways.

Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with **Chapter 161-36(A)** of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If **Chapter 161-36(A)** is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with **Chapter 161-74** of this ordinance and the floodway requirements of N.J.A.C. 7:13.

161-56.1 Prohibited in floodways.

The following are prohibited activities:

- A. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- B. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

161-57 Sewer facilities.

All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

161-58 Water facilities.

All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

161-59 Storm drainage.

Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

161-60 Streets and sidewalks.

Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

161-61 Limitations on placement of fill.

Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

161-62 Hazardous Materials.

The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

ARTICLE XIV MANUFACTURED HOMES

161-63 General.

All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

161-64 Elevation.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in **Chapter 161-74**.

161-65 Foundations.

All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized

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to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

161-66 Anchoring.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

161-67 Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of **Chapter 161-74**.

161-68 Protection of mechanical equipment and outside appliances.

Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in **Chapter 161-74** of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by **Chapter 161-74**, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE XV RECREATIONAL VEHICLES

161-69 Placement prohibited.

The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

161-70 Temporary placement.

Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

161-71 Permanent placement.

Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of **Chapter 161-74** for habitable buildings and **Chapter 161-65**.

ARTICLE XVI TANKS

161-72 Tanks.

Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

ARTICLE XVII OTHER DEVELOPMENT AND BUILDING WORK

161-73 General requirements for other development and building work.

All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of **Chapter 161-36(A)** of this ordinance when located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to **Chapter 161-12**;
- D. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to **Chapter 161-12** or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - (1) Specifically allowed below the Local Design Flood Elevation; and
 - (2) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- F. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

161-74 Requirements for Habitable Buildings and Structures.

Construction and Elevation in A Zones not including Coastal A Zones.

- A. No portion of a building is located within a V Zone.
- B. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
- C. All new construction and substantial improvement of any habitable building (as defined in **Article XI**) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in **Chapter 161-12**, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- D. All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood

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- Elevation as determined in **Chapter 161-12**, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
- (2) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - (a) Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - (b) Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- E. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
- (1) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - (2) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of **Chapter 161-74(D)(2)** are met;
 - (3) Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - (4) Have openings documented on an Elevation Certificate; and
 - (5) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C. 7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - (a) The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - (b) The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - (c) The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

161-75 Garages and accessory storage structures.

Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

161-76 Fences.

Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of **Chapter 161-36(A)** of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in **Article IX** of this ordinance.

161-77 Retaining walls, sidewalks, and driveways.

Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of **Chapter 161-36(A)** of these regulations and N.J.A.C. 7:13.

161-78 Swimming pools.

Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of **Chapter 161-36(A)** of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

161-79 Roads and watercourse crossings.

- A. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- B. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of **Chapter 161-36(A)** of these regulations.

ARTICLE XVIII TEMPORARY STRUCTURES AND TEMPORARY STORAGE

161-80 Temporary structures.

Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

161-81 Temporary storage.

Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

161-82 Floodway encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of **Chapter 161-36(A)** of these regulations.

ARTICLE XIX UTILITY AND MISCELLANEOUS GROUP U

161-83 Utility and Miscellaneous Group U.

In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

161-84 Flood loads.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in **Chapter 161-12**.

161-85 Elevation.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in **Chapter 161-12** and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

161-86 Enclosures below base flood elevation.

Fully enclosed areas below the design flood elevation shall be constructed in accordance with **Chapter 161-74** and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

161-87 Flood-damage resistant materials.

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in **Chapter 161-12**.

161-88 Protection of mechanical, plumbing, and electrical systems.

Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in **Chapter 161-12**.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE XX SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

ARTICLE XXI EFFECTIVE DATE.

This ordinance shall take effect as prescribed by law.



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Health Department

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-097:** Resolution authorizing the submission of a strategic plan for the Montclair Community Intervention Alliance Grant for fiscal year 2024 (Grant period: July 1, 2023-June 30, 2024)

ATTACHMENTS:

[Item 1 MCIA RESOLUTION FY24 - 7-1-23 TO 6-30-24 \(002\).pdf](#)

R-23-097

TOWNSHIP OF MONTCLAIR

**RESOLUTION AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN
FOR THE MONTCLAIR COMMUNITY INTERVENTION ALLIANCE GRANT
FOR FISCAL YEAR 2024 (GRANT PERIOD: JULY 1, 2023 – JUNE 30, 2024)**

April 25, 2023

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

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

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Essex.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Montclair, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Montclair Community Intervention Alliance grant for fiscal year 2024 (grant period: July 1, 2023 to June 30, 2024) in the amount of:

Drug Education Demand Reduction (DEDR): \$ 20,325.26

Cash Match	\$ 5,081.32
In-Kind	\$ 15,243.95

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Office of Information Technology

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-098:** Resolution authorizing emergency purchase pursuant to N.J.S.A. 40A:11-6 to acquire goods and services for emergency repair of Township computer system

ATTACHMENTS:

[Item 2 Resolution - Emergency Purchase - Biff Duncan.pdf](#)
[Justification - Emergency Purchasing - Biff Duncan.pdf](#)
[Biff Duncan - Emergency.pdf](#)
[Emergency Purchase - Audit Findings.pdf](#)

R-23-098

TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING EMERGENCY PURCHASE PURSUANT TO N.J.S.A. 40A:11-6 TO ACQUIRE GOODS AND SERVICES FOR EMERGENCY REPAIR OF TOWNSHIP COMPUTER SYSTEM

April 25, 2023

WHEREAS, an emergency purchase pursuant to N.J.S.A. 40A:11-6.1 may be awarded without soliciting quotations when an emergency affecting the health and public safety requires the immediate performance of the service; and

WHEREAS, a system alert occurred regarding the Township computer system firewalls being down rendering the whole computer system to be out of service and, it is necessary to procure emergency computer system trouble shooting services to prevent a situation that create a danger to public safety and infrastructure of the Township; and

WHEREAS, a certification of imminent hazard was received from the Township Chief Information Officer; and

WHEREAS, the Council of the Township of Montclair, in the County of Essex concurred and determined that an emergency purchase is authorized to prevent a situation that will render the Township computer system to be completely down, and

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

1. The Township approves an emergency contract with Biff Duncan Associates, Inc., 3302 State Highway 66, Building A, Suite 101, Neptune NJ 07753 in the amount of \$7,000.00.
2. Upon Biff Duncan Associates, Inc. completion of the emergency contract, it shall be entitled to payment and the Township shall take such action as shall be required to provide for the payment of the contract price.



Justification for Emergency Purchasing Authority

Requesting Department:	Office of Information Technology
Department Head (Printed Name)	Tony Y. Fan
Request for the Purchase of:	Cisco Firewall is Down (Secondary)
Requested Supplier (vendor name):	Biff Duncan Associates, Inc.
Cost Estimate (attach invoice/quote):	\$7,000.00 (verbal)

Emergency purchases may be made to address a situation that creates a danger to public health, safety or welfare, e.g. by reason of floods, epidemics, equipment failures or other similar circumstances in accordance with N.J.S.A 40A:11-6: Emergency Purchases.

Background and Justification (attach additional sheets as needed):

Background:

1. On 03/09/2023, 06:29 AM. My office received an email alert regarding one of the Cisco firewalls being down.
2. Mr. Tony Fan and Biff Duncan immediately troubleshoot the firewall on the same date and the next day, 03/10 (Friday).
3. Then we opened a case with Cisco's SMARTNet team on 03/10 @ 6:30 PM for advanced troubleshooting from Cisco, and a Cisco Engineer was assigned on 03/10 @ 8:39 PM.
4. Both (Tony Fan and Bill Duncan) tried to work with the Cisco Engineer on the weekend and couldn't connect.
5. On 03/13 (Monday), Tony Fan and Bill Duncan tried the hard reset instruction from the Cisco Engineer. But the Cisco Firewall is still not back online.
6. The following step recommendation from the Cisco Engineer is to perform an RMA, which Tony Fan is working on with Cisco. An ETA for the RMA to be delivered is 03/14/2023, around 5 PM.

Justification:

1. The Township is currently at a major risk of losing the entire network and internet connection if the remaining primary Cisco Firewall is down.
2. Biff Duncan will be assisting in rebuilding, re-programming, and firewall version upgrades on both firewalls (primary and secondary).
3. Biff Duncan will also be assisting in performing a version upgrade for the rest of the core infrastructure:
 - a. Core switches
 - b. Core routers

Department Head Certification: *The information provided above is true and accurate to the best of my knowledge; and there is insufficient time and/or other extenuating circumstances (detailed above) creating a public exigency which requires a direct and immediate procurement, in the best interest of the Township:*

Department Head (signature):  Date: 03/13/2023

QUOTE

Biff Duncan *Associates, Inc.*

3301 State Highway 66, Building A, Suite 101, Neptune, NJ
07753

QUOTE #	AAAQ7798
DATE	3/14/2023
EXPIRES	

BUYER

Tony Fan
Township of Montclair
205 Claremont Avenue
Montclair, NJ 07042
United States
E-mail: tfan@montclairnjusa.org
Phone: (973) 509-4927

SHIP TO

Tony Fan
Township of Montclair
205 Claremont Avenue
Montclair, NJ 07042
United States
E-mail: tfan@montclairnjusa.org
Phone: (973) 509-4927

BILL TO

Tony Fan
Township of Montclair
205 Claremont Avenue
Montclair, NJ 07042
United States
E-mail: tfan@montclairnjusa.org
Phone: (973) 509-4927

SALESPERSON	PAYMENT TERMS
JPayne	Net 15

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
40	Information Technology Professional and Technical Support Services 40 hour emergency PO to fix and upgrade firewall infrastructure - Unscheduled/Emergency work outside of normal business hours (M-F 8am-6pm) will be billed at a rate of 1.5 hours per hour worked.	\$175.00	\$7,000.00
		SUBTOTAL	\$7,000.00
		SALES TAX	\$0.00
		TOTAL	\$7,000.00

SALES AGREEMENT TERMS

Description of the Goods and Services. Buyer (named on the first page of this Agreement) agrees to purchase from Biff Duncan Associates, Inc. ("Seller") the goods and services described in this Agreement, subject to the following terms and conditions.

Sale Price. The prices listed in this Agreement—both line item prices and the total price ("Sale Price")—are valid only for Buyer, and only until the "Valid Until" date specified on the first page of this Agreement. The prices are valid only on the purchase of all products and quantities listed in the Agreement as a single order for the Sale Price; they are not valid for the purchase of individual line items or lesser quantities.

Delivery Fees. Unless otherwise indicated in this Agreement, Buyer must pay to Seller all shipping, handling, and delivery fees associated with this sale, whether or not they are specified in this Agreement.

Tax. All sales taxes, value-added taxes, excise taxes, tariffs, and duties ("Tax") imposed upon this sale in accordance with applicable law shall be payable by Buyer. When legally required to do so, Seller will collect them from Buyer for subsequent remission to the proper taxing authority. The Tax specified and included in the Sale Price is based on the "Ship To" address specified on the first page of this Agreement. Buyer understands that the actual Tax due on the sale may differ from this amount, and that Buyer must pay the actual Tax due, without limitation.

Payment Terms. Buyer agrees to accept the goods and services and pay for them according to the Payment Terms specified on the first page of this Agreement, interpreted as follows:

100% PREPAID – Buyer agrees to remit payment of the Sale Price to Seller in full before any goods are shipped to Buyer and before any services are rendered (upon or immediately after execution of this Agreement). Buyer understands that shipment will be delayed until payment in full is received by Seller. If Seller receives payment from Buyer after the Valid Until date, Seller may opt to cancel the sale unilaterally at any time thereafter, but is not required to do so.

UPON RECEIPT – Buyer agrees to remit payment in full immediately upon Buyer's receipt of Seller's invoice, which will be issued upon shipment of goods from their point of origin. Any portion of any invoiced amount not received by Seller by 5:00 PM US/Eastern on the tenth day following the invoice issuance date shall be deemed Past Due.

NET XX – Buyer agrees to remit payment in full within XX days of the issue date of Seller's invoice (NET 0 is equivalent to UPON RECEIPT), which will be issued upon shipment of goods from their point of origin. Any portion of any invoiced amount not received by Seller by 5:00 PM US/Eastern on XXth day following the invoice issuance date shall be deemed Past Due.

YY% PREPAID, NET XX – Buyer agrees to remit payment of YY% the Sale Price before delivery and then payment in full within XX days of the issue date of Seller's invoice, which will be issued upon shipment of goods from their point of origin. Any portion of any invoiced amount not received by Seller by 5:00 PM US/Eastern on XXth day following the invoice issuance date shall be deemed Past Due. Buyer understands that shipment will be delayed until payment of the required prepaid amount is received by Seller. If Seller receives such payment from Buyer after the Valid Until date, Seller may opt to cancel the sale unilaterally at any time thereafter, but is not required to do so.

Buyer agrees to pay to Seller a late fee equal to 1.5% of any Past Due amount for each month or portion thereof that the amount remains unpaid. Goods may be shipped to Buyer in multiple lots from multiple points of origin, and Seller may invoice Buyer for each lot separately as it is shipped.

All payments must be made by company check, cashier's check, cash, or cash equivalent (e.g. bank money order) only. We do not accept credit cards at this time.

Cancellation by Seller. Buyer agrees that Seller may unilaterally terminate the sale at any time prior to Buyer's receipt of goods upon Seller's written notice to Buyer.

Delivery and Acceptance. Goods shall be considered received by Buyer upon their delivery to the Ship To address specified on the first page of this agreement. Buyer has the right to examine the goods upon receipt and notify Seller of any claim for damages based on the condition, grade, or quality of the goods. Such notice must be made in writing; must be transmitted by mail, courier, e-mail, or fax; must specify the particulars of the claim; and must be received by Seller by 5:00 PM US/Eastern on the third business day following Buyer's receipt of the goods. Failure to provide such notice within the requisite time period shall constitute irrevocable acceptance of the goods by Buyer.

Warranty and Limitation of Liability. SELLER WARRANTS THAT THE GOODS ARE FREE FROM ANY AND ALL SECURITY INTERESTS, LIENS, AND ENCUMBRANCES. NO OTHER WARRANTY IS MADE BY SELLER. ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE DISCLAIMED. IN NO EVENT WILL THE SELLER BE LIABLE FOR ANY DAMAGES WHATSOEVER ARISING OUT OF OR RELATED TO THIS SALE, HOWEVER CAUSED AND UPON ANY THEORY OF LIABILITY, IN TORT (INCLUDING NEGLIGENCE), CONTRACT, OR OTHERWISE. THIS LIMITATION INCLUDES BUT IS NOT LIMITED TO DIRECT, INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO LOSS OF DATA, BUSINESS INTERRUPTION, OR LOSS OF PROFITS, EVEN IF SELLER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED OR IMPLIED ELSEWHERE IN THIS AGREEMENT, SELLER SHALL HAVE NO LIABILITY FOR ANY DAMAGES WHATSOEVER RELATING TO THE ACTS OR OMISSIONS OF CUSTOMER OR ANY OTHER PARTY.

Force Majeure. In no event will either party to this Agreement have responsibility or liability to the other for any failure or delay in performance which results, directly or indirectly, in whole or in part, from any cause or circumstance beyond its reasonable control. Such causes and circumstances must include, but not be limited to: fires; floods; strikes; riots; sabotage; explosion; adverse weather conditions; unavoidable casualties; unavailability of labor, materials, transportation or services; acts of God or of the public enemy; acts of the other party; and court orders, acts, orders or regulations of any governmental agency or loss of permits which are not based upon the actions or responsibilities of either party.

Governing Law. This Agreement and the rights and duties of Buyer and Seller must be governed and construed, enforced and performed in accordance with the laws of the State of New Jersey. Moreover, Buyer and Seller agree that the institution and/or defense of any action or proceeding in connection with this Agreement must be in the courts of the County of Monmouth in the State of New Jersey.

Paragraph Headings. Headings on paragraphs in this Agreement are inserted only for convenience and are must not be construed as a part of this Agreement or as a limitation of the scope of the paragraph or section to which they refer.

Entire Agreement. This Agreement specifically supersedes and replaces any and all other oral and written communications and agreements between Buyer and Seller with respect to this sale, except that:

- a) The performance of any personal, professional, and technical services sold by Seller to Buyer under this Agreement shall be governed by the terms and conditions of a separate Master Professional Services Agreement between Buyer and Seller, as well as a separate Statement of Work, Work Order, or Project Services Agreement, if one is applicable.
- b) Buyer's utilization of third-party-provided services (e.g. a manufacturer's hardware warranty and support services, a hosted e-mail antispam scanning service, a hosted e-mail service) that are resold by Seller to Buyer under this Agreement shall subject to the terms and conditions of the third-party provider's terms of service.
- c) Buyer's installation, use, and distribution of third-party software for which a license is resold by Seller to Buyer under this Agreement shall be subject to the terms of the license.

Modifications and Waivers. No provision of this Agreement can be waived, amended, or modified by either party to this Agreement unless such waiver, amendment, or modification is in writing signed by the party against whom enforcement of the waiver, amendment, or modification is sought.

AGREED TO AND ACCEPTED BY BUYER:

Name and Title

Signature

Date

**TOWNSHIP OF MONTCLAIR
GENERAL COMMENTS
DECEMBER 31, 2018**

Contracts and Agreements Required to be Advertised for (N.J.S.A. 40A:11-4)

N.J.S.A. 40A:11-4, as amended, states "Every contract or agreement, for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price whereof is to be paid with or out of public funds not included within the terms of Section 3 of this act, shall be made or awarded only by the Governing Body of the contracting unit after public advertising for bids and bidding therefore, except as is provided otherwise in this act or specifically by any other law. No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate the amount set forth in, or the amount calculated by the Governor pursuant to N.J. S.A. 40A: 11-3, except by contract or agreement."

It is pointed out that the Township Council have the responsibility of determining whether the expenditures in any category will exceed the threshold set for the fiscal year and, where question arises as to whether any contract or agreement might result in violation of the statute, the opinion of the Township Attorney should be sought before a commitment is made.

The bidding threshold for the period under review was \$40,000.00 in accordance with the provisions of N.J.S.A. 40A:11-3a, based on the appointment of a qualified purchasing agent.

The minutes indicate that bids were requested by public advertisement for all purchases.

Notwithstanding N.J.S.A. 40A:11-3a, P.L. 2005, Chapter 51 and N.J.S.A. 19:44A-20.5, known as the "Pay to Play Law", provides that a municipality is prohibited from executing any contract in excess of \$17,500.00, on or after January 1, 2006, to a business entity that made certain reportable contributions to any municipal committee of a political party if a member of that party is in office as a member of the governing body of the municipality when the contract is awarded, unless proposals or qualifications are solicited through a fair and open process.

It is further noted that contracts between \$17,500.00 and the municipal bidding threshold, known as "window contracts", can be issued by resolution of the governing body without competitive bidding if a non-fair and open process is implemented which prohibits reportable contributions by the business entity. The Township did not participate in this process.

Inasmuch as the system of records did not provide for an accumulation of payments for categories of materials and supplies or related work or labor, the results of such an accumulation could not reasonably be ascertained. Disbursements were reviewed, however, to determine whether any clear-cut violations existed.

Purchases, Contracts or Agreements Not Required to be Advertised by N.J.S.A. 40A:11-6.1

N.J.S.A. 40A:11-6.1 states, "Except contracts which require the performance of professional services, all contracts or agreements which do not require public advertising for bids and the estimated cost or price exceeds fifteen percent of the bid threshold or \$6,000.00 at least two quotations as to the cost or price, whenever practicable, shall be solicited by the contracting agent, and the contract or agreement shall be made with and awarded to the lowest responsible bidder." The following exception was noted.

2018-001

The Township not did approve emergency purchases by resolution for expenditures exceeding the quote threshold.

We recommend all emergency purchases exceeding the quote threshold be formally approved by Township Council through resolution at the earliest available meeting date.

Reference is made to the Local Public Contract Guidelines and Local Public Contract Regulations (1977) promulgated by the New Jersey Division of Local Government Services in the Department of Community Affairs.



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Purchasing Office

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-099:** Resolution authorizing the use of competitive contracting to acquire goods and services for operation, Management or Administration of data processing services in connection with Township payroll, Human Resources Information System (HRIS) benefit, pension, time, and attendance, ACA compliance and other finance reporting services

ATTACHMENTS:

[Item 3 Resolution - Competitive Contracting - Payroll - HRIS.pdf](#)

TOWNSHIP OF MONTCLAIR

RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING TO ACQUIRE GOODS AND SERVICES FOR OPERATION, MANAGEMENT OR ADMINISTRATION OF DATA PROCESSING SERVICES IN CONNECTION WITH TOWNSHIP PAYROLL, HUMAN RESOURCES INFORMATION SYSTEM (HRIS), BENEFIT, PENSION, TIME & ATTENDANCE, ACA COMPLIANCE AND OTHER FINANCE REPORTING SERVICES

April 25, 2023

WHEREAS, the Township of Montclair has identified the need to acquire goods and services for the operation, management, or administration of data processing services in connection with Township payroll, Human Resources Information System (HRIS), benefit, pension, time & attendance, Affordable Care Act (ACA) compliance and other financial reporting services; and

WHEREAS, pursuant to NJSA 40A:11-4.(a) “In order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in NJSA 40A:11-4.1 are desired to be contracted”; and

WHEREAS, NJSA 40A:11-4.1.1(3) permits competitive contracting to be utilized to procure goods and services for the operation, management or administration of data processing services and warrant a qualitative evaluation of specialized goods and service providers to determine that it is the most advantageous, price and other factors considered; and

WHEREAS, NJSA 40A:11-4.3(a) requires that the competitive contracting process shall be administered by a designated Authorized Agent who may be a purchasing agent pursuant to NJSA 40A:11-9, or by legal counsel of the contracting unit, or by the chief administrative officer of the contracting unit; and

WHEREAS, the Council of the Township of Montclair, in the County of Essex concurred and determined that the procurement of goods and services for the operation, management or administration of data processing services in connection with Township payroll, Human Resources Information System (HRIS), benefit, pension, time & attendance, Affordable Care Act (ACA) compliance and other financial reporting services through the use of competitive contracting is in the best interest of the Township.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, State of New Jersey that the Township Manager is authorized to initiate competitive contracting for the solicitation of proposals to acquire goods and services for the operation, management or administration of data processing services in connection with Township payroll, Human Resources Information System (HRIS), benefit, pension, time & attendance, Affordable Care Act (ACA) compliance and other financial reporting services.



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Department of Community Services

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-100:** Resolution authorizing the use of competitive contracting for Consulting Services in connection with Township Professional Arborist

ATTACHMENTS:

[Item 4 Resolution - Competitive Contracting - Professional Arborist.pdf](#)

R-23-100

TOWNSHIP OF MONTCLAIR

**RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR
CONSULTING SERVICES IN CONNECTION WITH TOWNSHIP PROFESSIONAL
ARBORIST**

April 25, 2023

WHEREAS, the Township of Montclair has identified the need for consulting services in connection with the Township Professional Arborist; and

WHEREAS, pursuant to NJSA 40A:11-4.(a) “In order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in NJSA 40A:11-4.1 are desired to be contracted”; and

WHEREAS, NJSA 40A:11-4.1(m) permits competitive contracting to be utilized to procure consulting services in connection with the Township Professional Arborist and warrant a qualitative evaluation of specialized goods and service providers to determine that it is the most advantageous, price and other factors considered; and

WHEREAS, NJSA 40A:11-4.3(a) requires that the competitive contracting process shall be administered by a designated Authorized Agent who may be a purchasing agent pursuant to NJSA 40A:11-9, or by legal counsel of the contracting unit, or by the chief administrative officer of the contracting unit; and

WHEREAS, the Council of the Township of Montclair, in the County of Essex concurred and determined that the procurement of for consulting services in connection with the Township Professional Arborist through the use of competitive contracting is in the best interest of the Township.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, State of New Jersey that the Township Manager is authorized to initiate competitive contracting for the solicitation of proposals for consulting services in connection with the Township Professional Arborist



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Department of Utilities

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-101:** Resolution ratifying the emergency expenditure for the repair of the roadway on Bloomfield Avenue (at the intersection of Midland Avenue) due to a water main break

ATTACHMENTS:

[Item 5 Emergency water break.pdf](#)

[Carroccia Company - Invoice for Emergency Roadway Repair - Bloomfield Avenue.pdf](#)

[Item 5 Justification for Emergency Purchases - Carroccia Company.pdf](#)

R-23-101

TOWNSHIP OF MONTCLAIR

**RESOLUTION RATIFYING THE EMERGENCY EXPENDITURE FOR THE REPAIR
OF THE ROADWAY ON BLOOMFIELD AVENUE (AT THE INTERSECTION OF
MIDLAND AVENUE) DUE TO A WATER MAIN BREAK**

April 25, 2023

WHEREAS, an emergency arose with respect to a water main break, which occurred on December 15, 2022, in Bloomfield Avenue (at the intersection of Midland Avenue); and

WHEREAS, the Water Bureau did not have the availability of labor and material to lay hot asphalt onto the water main break area (which had only temporary paving) and the roadway on Bloomfield Avenue needed to be opened to allow traffic to flow; and

WHEREAS, due to the emergency nature of this project, the necessity to reopen the roadway on Bloomfield Avenue and the materials and labor needed, it was necessary to retain a contractor to repair the roadway; and

WHEREAS, N.J.S.A. 40A:11-6 provides that public bidding is not necessary in an emergency situation; and

WHEREAS, **Carroccia Company** was contracted to mill and pave the roadway on December 29, 2022; and

WHEREAS, the amount of the contract totaled \$34,200.00; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **Carroccia Company of 336 Route 22 West, Green Brook, N.J.** be, and hereby is, retroactively authorized, and an emergency contract with same hereby ratified, in accordance with the provisions of N.J.S.A. 40A:11-6, to perform the necessary roadway repair work without the necessity of public bidding. Funds for said emergency repairs are available in the following Capital Budget Account Number:

Ord. #	Account Description	Account Number	Amount
22-19	Backup Pumps and Drives	07-215-22-019-001	\$34,200.00

CARROCCIA COMPANY INC.

336 ROUTE 22

GREEN BROOK, NJ 08812

STATEMENT**DATE****3/1/23****Phone #****Fax #**

7329681010 102

(732) 968-1135

TOWNSHIP OF MONTCLAIR**WATER AUTHORITY-GARY OBSZARNY****205 CLAREMONT AVENUE****MONTCLAIR, NJ 07042****AMOUNT DUE****AMOUNT ENC...****\$34,200.00**

DATE	TRANSACTION	AMOUNT	BALANCE
12/30/22	2022-120 EMG BLOOMFIELD&MIDLANDAVE REPAIR- INV #2022-1012. Orig. Amount \$34,200.00.	34,200.00	34,200.00
		AMOUNT DUE	
		\$34,200.00	



Justification for Emergency Purchasing Authority

Requesting Department:	Department of Utilities
Department Head (Printed Name)	Gary Obszarny
Request for the Purchase of:	Emergency Backfill, Milling and Paving of Roadway on Bloomfield Avenue at the intersection of Midland Avenue
Requested Supplier (vendor's name):	Carroccia Company, Inc.
Cost Estimate (attach invoice/quote):	\$34,200.00

Emergency purchases may be made to address a situation that creates a danger to public health, safety or welfare, e.g., by reason of floods, epidemics, equipment failures or other similar circumstances in accordance with N.J.S.A 40A:11-6: Emergency Purchases.

Background and Justification (attach additional sheets as needed):

On December 15, 2022, the Montclair Water Bureau received a call about a water main break on Bloomfield Avenue at the Midland Avenue intersection. Montana Construction performed the water main repair and temporary paving.

Carroccia Company did the final paving on December 29, 2022. Bloomfield Avenue is an Essex County roadway which is very busy with traffic. So as not to endanger the safety and welfare of the public, we contracted with Carroccia Company to pave the roadway to avoid any sunken areas. The roadway required some removal of loose pieces of asphalt, replacement of the coarse asphalt and then milling and paving the affected area of the water main break.

The cost for the final paving of the roadway on Bloomfield Avenue at the intersection of Midland Avenue, performed by Carroccia Company, Inc., was \$34,200.00

Department Head Certification: *The information provided above is true and accurate to the best of my knowledge; and there is insufficient time and/or other extenuating circumstances (detailed above) creating a public exigency which require a direct and immediate procurement, in the best interest of the Township:*

Department Head (signature): _____ Date: _____



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Department of Utilities

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-102:** Resolution ratifying the emergency expenditure for the repair of a 6-inch main break on Glenridge Avenue (between Greenwood Avenue and North Willow Street)

ATTACHMENTS:

[Item 6 Emergency Repair - 6 Inch Water Main Break - Glenridge Avenue \(Between Greenwood North Willow\) - John Garcia Construction.pdf](#)

[Item 6b Justification for Emergency Purchases - John Garcia Construction \(Glenridge Avenue\).pdf](#)

[John Garcia Construction - Invoice for Emergency Water Main Repair on Glenridge Avenue.pdf](#)

TOWNSHIP OF MONTCLAIR

**RESOLUTION RATIFYING THE EMERGENCY EXPENDITURE FOR THE REPAIR
OF A 6-INCH WATER MAIN BREAK ON GLENRIDGE AVENUE (BETWEEN
GREENWOOD AVENUE AND NORTH WILLOW STREET)**

April 25, 2023

WHEREAS, an emergency arose with respect to a break on the 6-inch water main on Glenridge Avenue (Between Greenwood Avenue and North Willow Street) on December 26, 2022; and

WHEREAS, two water main breaks occurred, at different locations, on the same day and the Township crew was working on the other water main break; and

WHEREAS, due to the emergency nature of this project, the magnitude of the work required, the equipment needed to complete the water main repair and the safety of the Township distribution crew, it was necessary to retain a contractor; and

WHEREAS, N.J.S.A. 40A:11-6 provides when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services that public bidding is not necessary in an emergency situation; and

WHEREAS, **John Garcia Construction Company** was contracted to complete the water main repair; and

WHEREAS, the amount of the contract totaled \$11,718.54; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **John Garcia Construction Company, Inc., 183 Friar Lane, Clifton, N.J. 07013** be, and hereby is, retroactively authorized, and an emergency contract with same hereby ratified, in accordance with the provisions of N.J.S.A. 40A:11-6, to perform the necessary repair/replacement work without the necessity of public bidding. Funds for said emergency repairs are available in the following Capital Budget Account Number:

Ord. #	Account Description	Account Number	Amount
22-19	Backup Pumps and Drives	07-215-22-019-001	\$11,718.54



Justification for Emergency Purchasing Authority

Requesting Department:	Department of Utilities
Department Head (Printed Name)	Gary Obszarny
Request for the Purchase of:	Emergency Repair of Water Main on Glenridge Avenue (between Greenwood Avenue and North Willow Street)
Requested Supplier (vendor's name):	John Garcia Construction Company
Cost Estimate (attach invoice/quote):	\$11,718.54

Emergency purchases may be made to address a situation that creates a danger to public health, safety or welfare, e.g., by reason of floods, epidemics, equipment failures or other similar circumstances in accordance with N.J.S.A 40A:11-6: Emergency Purchases.

Background and Justification (attach additional sheets as needed):

On December 26, 2022, a break occurred on the 6-inch water main on Glenridge Avenue (between Greenwood Avenue and North Willow Street). This was found as we were finishing up the main break on Bloomfield Avenue (between Upper and North Mountain Avenues). The crew was backfilling and doing the temporary patch when the call came in. We called in John Garcia Construction to complete the digging and repair. While the crew did the shutdown for the water main, we had worked all night. Having a contractor do the work on Glenridge Avenue was necessary for the safety of our distribution crew.

The cost for the emergency 6" water main break repair on Glenridge Avenue (between Greenwood Avenue and North Willow Street), performed by John Garcia Construction Company, Inc., was \$11,718.54.

Department Head Certification: *The information provided above is true and accurate to the best of my knowledge; and there is insufficient time and/or other extenuating circumstances (detailed above) creating a public exigency which require a direct and immediate procurement, in the best interest of the Township:*

Department Head (signature): _____ Date: _____

ANTHONY GARCIA
Tel: (973) 773-4544
Fax: (973) 773-2977



JOHN GARCIA CONSTRUCTION CO., INC.

GENERAL CONTRACTORS

183 FRIAR LANE
CLIFTON, NEW JERSEY 07013

January 4, 2022

Montclair Water Bureau & Sewer Utility
54 Watchung Avenue
Montclair, NJ 07042

INVOICE #4096

Project: Emergency Water Main Repair-Glenridge Avenue

Day 1: Excavate & Repair 6" Water Main
Date: 12/26/22 (Holiday Observed) Hours: 7.5

Labor- @ 7.5 Holiday Hours

<u>Description</u>	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
1-Operator	158.33	7.5	1,187.48
1-Foreman	150.98	7.5	1,132.35
2-Drivers	143.35	15	2,150.25
3-Laborers	143.35	22.5	3,225.38
Total Labor			\$7,695.45

Equipment-7.5 Hours

<u>Description</u>	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
1-Utility Truck	35.00	7.5	262.50
1-Air Compressor	18.00	7.5	135.00
2-Dump Truck	57.00	15	855.00
1-Pumps/Hoses/Lights/Generators	25.00	7.5	187.50
1-Backhoe/Excavator	70.00	7.5	525.00
Total Equipment			\$1,965.00

MATERIAL & SUBS

<u>Description</u>	<u>Rate</u>	<u>Quantity</u>	<u>Total</u>
3/4" Stone	\$35.00	3	\$105.00
Total Material			\$105.00

Total Material	\$105.00
Total Equipment	\$1,965.00
Total Labor	\$7,695.45
Sub-Total Due	\$9,765.45
10% Overhead	\$976.55
10% Profit	\$976.55

Total Due \$11,718.54



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Department of Utilities

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-103:** Resolution ratifying the emergency expenditure for the repair of a 12-inch water main break within the intersection of Bloomfield Avenue and Midland Avenue

ATTACHMENTS:

[Item 7 Emergency Repair - 12 Inch Water Main Break - Bloomfield Midland Avenues -- Montana Construction.pdf](#)

[Montana Construction - Invoice for Emergency Water Main Break Repair - Bloomfield Avenue.pdf](#)

[Item 7b Justification for Emergency Purchases - Montana Construction.pdf](#)

R-23-103
TOWNSHIP OF MONTCLAIR

**RESOLUTION RATIFYING THE EMERGENCY EXPENDITURE FOR THE REPAIR
OF A 12-INCH WATER MAIN BREAK WITHIN THE INTERSECTION OF
BLOOMFIELD AVENUE AND MIDLAND AVENUE**

April 25, 2023

WHEREAS, an emergency arose with respect to a break on the 12-inch water main within the intersection of Bloomfield Avenue and Midland Avenue on December 15, 2022; and

WHEREAS, due to the emergency nature of this project, the magnitude of the work required and the equipment needed to complete the water main repair and restore the roadway pavement, it was necessary to retain a contractor; and

WHEREAS, N.J.S.A. 40A:11-6 provides when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services that public bidding is not necessary in an emergency situation; and

WHEREAS, **Montana Construction** was contracted to complete the water main repair; and

WHEREAS, the amount of the contract totaled \$13,203.20; now therefore

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that **Montana Construction, 80 Contant Avenue, Lodi, N.J. 07744** be, and hereby is, retroactively authorized, and an emergency contract with same hereby ratified, in accordance with the provisions of N.J.S.A. 40A:11-6, to perform the necessary repair/replacement work without the necessity of public bidding. Funds for said emergency repairs are available in the following Capital Budget Account Number:

Ord. #	Account Description	Account Number	Amount
22-19	Backup Pumps and Drives	07-215-22-019-001	\$13,203.20



Tel: 973.478.5200 • Fax: 973.478.7604
80 Contant Ave • Lodi, NJ 07644

Underground Utility Contractor

January 4, 2023

INVOICE NO. 1123.2022.01

Mr. Gary Obszarny, Director
Montclair Water Bureau & Sewer Utility
54 Watchung Avenue
Montclair, NJ 07042

Re: **Bloomfield Avenue and Midland Avenue**
Montclair, New Jersey
Emergency Repair - 12" Water Main Break

Date Work Completed: 12/15/2022

Scope of Work Completed:

1. Notified the N.J. Underground Utility Mark-Out Services.
2. Mobilized Supervision, Labor, Material and Equipment.
3. Excavated an area 14' x 4' x 4'.
4. Crew 1 was relieved by Crew 2.
5. Extended the excavated area to 30' x 10' x 6'.
6. Located, exposed and removed the damaged section of pipe.
7. Installed (7') of new 12" DIP and reconnected with (2) 12" hy-max couplings (Repair material provided by the Montclair Water Bureau & Sewer Utility).
8. Backfilled and compacted with DGA in three lifts.
9. Restored the pavement with cold patch.
10. Cleaned site and demobilized.

Amount Due:

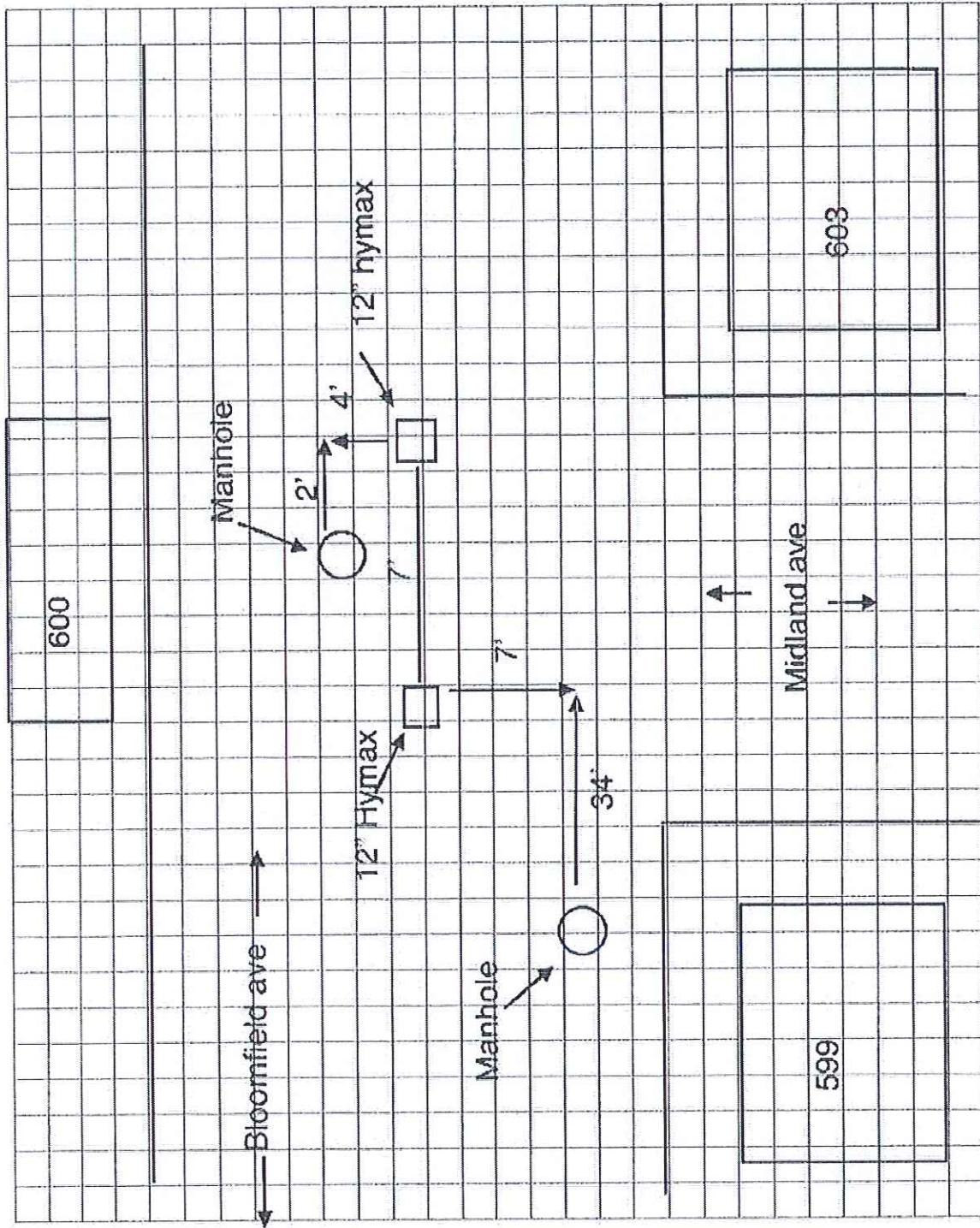
\$13,203.20

Montana Construction would like to thank you for the opportunity to complete this project for the Montclair Water Bureau and Sewer Utility. Should you have any questions, please feel free to contact me at any time.

Sincerely,



Mark Gioffre
Project Manager



MONTANA 80 Contant Avenue
M Lodi, NJ 07644
Tel: 973-478-5200
Fax: 973-478-7604
CONSTRUCTION CORP. INC.

Project: 1123 Montclair Water Dept

Date: 12/15/2022



Photo Description: Bloomfield & Midland, Montclair

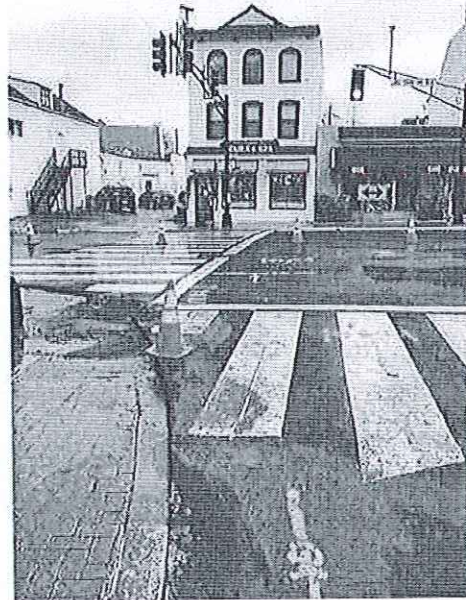


Photo Description: Bloomfield & Midland, Montclair

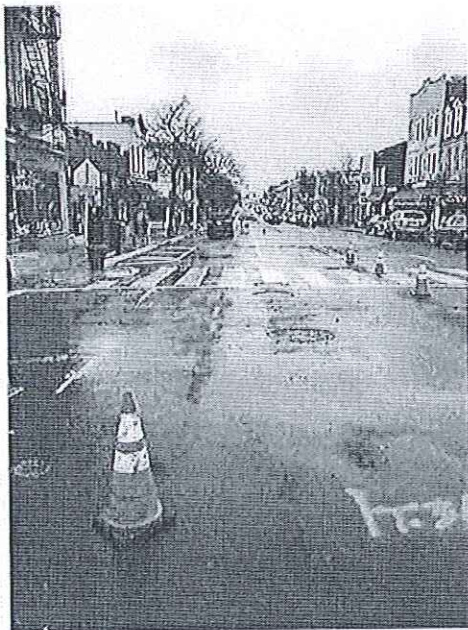


Photo Description: Bloomfield & Midland, Montclair

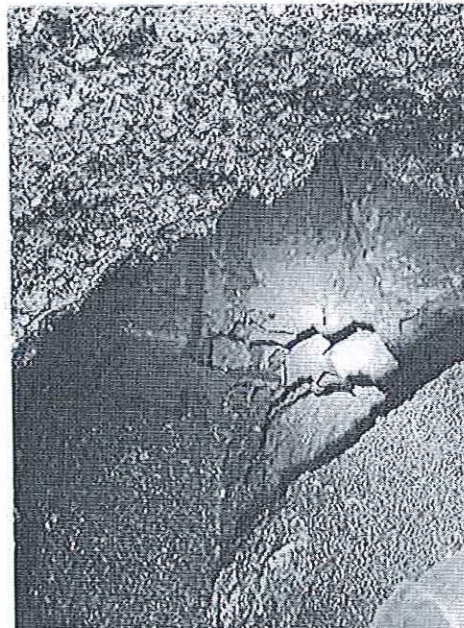


Photo Description: Bloomfield & Midland, Montclair

MONTANA 80 Contant Avenue
M Lodi, NJ 07644
Tel: 973-478-5200
Fax: 973-478-7604
CONSTRUCTION CORP. INC.

1123 Montclair Water Dept
Project: _____

Date: 12/15/2022

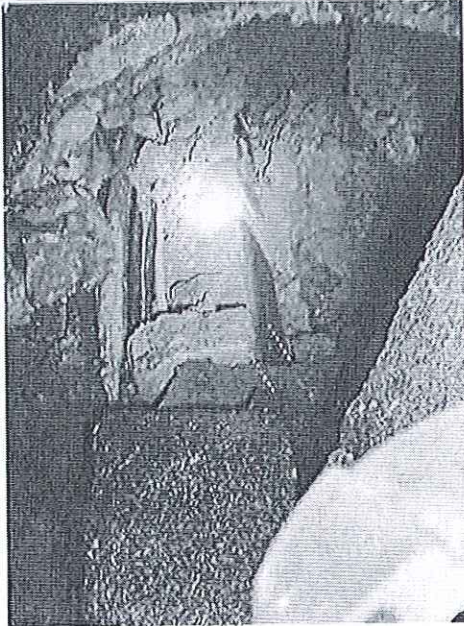


Photo Description: Bloomfield & Midland, Montclair



Photo Description: Bloomfield & Midland, Montclair



Photo Description: Bloomfield & Midland, Montclair

Photo Description:

MONTANA 80 Contant Avenue
Lodi, NJ 07644
Tel: 973-478-5200
Fax: 973-478-7604
CONSTRUCTION CORP. INC.

Job Photos

1123 Montclair Water Dept
Project: _____

Date: 12/15/2022

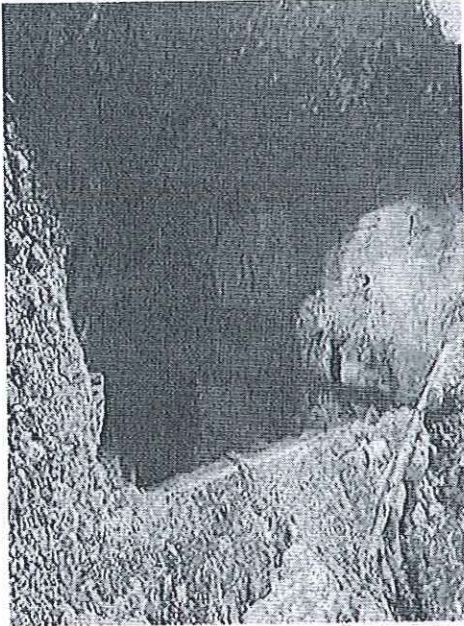


Photo Description: Bloomfield Ave & Midland Ave, Montclair

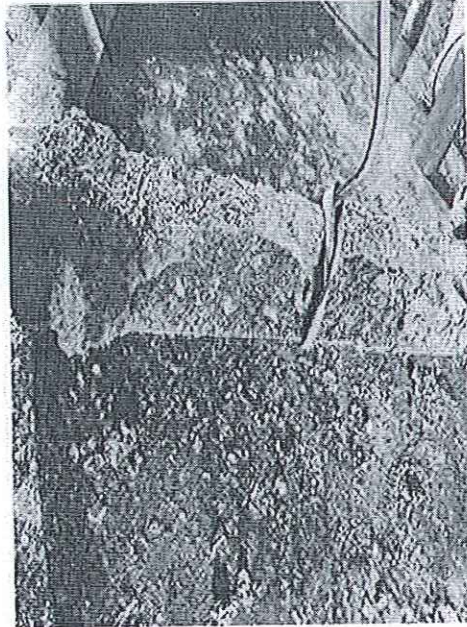


Photo Description: Bloomfield Ave & Midland Ave, Montclair



Photo Description: Bloomfield Ave & Midland Ave, Montclair



Photo Description: Bloomfield Ave & Midland Ave, Montclair



80 Contant Avenue
Lodi, NJ 07644
Tel: 973-478-5200
Fax: 973-478-7604
CONSTRUCTION CORP. INC.

Job Photos

1123 Montclair Water Dept
Project: _____

Date: 12/15/2022

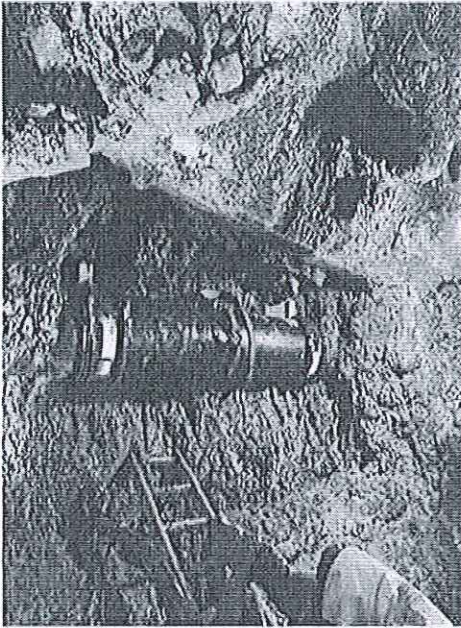


Photo Description: Bloomfield Ave & Midland Ave, Montclair



Photo Description: Bloomfield Ave & Midland Ave, Montclair

Photo Description:

Photo Description:



Justification for Emergency Purchasing Authority

Requesting Department:	Department of Utilities
Department Head (Printed Name)	Gary Obszarny
Request for the Purchase of:	Emergency Repair of Water Main at Bloomfield Avenue and Midland Avenue
Requested Supplier (vendor's name):	Montana Construction
Cost Estimate (attach invoice/quote):	\$13,203.20

Emergency purchases may be made to address a situation that creates a danger to public health, safety or welfare, e.g. by reason of floods, epidemics, equipment failures or other similar circumstances in accordance with N.J.S.A 40A:11-6: Emergency Purchases.

Background and Justification (attach additional sheets as needed):

On December 15, 2022, the Montclair Water Bureau received a call about a water main break on Bloomfield Avenue at the Midland Avenue intersection. This is a County roadway with many conflicting utilities. The roadway has many small businesses and apartments for residents. This roadway is very busy, and traffic is always a concern. The Water Bureau decided to bring an outside contractor to expedite the repair on this 12" water main. Montana Construction immediately responded and had a crew nearby. The break caused loss of not only drinking water to the shutdown area but also loss of fire protection. The total cost of this repair was \$13,203.20. This is for the repair and temporary paving only.

Department Head Certification: *The information provided above is true and accurate to the best of my knowledge; and there is insufficient time and/or other extenuating circumstances (detailed above) creating a public exigency which require a direct and immediate procurement, in the best interest of the Township:*

Department Head (signature): _____ Date: _____



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Department of Community Services

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-104:** Resolution authorizing the award of a contract for the curbside collection and disposal of Municipal non-composted grass clippings

ATTACHMENTS:

[Item 8 Resolution - Grass Clipping Collection 2023-2027.pdf](#)

[COF - Grass Clipping Collection 2023-2027 - Pending Adoption of Budget.pdf](#)

[Item 8 Bid 23 - 05 - Bid Summary.pdf](#)

R-23-104
TOWNSHIP OF MONTCLAIR

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE
CURBSIDE COLLECTION AND DISPOSAL OF MUNICIPAL NON-COMPOSTED
GRASS CLIPPINGS**

April 25, 2023

WHEREAS, there exists a need to have grass clippings from Township of Montclair collected, transported and composted at a New Jersey Department of Environmental Protection permitted facility and;

WHEREAS, the Township of Montclair will be able to obtain grant rebates with the tickets provided to them for the grass clippings composted under the New Jersey Recycling Tonnage Grant and;

WHEREAS, the Township of Montclair received bids for this service on March 15, 2023;

WHEREAS, the Township of Montclair desires to award this contract to Nature's Choice Corporation, 1106 Millstone River Road, Hillsborough New Jersey 08844, for a two (2) year period with three (3) one-year options to renew at the prices listed below;

\$ 119.00	per ton for 2023
\$ 124.00	per ton for 2024
\$ 129.00	per ton for 2025
\$ 134.00	per ton for 2026
\$ 139.00	per ton for 2027

BE IT RESOLVED, by the Council of the Township of Montclair, in the County of Essex, that the Township enter into an agreement with Nature's Choice Corporation for the curbside collection and disposal of Municipal non-composted grass clippings for a two (2) year period with three (3) one year options to renew commencing 2023 for the rates as indicated above.

BE IT FURTHER RESOLVED, that the funds for this acquisition will be appropriated in the 2023 Operating Budget Trust Account Number 01-201-26-306-299.



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

Chief Financial Officer
Director of Finance

CERTIFICATION OF FUNDS

I HEREBY CERTIFY THAT SUBJECT TO APPROPRIATION OF SUFFICIENT FUNDS IN THE ADOPTED BUDGET, THE TOWNSHIP OF MONTCLAIR WILL ENCUMBER THE FUNDS FOR THE PAYMENT OF SERVICES, GOODS, AND/OR MERCHANDISE AS STATED IN THE FOLLOWING CONTRACT:

PURPOSE OF CONTRACT

**TOTAL AMOUNT OF CONTRACT
SUBJECT TO APPROPRIATIONS IN
BUDGET**

ACCOUNT NUMBER (S)

NAME AND ADDRESS OF COMPANY

Padmaja Rao

**Padmaja Rao, CPA, RMA, CMFO
Chief Financial Officer
Director of Finance**

Date:



Township of Montclair

205 Claremont Avenue

Montclair, NJ 07042

tel: 973-509-4900

fax: 973-783-8826



March 15, 2023

**Subject: Bid 23 – 05 – Bid summary –
Collection and Disposal of Grass Clippings**

1. Please be advised that bid proposals for the above-mentioned services were received, publicly opened and announced at Montclair Township on March 15, 2023 at 3:00 PM. The following personnel were present during the opening:

AL B. Dineros
Eddie
Phil

- Purchasing Agent
- Natures Choice
- Frank Galbraith

2. The following Bid proposals were received:

- a. Natures Choice Corporation, Hillsborough, NJ 08844

YEAR	Cost Per Ton	Yearly total (Est.)	Yearly Total Cost
2023	\$ 119.00	X2,800 Ton	\$ 333,200.00
2024	\$ 124.00	X2,800 Ton	\$ 347,200.00
2025	\$ 129.00	X2,800 Ton	\$ 361,200.00
2026	\$ 134.00	X2,800 Ton	\$ 375,200.00
2027	\$ 139.00	X2,800 Ton	\$ 389,200.00

- b. Frank Galbraith & Son Demolition, LLC, Scotch Plains, NJ 07076

YEAR	Cost Per Ton	Yearly total (Est.)	Yearly Total Cost
2023	\$ 195.00	X2,800 Ton	\$ 546,000.00
2024	\$ 198.00	X2,800 Ton	\$ 554,400.00
2025	\$ 201.00	X2,800 Ton	\$ 562,800.00
2026	\$ 204.00	X2,800 Ton	\$ 571,200.00
2027	\$ 207.00	X2,800 Ton	\$ 579,600.00

Note: Be advised that this bid summary is un-official, all submitted documents by all vendors will be reviewed by Township officials for compliance to the bid specifications . The Governing Body may award a contract within 60 days after the bid opening.



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 25, 2023

SUBMITTED BY: Purchasing Office

ITEM TYPE: Resolution

AGENDA SECTION: **CONSENT AGENDA**

SUBJECT: **Resolution R-23-105:** Resolution rejecting all bid proposals for Bid 23-07 for the Montclair Public Library ADA bathroom renovation (CDBG Funded Project) pursuant to N.J.S.A. 40A:11-13.2 (b)

ATTACHMENTS:

[Item 9 Resolution - Bid Rejection - Library ADA Bathrooms.pdf](#)

R-23-105

TOWNSHIP OF MONTCLAIR

**RESOLUTION REJECTING ALL BID PROPOSALS RECEIVED FOR BID 23 - 07
FOR THE MONTCLAIR PUBLIC LIBRARY ADA BATHROOM RENOVATION
(CDBG FUNDED PROJECT) PURSUANT TO NJSA 40A:11-13.2 (b)**

April 25, 2023

WHEREAS, on March 28, 2023 the Township of Montclair developed and published specifications for Montclair Public Library ADA Bathroom Renovation (CDBG Funded Project), and

WHEREAS, on April 14, 2023, the following bid proposals were received:

Bidders	Address	Total Lump Sum Bid
1.Franklin Floors, Inc.	Nutley, NJ 07110	\$ 114,900.00
2.GJG Construction & Consulting	Saddle Brook, NJ 07663	\$ 119,000.00
3.Jersey Point Management, Inc.	Ramsey, NJ 07446	\$ 240,000.00

WHEREAS, pursuant to NJSA 40A:11-13.2 (b), the Township may reject all bids when the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; and

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that the bid proposals received for Bid 23 - 07 is hereby rejected.



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.

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 SCHEDULE ATTACHED HERETO AND MADE A PART HEREOF:

Council Meeting Date:

Total Amount:



TOWNSHIP OF MONTCLAIR
OFFICE OF THE CHIEF FINANCIAL OFFICER
INTEROFFICE MEMORANDUM

DATE:

TO: Mayor and Township Council

FROM:

PR

SUBJECT: Bill List

Following is a preliminary version of the Bill List, aggregating _____ to be presented for approval at the _____ 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
CHECKS DATED

<u>FUND</u>	<u>AMOUNT</u>
CURRENT FUND	
WATER OPERATING FUND	
WATER CAPITAL	
SEWER OPERATING FUND	
SEWER CAPITAL FUND	
PARKING UTILITY OPERATING FUND	
SECTION 8 FUND	
GENERAL CAPITAL FUND	
GENERAL TRUST FUND	
ANIMAL CONTROL TRUST FUND	
POLICE FORFEITURE TRUST FUND	
PARKING CAPITAL FUND	
STATE UNEMPLOYMENT TRUST FUND	
TOTAL	

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

Padmaja Rao

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
CURRENT FUND			
270 - 1ST RESPONDER NEWSPAPER 1 ARDMORE STREET NEW WINDSOR NY 12553	PO 2300842 FD 1st Responder Newspaper	85.00	85.00**
12863 - A-SPEEDY SEWER, DRAIN AND PLUMBING SERVICE 25 ORANGE STREET BLOOMFIELD NJ 07003	PO 2300757 FD Clogged drain repair	3,774.00	3,774.00**
8117 - ABBAY GLEN PET MEMORIAL PARK 187 ROUTE 95 LAFAYETTE NJ 07848	PO 2300383 ANIMAL SHELTER WASTE BLANKET 2023	139.50	139.50**
99689 - Advanced Enterprises Recycling, Inc. dba DART 300 Frank W. Burr Blvd., Ste 39 Teaneck NJ 07666	PO 2300092 TYPE 13 NON-PROCESSIBLE WASTE - (BLANKE	2,632.89	2,632.89**
30 - AGL Welding Supply Co. PO Box 1707 Clifton NJ 07015-1707	PO 2300130 VARIOUS CHEMICALS & GASES - (BLANKET)	35.46	35.46**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300083 (4) WHEELS FOR DCS-76	399.88	399.88**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300177 Blanket PO Montclair Municipal Court Off	55.92	55.92**
99037 - Amazon Capital Services	PO 2300294 Blanket PO - OIT Accessories/Supplies fo	165.40	

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
PO Box 035184 Seattle WA 98124-5184			165.40**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300362 Usage of Purchasing Cooperatives	156.87	156.87**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300399 WHEELS FOR DCS 26	519.80	519.80**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300713 Amazon & Staples - Sourcewell #012320-SC	1,020.00	1,020.00**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300778 CABLE FOR MAJA'S PORTABLE SCREEN	35.78	35.78**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300798 Amazon & Staples - Sourcewell #012320-SC	558.80	558.80**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300871 Amazon & Staples - Sourcewell #012320-SC	39.60	39.60**
99037 - Amazon Capital Services PO Box 035184 Seattle WA 98124-5184	PO 2300888 TONER FINANCE PRINTER LMD	62.89	62.89**

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Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
9664 - AMERICAN HOSE & HYDRAULICS CO., INC. PO Box 440 Elmwood Park NJ 07407	PO 2300166 VARIOUS HOSES & REPAIRS - (BLANKET)	1,612.65	1,612.65**
76 - AMERICAN ROYAL HARDWARE 251 Park Street Montclair NJ 07043-0010	PO 2300147 VARIOUS HARDWARE AND SUPPLIES FOR PARKS	438.78	438.78**
76 - AMERICAN ROYAL HARDWARE 251 Park Street Montclair NJ 07043-0010	PO 2300442 2023 Rec, Pools and Edgemont Supplies BL	39.82	39.82**
12479 - AMERICAN WEAR INC. 261 NORTH 18TH STREET EAST ORANGE NJ 07017	PO 2300124 UNIFORM WKLY RENTALS, WIPERS & HAND CLE	214.50	214.50**
2544 - ASSOCIATED FIRE PROTECTION 100 JACKSON STREET ATTN: GAIL PATERSON NJ 07501	PO 2300247 FIRE PROTECTION & SIMPLEX MONITORING @ 2 PO 2300780 FD Blanket PO FD Extinguisher Refilling	604.00 78.00	682.00**
394 - AT&T PO BOX 5075 Carol Stream IL 60197-5075	PO 2300155 Blanket PO - FD Long Distance - Account	73.78	73.78**
100266 - Atlantic Coast Recylcing, LLC 101 7th Street Passaic NJ 07055	PO 2300868 Processing and Disposition of Recyclable	14,477.00	14,477.00**
99716 - ATLANTIC SCALE COMPANY 136 WASHINGTON AVE. NUTLEY NJ 07110	PO 2300338 RECALIBRATION FOR DATALOGGER VACCINES	151.00	151.00**

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Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
9037 - BIG BELLY SOLAR, INC. 150 A STREET, SUITE 103 NEEDHAM MA 02494	PO 2300609 Solar Powered Sidewalk Waste Receptables	6,572.12	
			6,572.12**
162 - BOB FRASER MASTER LOCKSMITHS 129 WATCHUNG AVE MONTCLAIR NJ 07043-0001	PO 2300252 VARIOUS KEYS, DOOR & LOCK REPAIRS - (BL	150.00	
			150.00**
326 - BRAND BUILDERS, LLC 40 COUNTRY CLUB ROAD PO BOX 1087 TENAFLY NJ 07670-5087	PO 2300752 EARTH MACHINE	1,655.00	
			1,655.00**
6117 - BRANDON, CRAIG C/O DEPT OF COMMUNITY SERVICES 219 N. FULLERTON AVENUE MONTCLAIR NJ 07042	PO 2300832 2023 WORK BOOTS REIMBURSEMENT	150.00	
			150.00**
99774 - BUEHLER, SAMANTHA 3 NEWTON PL. WHARTON NJ 07885	PO 2300836 STRENGTHENING CAPACITY GRANT FRINGE Q3	4,362.10	
			4,362.10**
99958 - Burr, Paul c/o Montclair Law Department Montclair NJ 07042	PO 2201653 Township Attorney Out of Pocket Expenses	287.80	
			287.80**
5422 - CDW GOVERNMENT, INC. 75 REMITTANCE DRIVE SUITE 1515 CHICAGO IL 60675-1515	PO 2300829 2023 - Veeam Standard Support - technica	8,799.60	
			8,799.60**
10061 - COVETRUS NORTH AMERICA 400 METRO PLACE NORTH DUBLIN OH 43017-3378	PO 2300664 ANIMAL SHELTER MEDICATION	2,603.68	

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			2,603.68**
1701 - CUSTOM BANDAG INC. 401 E. LINDEN AVENUE LINDEN NJ 07036-2411	PO 2300123 VARIOUS TIRES AND REPAIRS - (BLANKET)	2,979.18	
			2,979.18**
13821 - DIAL PEST CONTROL, INC. 13 Eagle Rock Ave. E. Hanover NJ 07936	PO 2300091 ANIMAL SHELTER PEST CONTROL BLANKET 2023	101.06	
			101.06**
8191 - DIAMOND ROCK SPRING WATER PO BOX 672 RIDGEFIELD PARK NJ 07660	PO 2300418 COFFEE SUPPLIES BLANKET EDMONT	298.00	
			298.00**
100276 - Dick Martin Sports, Inc. 495 Industrial Road Carlstadt NJ 07072	PO 2300795 2023 Recreation Supplies & Uniforms	3,300.00	
			3,300.00**
364 - DIPRENDIA, RODNEY C/O MONTCLAIR RECREATION 205 CLAREMONT AVE MONTCLAIR NJ 07042	PO 2300889 REIMBURSEMENT FOR DOT PHYSICAL	110.00	
			110.00**
1905 - E-Z PASS P.O. BOX 52002 ATTN: BUSINESS DEPARTMENT NEWARK NJ 07101	PO 2300287 E-Z PASS PRE-PAYMENT - (BLANKET)	5,000.00	
			5,000.00**
2162 - ECUA RRF ESCROW ACCOUNT TD BANK 6000 Atrium Way Mt. Laurel NJ 08054	PO 2300090 2023 TIPPING FEES - (BLANKET) PO 2300090 2023 TIPPING FEES - (BLANKET)	36,370.62 28,215.43	
			64,586.05**
9968 - EGAN, KERRI C/O MONTCLAIR HEALTH DEPT.	PO 2300812 NURSING LIABILITY INSURANCE	130.00	

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205 CLAREMONT AVENUE MONTCLAIR NJ 07042			130.00**
1578 - ELEVATOR MAINTENANCE CORP. 580 ELM STREET KEARNY NJ 07032	PO 2300368 2023 Elevator Maintenance at 205 Claremo PO 2300838 2023 Elevator Maintenance - March-Decemb	400.00 733.00	1,133.00**
10009 - ESSEX COUNTY DEPT OF PARKS 115 CLIFTON AVE ATTN: PERMIT UNIT - FRANK NEWARK NJ 07104	PO 2300880 Baseball/ Softball Field Rental	1,400.00	1,400.00**
12873 - ESSEX REGIONAL HEALTH COMSSN 204 HILLSIDE AVENUE LIVINGSTON NJ 07039	PO 2300839 AIR POLLUTION CONTROL SERVICES 2023 BLAN	1,908.00	1,908.00**
1658 - FDR HITCHES 120 WEST WESTFIELD AVENUE ROSELLE PARK NJ 07204	PO 2300169 PLOW PARTS AND REPAIRS - (BLANKET)	295.68	295.68**
475 - FIRE & SAFETY SERV LTD 200 RYAN STREET SOUTH PLAINFIELD NJ 07080	PO 2300701 FD Blanket PO - Repair & Maintenance of	2,438.44	2,438.44**
99217 - Frankie's Finish Line Car Wash 305 Broad Street Bloomfield NJ 07003	PO 2300126 CAR WASHES FOR DCS VEHICLES - (BLANKET) PO 2300529 BLANKET (2023) FLEET CAR WASHES	20.00 30.00	50.00**
100250 - Fred Beans Ford, Inc. 876 N. Easton Road Doylestown PA 18902	PO 2300807 POLICE HEAVY VEHICLES	77,952.00	77,952.00**
8570 - FRIENDS OF NEW JERSEY HERITAGE	PO 2300801 Registration for 2023 HPC Conference	90.00	

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PO BOX 191 TRENTON NJ 08602			90.00**
5242 - GARDEN STATE MUNICIPAL JIF C/O NIP GROUP, INC. 900 RT 9 N,SUITE 503 WOODBIDGE NJ 07095	PO 2300907 ASMT 2 OF 3 INSTALLMENTS (25%)	392,638.75	392,638.75**
100235 - Genitempo, Alan J. 1208 Holly Lane Cedar Grove NJ 07009	PO 2300770 Acting Judge	300.00	300.00**
99284 - GenServe, LLC 100 Newtown Road Plainview NJ 11803	PO 2300487 FD - Blanket PO - Generator PM services	112.50	112.50**
8171 - GLOBAL INDUSTRIAL 29833 NETWORK PLACE CHICAGO IL 60673-1298	PO 2300688 ABS PREMIER PHARMACY/VACCINE UNDERCOUNTE	1,932.85	1,932.85**
455 - GMIS INTERNATIONAL PO BOX 1056 Leander TX 78646	PO 2300931 2023 - GMIS International Level Two Memb	200.00	200.00**
1494 - GRAINGER, INC. DEPT. 876710096 PALATINE IL 60038-0001	PO 2300391 FD Blanket PO - Equipment & Supplies - S	39.92	39.92**
1494 - GRAINGER, INC. DEPT. 876710096 PALATINE IL 60038-0001	PO 2300393 FD Blanket PO - Equipment & Supplies - B	575.66	575.66**

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99780 - GRANT, ROSLYN HOLMES 7 KINZEL LANE WEST ORANGE NJ 07052	PO 2300835 Conflict Judge	450.00	450.00**
10013 - Great American Financial Services PO BOX 660831 DALLAS TX 75266-0831	PO 2300371 2019-2024 Mail Machine Lease - Town, Pol	935.00	935.00**
99989 - GRM Information Management Services Inc. 215 Coles Street Jersey City NJ 07310	PO 2300451 Shredding Services for Purchasing	166.00	166.00**
9264 - HIRERIGHT, LLC PO Box 847891 Dallas TX 75284-7891	PO 2300444 2023 BCKGRND CHK SVCS	971.18	971.18**
4263 - HUDSON COUNTY MOTORS, INC. 290 SECAUCUS ROAD PO BOX 2611 SECAUCUS NJ 07094	PO 2300131 VARIOUS PARTS AND REPAIRS - (BLANKET)	1,717.43	1,717.43**
8694 - INSTITUTE FOR FORENSIC PSYCHOLOGY 5 FIR COURT, SUITE 2 OAKLAND NJ 07436	PO 2300865 2023 Evals	850.00	850.00**
9932 - J. HARRIS ACADEMY OF POLICE TRAINING 1435 WHITE SPRUCE DRIVE TOMS RIVER NJ 08753	PO 2300297 BLANKET: TRAINING T. GREEN, R. BARRETT	700.00	700.00**
2368 - JD INFORMATION SYSTEMS CONSULTING, LLC 22 BEECHWOOD LANE EAST HANOVER NJ 07936	PO 2300932 2023 - JD Information Systems Consultant	4,207.50	4,207.50**

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716 - JDR NEEDLEWORKS LLC 241 UNION BLVD. TOTOWA NJ 07512	PO 2300288 BLANKET: NEW UNIFORMS PTL. E. PETERSON	316.00	316.00**
99216 - Jen Elecric Inc. PO Box 616 Springfield NJ 07081	PO 2300815 TRAFFIC SIGNAL REPAIR	516.80	516.80**
8469 - JPMONZO MUNICIPAL CONSULTING 116 BERRYLAND STREET CHESTERFIELD NJ 08515	PO 2300562 NJ MUNICIPAL FINANCE STRATEGIES 3 PART	100.00	100.00**
7812 - KONICA MINOLTA BUSINESS SOLTNS DEPT. AT 952823 ATLANTA GA 31192-2823	PO 2300923 2023 Konica Minolta (New Copiers Mainte	973.75	973.75**
9757 - KONICA MINOLTA PREMIER FINANCE PO BOX 070241 PHILADELPHIA PA 19176-0241	PO 2300340 New KM Summary Inv. - Blanket (PD, HR,	482.21	482.21**
100281 - Lake Management Sciences PO Box 2395 Branchville NJ 07826	PO 2300823 POND MANAGEMENT @ EDGEMONT AND YANTACAW	3,180.00	3,180.00**
7692 - LANGUAGE LINE SERVICES PO BOX 202564 DALLAS TX 75320	PO 2300624 BLANKET: OVER-THE-PHONE-TRANSLATION	152.17	152.17**
100232 - Lereta/Texas Operations PO Box 35605 Dallas TX 75234	PO 2300342 2020 TAX REFUND FOR 3201-3 15 NO. FULLER	5,441.54	

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			5,441.54**
5930 - LEXIS NEXIS MATTHEW BENDER 9443 N. SPRINGBORO PIKE MIAMISBURG OH 45342	PO 2300533 BLANKET: ACCURINT FOR LAW ENFORCEMENT	138.00	
			138.00**
99315 - Lyons, Jean 211 Montclair Avenue Montclair NJ 07043	PO 2300189 WINTER MILL CLASSES 2023	393.75	
			393.75**
8109 - M & D AUTOMOTIVE DBA P&A AUTO PARTS 1278 BROAD STREET BLOOMFIELD NJ 07003	PO 2300125 VARIOUS PARTS & SUPPLIES - (BLANKET)	2,430.90	
			2,430.90**
9474 - MARAVIGLIA, PATRICIA 109 FOUR SEASONS DRIVE NORTH CALDWELL DRIVE NJ 07006	PO 2300881 2023 PAYROLL SUPPORT SERVICES	675.00	
			675.00**
853 - MGL PRINTING SOLUTIONS 154 SOUTH STREET NEW PROVIDENCE NJ 07974	PO 2300535 Business Cards - Comptroller	121.00	
			121.00**
99199 - MOMAR, INC 1830 ELLSWORTH IND DRIVE PO BOX 19569 ATLANTA GA 30318	PO 2300323 VARIOUS PARTS & SUPPLIES - (BLANKET)	1,194.59	
			1,194.59**
7782 - MONTCLAIR MOTORWERKS INC. 40 CLAREMONT AVENUE MONTCLAIR NJ 07042	PO 2300458 BLANKET: MPD FLEET REPAIRS/MAINTENANCE	1,015.12	
			1,015.12**
10042 - MR. JOHN PO BOX 130	PO 2300109 PORTABLE TOILET FACILITIES AT VARIOUS LO	1,542.98	

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KEASBY NJ 08832			1,542.98**
996 - NAT'L FUEL OIL CO 175 ORANGE ST NEWARK NJ 07103-0001	PO 2300093 DIESEL DELIVLERY - (BLANKET)	9,155.66	9,155.66**
99592 - NATIONAL SPORTSWARE 368 CORTLANDT STREET BELLEVILLE NJ 07109	PO 2300789 2023 Equipment and Supplies for Our Prog	486.50	486.50**
7965 - Neglia Engineering Associates PO Box 426 Lyndhurst NJ 07071	PO 2300886 CY 2023 Municipal Engineering Services (35,723.00	35,723.00**
2177 - NJ ADVANCE MEDIA, LLC DEPT 77571 PO BOX 77000 DETROIT MI 48277-0571	PO 2300286 NJ Advance Media 2023 - Blanket	108.74	108.74**
100020 - NJ ADVANCE MEDIA, LLC DEPT 77571 PO BOX 77000 DETROIT MI 48277-0571	PO 2300372 2023 Advertising Fees for Purchasing	596.23	596.23**
6653 - NJ SHADE TREE FEDERATION PO Box 6540 Hillsborough NJ 08844	PO 2300863 2023 MUNICIPAL MEMBERSHIP FOR PATRICK SE	95.00	95.00**
100282 - NJCAA c/o Ann Marie Bell, CMCA 419 Howard Blvd. Mt. Arlington NJ 07856	PO 2300834 NJCAA Meeting Registration April 28, 202	150.00	150.00**
99305 - NJEdge.Net, Inc..	PO 2300933 Internet Access 2020-2023 Edgemarket Co-	15,384.00	

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Paid to	Description	Payment	Check Total
PO BOX 22822 NEW YORK NY 10087-2822			15,384.00**
7716 - NJLM 222 WEST STATE STREET TRENTON NJ 08608	PO 2300228 2023 advertising fees PO 2300732 NJLM League Professional Development Web	345.00 45.00	390.00**
8995 - NORTH JERSEY MEDIA GROUP PO Box 630703 Cincinnati OH 45263-0703	PO 2300302 North Jersey Media Group 2023 - Blanket PO 2300445 2023 ADVERTISING FEES	221.34 1,434.20	1,655.54**
1183 - NORTH JERSEY MEDIA GROUP PO BOX 630703 CINCINNATI OH 45263-0703	PO 2300554 2023 Q1 Publication of Notices in the Mo	25.42	25.42**
5444 - NORTHEAST EQUIPMENT 1190 ROUTE 23 SOUTH CEDAR GROVE NJ 07009-0001	PO 2300398 PARTS FOR SALT SPREADERS	1,174.58	1,174.58**
9528 - NORTHEAST SWEEPERS & RENTALS 20 MONTESANO ROAD FAIRFIELD NJ 07004	PO 2300653 VARIOUS PARTS AND REPAIRS - (BLANKET)	44.52	44.52**
6192 - OUTSTANDING SERVICE CO 167 HILLCREST AVENUE CRANFORD NJ 07016-0001	PO 2300164 FUEL TANK INSPECTIONS & TREATMENT - (BL	226.90	226.90**
8681 - PKF O'CONNOR DAVIES, LLP * 20 COMMERCE DRIVE SUITE 301 CRANFORD NJ 07016	PO 2300892 2023 BLANKET AUDITORS FEES	17,000.00	17,000.00**

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8214 - PM AM CORPORATION 5430 LBJ FRWY STE 370 DALLAS TX 75240	PO 2300517 BLANKET: 2023 ALARM REGIST., FALSE ALARM	2,298.25	2,298.25**
5016 - PMA INSURANCE GROUP ALTERNATIVE MARKETS PO BOX 824857 PHILADELPHIA PA 19182-4857	PO 2300905 Payments to Insurance Providers	4,620.00	4,620.00**
781 - PMC ASSOCIATES 8 CROWN PLAZA UNIT 106 HAZLET NJ 07730	PO 2300702 BLANKET: ANTENNA KITS FOR MARKED PATROL	4,293.10	4,293.10**
9521 - PORTER LEE CORPORATION 1901 WRIGHT BOULEVARD SCHAUMBURG IL 60193-4567	PO 2300525 RIBBON CARTRIDGE & LABELS	249.12	249.12**
100040 - Princeton Marriott at Forrestal 100 College Road East Princeton NJ 08540	PO 2300810 MCAA of NJ Spring Conference Hotel & Roo	182.52	182.52**
99102 - Project Management Institute 18 Campus Blvd, Suite 150 Newtown Square PA 19073	PO 2300904 2023 PMI Membership Renewal	149.00	149.00**
9887 - PROSHRED SECURITY 152 EAGLE ROACK AVENUE ROSELAND NJ 07068	PO 2300578 BLANKET: CONSOLE CONTENT DESTRUCTION/SHR	192.00	192.00**
3062 - PUBLIC SERVICE ELECTRIC & GAS PO BOX 14444 NEW BRUNSWICK NJ 08906-4444	PO 2300176 Blanket PO - 2023 Service - Fire Account	21,041.67	21,041.67**

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99732 - QUALITY FACILITY SOLUTIONS 199 Lee Ave. #297 BROOKLYN NY 11211	PO 2300373 2022-2024 Cleaning Services	10,214.82	10,214.82**
670 - R.R. DONNELLEY 7810 Solution Center Chicago IL 60677-7008	PO 2300722 SAFETY PAPER DEATH CERTIFICATES	99.00	99.00**
1567 - Robert's and Son, Inc. P O BOX 110 GARFIELD NJ 07029	PO 2300163 VARIOUS PARTS AND REPAIRS - (BLANKET)	418.64	418.64**
99092 - Roney, Andrew 69 Colonia Terrace East Orange NJ 07017	PO 2300361 MILL WINTER CLASSES 2023	500.00	500.00**
100087 - Shoreline Energy Advisors, LLC 648 Valley Road Suite 2 Brielle NJ 08730	PO 2202063 MICROGRID PHASE 2 -	13,757.50	13,757.50**
1906 - SISTER TO SISTER OF MONTCLAIR MENTORING GROUP INCORPORATED 32 MADISON AVENUE MONTCLAIR NJ 07042	PO 2300878 MCIA 3RD QUARTER CONSULTANT FEES	1,425.00	1,425.00**
8760 - SPACE FARMS ZOO & MUSEUM 218 ROUTE 519 BEEMERVILLE NJ 07461	PO 2300079 DEER CARCASS REMOVAL BLANKET 2023	176.00	176.00**
1924 - STANDARD SPRINGS 415 20TH AVE PO BOX 35	PO 2300345 VARIOUS PARTS & REPAIRS - (BLANKET)	556.70	

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PATERSON NJ 07513-0002			556.70**
7506 - STAPLES	PO 2300735 BLANKET: MISCELLANEOUS OFFICE NEEDS	1,759.41	
PO Box 70242	PO 2300745 Amazon & Staples - Sourcewell #012320-SC	82.20	
Philadelphia PA 19176-0242			1,841.61**
2767 - SUPERIOR DISTRIBUTORS	PO 2300129 VARIOUS PARTS & REPAIRS - (BLANKET)	115.95	
4 MIDLAND AVE			
ELMWOOD PARK NJ 07407-0001			115.95**
3408 - SYSTEMATIC CARPET CLEANING	PO 2300080 ANIMALSHELTER DRYER DUCT CLEANING BLANKE	150.00	
60 BARBARA STREET			
BLOOMFIELD NJ 07003			150.00**
5539 - The Terre Company	PO 2300602 VARIOUS MATERIALS FOR BALL FIELDS & PARK	94.48	
PO Box 51069			
Newark NJ 07101-0220			94.48**
7437 - TLP Climate Control Sysems, Inc.	PO 2300350 HVAC REPAIRS FOR VARIOUS LOCATIONS - (B	520.00	
400 Rike Drive	PO 2300356 BLANKET: BUILDING SERVICE/REPAIR	3,630.00	
Millstone Township NJ 08535			4,150.00**
13476 - TREASURER STATE OF NJ	PO 2300890 2023 STORMWATER DISCHARGE FEE	9,000.00	
BUREAU OF REVENUE			
PO BOX 420			
TRENTON NJ 08625-0420			9,000.00**
6428 - TURN OUT FIRE & SAFETY	PO 2300635 FD Blanket PO Clothing & Uniforms	2,137.98	
3468 KENNEDY BLVD			
JERSEY CITY NJ 07307-0001			2,137.98**
6738 - TURN OUT UNIFORMS, INC.	PO 2300438 BLANKET: PATROL UNIFORM PTL. K. LUMPKI	311.50	
195 PATERSON AVENUE			

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Paid to	Description	Payment	Check Total
LITTLE FALLS NJ 07424			311.50**
100204 - VANORE ELECTRIC, INC. 238 HIGH STREET HACKENSACK NJ 07608	PO 2202675 911 DISPATCH LIGHTING UPGRADES	9,800.00	9,800.00**
8779 - VERIZON PO BOX 15124 ALBANY NY 12212-5124	PO 2300530 BLANKET --- ACCT #: 955-272-967-0001-42	124.99	124.99**
955 - VERIZON BUSINESS PO Box 16801 Newark NJ 07101-6801	PO 2300156 BLANKET ANIMAL SHELTER VERIZON CHARGES	296.01	296.01**
8550 - VERIZON RBCC PO BOX 15124 ALBANY NY 12212-5124	PO 2300610 EDMONT VERIZON BLANKET 2023 1ST HALF	187.63	187.63**
681 - VON HOFFMAN LANDSCAPE ARCHITECT DESIGN 232 VALLEY ROAD MONTCLAIR NJ 07042	PO 2300811 2023 ANNUAL PLANTING & MAINTENANCE ON SO	5,948.00	5,948.00**
3202 - VSP PO BOX 742788 LOS ANGELES CA 90074-2788	PO 2300237 2023 vision plan premiums	1,639.56	1,639.56**
9362 - W.B. MASON COMPANY INC. PO BOX 981101 BOSTON MA 02298-1101	PO 2300104 2023 W.B. Mason January - June Water Co PO 2300111 Blanket PO Montclair Municipal Court	1.90 130.29	132.19**
99924 - Warrick, Yeneisha R.	PO 2300833 Acting Judge	300.00	

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22 DeRiemer Road Hillsborough NJ 08844			300.00**
99090 - William J. Guarini, Inc. 152 Stevens Avenue Jersey City NJ 07305	PO 2300412 FD Blanket PO-Plumbing Services PO 2300477 2023 PLUMBING SERVICES AT VARIOUS LOCATI	394.00 441.94	835.94**
5341 - WILLIAMS, TYRONE C/O MTC POLICE DEPT 647 BLOOMFIELD AVENUE MONTCLAIR NJ 07042	PO 2300051 REIMBURSEMENTJUVENILE OFFICERS ASSOCIATI	640.12	640.12**
99837 - Windstream PO Box 9001013 Louisville KY 40290-1013	PO 2300441 2023 Township of Montclair Phone System	5,236.26	5,236.26**
100279 - 348-360 Bloomfield Avenue LLC 184 Livingston Avenue Suite 9-321 Livingston NJ 07039	DEDICATED TRUST PO 2300853 Refund of Unused Escrow Deposits	1,000.00	1,000.00**
99872 - Chaconas, Robert J. 9 Union Street Montdair NJ 07042	PO 2102191 Refund of Unused Escrow Deposits	250.00	250.00**
100059 - District 8 LL 9 North Cedar Parkway Livingston NJ 07039	PO 2300827 2023 Little League Registration	1,425.00	1,425.00**
9159 - FLURRY, R. LUTHER 16 MADISON AVENUE MONTCLAIR NJ 07042	PO 2101718 Refund of Unused Escrow Deposits	20.02	

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			20.02**
99656 - JP Morgan Chase Bank, N.A. 1111 Polaris Parkway Columbus OH 43240	PO 2100816 Escrow Deposit Refund	184.60	
			184.60**
100035 - LeeZar Sporting Goods 410 Bloomfield Avenue Caldwell NJ 07006	PO 2300809 2023 Equipment and Supplies for Our Prog PO 2300809 2023 Equipment and Supplies for Our Prog	1,854.00 1,968.75	
			3,822.75**
9887 - PROSHRED SECURITY 152 EAGLE ROACK AVENUE ROSELAND NJ 07068	PO 2300173 Blanket PO - FD Shredding	14.67	
			14.67**
100172 - PRP JR LLC 262 Claremont Avenue Montclair NJ 07042	PO 2202346 Refund of Unused Escrow Deposits	32.00	
			32.00**
1377 - SCHWAAB, INC PO Box 7070 Carol Stream IL 60197-7070	PO 2300855 Fire Inspector Business Card	58.85	
			58.85**
8581 - SOFIA PO BOX 674 MONTCLAIR NJ 07042	PO 2300376 Blanket PO - PY 2022 CDBG - S.O.F.I.A.	2,623.00	
			2,623.00**
100259 - Taylor, Joy M. 5 Franklin Place Montclair	PO 2300576 Refund of Unused Escrow Deposits	250.00	
			250.00**

CAPITAL

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
212 - CAMPBELL FOUNDRY CO 800 BERGEN ST HARRISON NJ 07029-0001	PO 2300333 CATCH BASINS, MANHOLE CASTINGS & GRATES	7,780.00	
			7,780.00**
99216 - Jen Electric Inc. PO Box 616 Springfield NJ 07081	PO 2300831 TRAFFIC SIGNAL KNOCKED OVER (HARRISON /	9,905.95	
			9,905.95**
2470 - MCMANIMON, SCOTLAND, BAUMANN LLC 75 LIVINGSTON AVENUE ROSELAND NJ 07068	PO 2300806 2023 BOND COUNSEL	926.00	
			926.00**
100237 - Riverview Paving, Inc. 859 Willow Grove Street Hackettstown NJ 07840	PO 2300629 INSTALLATION OF GRANITE BLOCK CURBING ON	429,084.40	
			429,084.40**
1366 - SANITATION EQUIPMENT CORP. 80 FURLER STREET TOTOWA NJ 07512	PO 2300837 REPLACEMENT OF HYDRAULIC PUMP DCS-111	5,297.76	
			5,297.76**
	Water Operating		
99204 - Appletree PO Box 95117 Chicago IL 60694-5117	PO 2300642 O-6 - Second Blanket for Phone Answering	876.90	
			876.90**
94 - AQUA PRO-TECH LABORATORIES 1275 BLOOMFIELD AVENUE BUILDING #6 FAIRFIELD NJ 07004	PO 2300204 W-5 -- BLANKET for Laboratory Analysis S	954.00	
			954.00**
9273 - AUTOMOTIVE BRAKE 314 RAILROAD AVENUE	PO 2300605 W-34 - Blanket for Vehicle Parts & Suppl	2,243.40	

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
HACKENSACK NJ 07601			2,243.40**
1739 - CITY OF CLIFTON ATTN: TAX OFFICE 900 CLIFTON AVE CLIFTON NJ 07013	PO 2300826 Blanket 2nd thru 4th QTR 2023 City of Cl	251.24	251.24**
3282 - GRAINGER, INC. DEPT 858312218 PALATINE IL 60038-0001	PO 2300210 W-11 -- BLANKET for Materials & Supplies	320.81	320.81**
9348 - KOYCE, STEPHEN C/O MONTCLAIR WATER BUREAU 54 WATCHUNG AVENUE MONTCLAIR NJ 07043	PO 2300915 W-44 Reimbursement for Registration Fee	155.00	155.00**
8891 - PUBLIC SERVICE ELECTRIC & GAS PO BOX 14444 NEW BRUNSWICK NJ 08906-4444	PO 2300201 O-4 -- BLANKET for Electric and/or Gas S	17,541.80	17,541.80**
501 - TILCON NEW YORK, INC. 9 ENTIN ROAD PARSIPPANY NJ 07054	PO 2300218 W-19 -- BLANKET for Stone and Quarry Pro	2,983.91	2,983.91**
1564 - TOWNSHIP OF CEDAR GROVE 525 POMPTON AVE CEDAR GROVE NJ 07009-0001	PO 2300825 2nd QTR - 4th QTR 2023 Cedar Grove Tax B	144.23	144.23**
839 - AES Fire, LLC 15-03 132nd Street College Point NY 11356	PARKING UTILITY PO 2300679 2023 Central Alarming system Bay St. Dec PO 2300680 2023 Central Alarming system Bay St. Dec	90.00 900.00	990.00**

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
76 - AMERICAN ROYAL HARDWARE 251 Park Street Montclair NJ 07043-0010	PO 2300148 2023 Supplies and hardware	11.60	11.60**
1701 - CUSTOM BANDAG INC. 401 E. LINDEN AVENUE LINDEN NJ 07036-2411	PO 2300784 2023 Tires for Parking Utility Vehicles	393.44	393.44**
1578 - ELEVATOR MAINTENANCE CORP. 580 ELM STREET KEARNY NJ 07032	PO 2300838 2023 Elevator Maintenance - March-Decemb	367.00	367.00**
8489 - P & A AUTO & TRUCK PARTS 1278 BROAD STREET BLOOMFIELD NJ 07003	PO 2300436 2023 Vehicle parts and supplies State Co	109.03	109.03**
5197 - RAO, PADMAJA C/O TOWNSHIP OF MONTCLAIR 205 CLAREMONT AVE MONTCLAIR NJ 07042	PO 2300643 Reimbursement for Verizon Payment Acct#-	378.78	378.78**
99201 - Ricciardi Brothers 287 Bloomfield Avenue Bloomfield NJ 07003	PO 2300537 2023- Paint and Painting Supplies	155.96	155.96**
8438 - ROUTE 23 AUTO MALL 1301 RT 23 SOUTH BUTLER NJ 07405	PO 2300404 2023 Vehicle Maintenance and Part	48.14	48.14**
99090 - William J. Guarini, Inc. 152 Stevens Avenue Jersey City NJ 07305	PO 2300647 2023 Plumbing Services	2,679.20	

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
			2,679.20**
Animal Control			
10061 - COVETRUS NORTH AMERICA 400 METRO PLACE NORTH DUBLIN OH 43017-3378	PO 2300664 ANIMAL SHELTER MEDICATION	2,877.67	2,877.67**
S.U.I			
9700 - New Jersey Department of Labor Division of Employer Accounts P.O. Box 059 Trenton NJ 08646	PO 2300824 2021 UNEMPLOYMENT INSURANCE	10,004.45	10,004.45**
Section 8			
9270 - NTN - PHILADELPHIA PO BOX 1023 TURNERSVILLE NJ 08012	PO 2300719 BLANKET FOR YEAR 2023	27.00	27.00**
5601 - W.B. MASON CO., INC. PO BOX 981101 BOSTON MA 02298-1101	PO 2300720 BLANKET FOR YEAR 2023 PO 2300721 BLANKET FOR YEAR 2023	0.95 13.41	14.36**
SEWER OPERATING			
2405 - JOINT MTG OF THIRD RIVER SEWER BOROUGH OF GLEN RIDGE 825 BLOOMIFELD AVE GLEN RIDGE NJ 07028-0001	PO 2300877 O-8 -- 2023 Assessment for Third River S	2,668.72	2,668.72**
7643 - ONE CALL CONCEPTS, INC. 7223 PARKWAY DRIVE SUITE 210 HANOVER MD 21076	PO 2300184 O-3 -- BLANKET for One Call Messages for	393.25	393.25**

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
8489 - P & A AUTO & TRUCK PARTS 1278 BROAD STREET BLOOMFIELD NJ 07003	PO 2300301 R-3 -- BLANKET for Vehicle Parts & Suppl	365.44	
			365.44**
8891 - PUBLIC SERVICE ELECTRIC & GAS PO BOX 14444 NEW BRUNSWICK NJ 08906-4444	PO 2300185 O-5 -- BLANKET for Electric Services fro	258.82	
			258.82**
2574 - RICOH USA, INC. PO BOX 827577 PHILADELPHIA PA 19182-7577	PO 2300901 R-6 -- BLANKET for Service Contract on R	1,237.66	
			1,237.66**
3178 - SECOND RIVER JOINT MEETING 500 SOUTH FIRST ST ELIZABETH NJ 07202-0001	PO 2300876 O-7 - - 2nd Quarter 2023 Assessment for	30,367.00	
			30,367.00**
TOTAL			----- 1,365,019.07

** = Payment(s) need to be approved before check can be printed.

Total to be paid from Fund 01 CURRENT FUND	823,525.26
Total to be paid from Fund 03 DEDICATED TRUST	9,680.89
Total to be paid from Fund 04 CAPITAL	452,994.11
Total to be paid from Fund 06 Water Operating	25,471.29
Total to be paid from Fund 09 PARKING UTILITY	5,133.15
Total to be paid from Fund 12 Animal Control	2,877.67
Total to be paid from Fund 13 S.U.I	10,004.45
Total to be paid from Fund 16 Section 8	41.36
Total to be paid from Fund 22 SEWER OPERATING	35,290.89

	1,365,019.07

List of Bills - (All Funds)

Meeting Date: 04/25/2023 For bills from 04/12/2023 to 04/21/2023

Paid to	Description	Payment	Check Total
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Checks Previously Disbursed

4062301	Montclair Public Library	PO# 2300872 Payments to the Montclair Public	819,498.75	4/06/2023
4102301	MONTCLAIR CENTER BID	2023 Quarter 1 BID Assessment	238,395.75	4/10/2023
4112301	TOWNSHIP OF MONTCLAIR	PO# 2300854 Replenish petty cash for Q1 use.	20.00	4/11/2023
4132301	State of NJ Division of Pension & Benefits	2023 Annual Employer Pension Appro	9,856,030.05	4/13/2023
4142301	PUBLIC SERVICE ELECTRIC & GAS	PO# 2300847 PSE&G - Recreation Master A/C 13	18,006.01	4/14/2023
4142302	PUBLIC SERVICE ELECTRIC & GAS	PO# 2300848 PSE&G Utility Services Townwide	57,871.82	4/14/2023
4172301	DTCC	4.15.23 Debt Service Payment (GO &	539,150.00	4/17/2023
9333575	STATE OF NEW JERSEY	PO# 2300843 Payments to Insurance Providers	323,164.77	4/14/2023
9333578	STATE OF NEW JERSEY	PO# 2300843 Payments to Insurance Providers	359,504.85	4/14/2023
9333579	STATE OF NEW JERSEY	PO# 2300843 Payments to Insurance Providers	34,144.80	4/14/2023
261862415	STATE OF NEW JERSEY	PO# 2300879 Blanket Public Community Water S	2,684.83	4/11/2023

12,248,471.63

Totals by fund	Previous Checks/Voids	Current Payments	Total
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Fund 01 CURRENT FUND	12,245,786.80	823,525.26	13,069,312.06
Fund 03 DEDICATED TRUST		9,680.89	9,680.89
Fund 04 CAPITAL		452,994.11	452,994.11
Fund 06 Water Operating	2,684.83	25,471.29	28,156.12
Fund 09 PARKING UTILITY		5,133.15	5,133.15
Fund 12 Animal Control		2,877.67	2,877.67
Fund 13 S.U.I		10,004.45	10,004.45
Fund 16 Section 8		41.36	41.36
Fund 22 SEWER OPERATING		35,290.89	35,290.89
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BILLS LIST TOTALS	12,248,471.63	1,365,019.07	13,613,490.70 =====