

Township of West Milford

Passaic County, New Jersey

~ Resolution 2013 - 179 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO ADOPT THE 3- YEAR COOPERATION AGREEMENT BETWEEN PASSAIC COUNTY AND THE TOWNSHIP OF WEST MILFORD TO PARTICIPATE IN THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: FISCAL YEARS 2014, 2015 AND 2016

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, provides federal funds to Passaic County to carry out eligible community development activities; and

WHEREAS, the Township of West Milford (hereinafter referred to as the "Municipality") agrees to participate in eligible activities to be carried out under the Passaic County Urban County Entitlement Community Development Block Grant Program; and

WHEREAS, the Mayor of the Township of West Milford is authorized to execute this Cooperation Agreement, and

WHEREAS, Passaic County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, and

WHEREAS, The County and the Municipality agree to take all actions necessary to assure compliance with the Passaic County Urban County Entitlement Program certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The provision must also include the obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. The provision must also include the obligation to comply with other applicable laws. The agreements shall also contain a provision prohibiting urban county funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the county) that can, in turn, provide cause for funding sanctions or other remedial actions by the Department.

WHEREAS, this agreement shall be in effect for the three year program period: Federal Fiscal Years 2014, 2015 and 2016, and remains in effect until the CDBG funds and program income received (with respect to activities carried out during the three-year qualification period) are expended and the funded activities completed, and that the County and Municipality cannot terminate or withdraw from the Cooperation Agreement while it remains in effect. The agreement shall remain in effect until expressly terminated by one of the parties hereto but said termination may only occur at the end of each three year Urban County requalification period.

WHEREAS, the County has the authority to carry out activities which shall be funded from annual Community Development Block Grant funding appropriations: the County has final responsibility for selecting projects, preparing the Five Year Plan as required by HUD and annual Action Plans; and

WHEREAS, by executing this Cooperation Agreement, the Municipality understands the following:

1. It may not apply for grants under the Small Cities or State CDBG Program for appropriations for fiscal years during the period in which it participates in the Passaic County Urban County CDBG Program;
2. This agreement shall remain in effect until the CDBG funds and income received with respect to the three year qualification period are expended and the funded activities completed;
3. The County and the Municipality may not terminate or withdraw from this agreement while this agreement remains in effect as above;
4. The Municipality has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
5. The Municipality has a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of nonviolent civil rights demonstrations within its jurisdiction.
6. The Municipality shall be prohibited from receiving Urban County funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification,
7. The Municipality, pursuant to 24 CFR 570.501(b), is subject to the same requirements applicable to sub-recipients, including the requirement of a written agreement as described in 24 CFR 570.503, and

WHEREAS, the Municipality shall comply with all applicable laws, ordinances, and codes of the State and Local governments, and shall commit no trespass on any private property in performing any of the work embraced by this Cooperation Agreement, and.

WHEREAS, the Municipality shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, handicap or familiar status. The Municipality shall take affirmative action to ensure that applicant for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap or familiar status. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Municipality shall post in conspicuous places, available to employee and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause. The Municipality shall incorporate the foregoing requirements of this paragraph (a) in all its contractors for such work to incorporate such requirements in all of its contractors for such requirements in all subcontractors for program work, and

WHEREAS, the Municipality is subject to the requirements of Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. (P.L. 88-352) and HUD regulations with respect thereto including the regulations under 24 CFR Part I. In the sale, or lease, or other transfer of land acquired, cleared, or improved with the assistance provided under this Agreement, the Municipality shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis of race, color, religion, sex, or national origin in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected thereon, and providing that the sub grantee and the United States are beneficiaries of and entitled to enforce such covenant. The Municipality in undertaking its obligation in carrying out the program assisted hereunder agrees to take such measures as are necessary to enforce such covenant and shall not itself so discriminate and

WHEREAS, the aforesaid activities are in the best interest of the Township of West Milford; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of West Milford that the Mayor is authorized to execute the Cooperation Agreement with the County of Passaic to participate in the Passaic County Urban County Entitlement Community Development Block Grant Program for Federal Fiscal Years 2014, 2015 and 2016; and

BE IT FUTHER RESOLVED, that this resolution shall take effect immediately upon its enactment, as provided by law.

Adopted: June 5, 2013

Adopted this 5th of June, 2013
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk