

MONTCLAIR, NEW JERSEY

September 9, 2014

The Council of the Township of Montclair, in the County of Essex, met in the First Floor Council Chambers in the Municipal Building, 205 Claremont Avenue, for a Conference meeting at 7:03 P.M.

STATEMENT OF SUNSHINE NOTICE
ROLL CALL

Present: Mayor Jackson, Deputy Mayor Russo, Councilors Baskerville, Hurlock, McMahon, Schlager, and Spiller
Absent: None

The Council showed their support of the Montclair High School Mounties in advance of the home team's "white out" event by wearing tee-shirts with the "Family", "Faith" and "Football" logo.

OBSERVANCE OF 9/11/14

Deputy Mayor Russo called for a moment of silence to honor nine Montclair residents who died in the 9/11 tragedy:

Michael L. Collins
Caleb Arron Dack
Emeric J. Harvey
Scott M. Johnson

Howard L. Kestenbaum
Robert M. Murach
David Lee Pruim
Ron Ruben
Michael Stewart

On motion made by Mayor Jackson and duly seconded, the minutes of August 12, 2014 were approved by unanimous vote.

DISCUSSION

Mountainside Hospital Redevelopment.

Receive: Janice Tally, Director of Planning/Zoning

Ms. Talley proposed adding additional properties to the original resolution allowing the Planning Board to study redevelopment of the Mountainside Hospital area. Included in the sixteen additional properties are several hospital owned Walnut Crescent properties and the hospital parking deck.

PUBLIC COMMENT

Diane Esty, 141 Squire Hill Road, member of the Upper Montclair Business Association read the following into the record.

"The Upper Montclair Business Association ("UMBA") is an organization of shop owners, business owners, merchants and professionals who are based in Upper Montclair. Many of our members are also residents of Montclair.

Following discussions with our membership, we write to express UMBA's significant concern regarding the sick-leave ordinance up for consideration before the Council. There are several questions that must be addressed prior to any approval of the proposed ordinance:

- Who has surveyed the Montclair small business community to understand the impact of the proposed ordinance? If a survey was completed, what was the result and who was surveyed? If a survey or study was not conducted, why not?
- How many businesses in town would be impacted by the proposed ordinance?
- How would the proposed ordinance impact the competitive status of Montclair versus neighboring towns in regard to encouraging the establishment and sustainment of small businesses within Montclair's borders? Montclair already has a stubborn commercial vacancy rate and small businesses find it difficult to open and stay in business because of the already onerous permits, paperwork, and rental costs associated with doing business in Montclair. How many businesses will close and how many local jobs will be lost because of this increased burden?

- Did the town council initiate a comparative study of Newark, Jersey City or any other towns where similar legislation has passed? Our research shows that the proposed ordinance in Montclair is far more onerous than similar ordinances passed in other cities and towns in the country.
- What is the enforcement mechanism for the Township to audit small business records and domestic employers in regard to their compliance with the proposed ordinance? Aren't the audits of small businesses and homes overstepping by the Township when this ordinance far exceeds state mandates?
- How would homeowners employing lawn personnel, babysitters and other domestic workers be audited by the Township or provide paperwork?
- What is the budget for the Township to make these inquiries?
- Where are we getting the funds for these inquiries and/or audits?
- Why does the Township want to take this issue on when state labor boards already have mechanisms in place?
- This requires an extraordinary amount of paperwork for employees that work less than two hours a week. Why haven't higher thresholds in regard to hours per week and the number of employees been considered?
- It is highly unusual that benefits carry over to the following year. This would serve for employees to piggyback years and make it impossible for small businesses to schedule personnel. It may even require another temporary worker just to support the accumulated sick leave. Has the Council analyzed this issue?
- Was the petition properly executed so all pages were initialed by the petitioners?

These questions are threshold inquiries that must be answered by the Council before this ordinance is enacted. It would be unconscionable for a non-Montclair organization such as the drafters of this proposed ordinance to usurp or undermine this Council's obligation to carefully and deliberately consider an ordinance prior to its enactment.

While the members of the UMBA are always receptive to initiatives to better support the personal and professional lives enjoyed by their employees, they are unwilling to allow an ordinance of this nature to be pushed through the legislative process without it receiving the careful economic analysis that it clearly deserves."

Kay Sherwood, Chair, Township Animal Welfare Advisory Committee reported on several issues being investigated by this group including:

- geese in Township parks
- "failed" animal release from the Montclair shelter
- feral cats
- shelter management

At the conclusion of their study they presented the following recommendations to Township Manager Marc Dashield:

- hire a qualified shelter management
- repair and renovate the shelter facility
- hire a paid coordinator of shelter volunteers

The Council will schedule a presentation from this group on October 7, 2014.

A resident of Argyle Terrace, complimented the Council for appointing members to this Animal Advisory Committee. She asked that the committee be scheduled to present their report at the same Council meeting along with the Township Manager's report to the Council.

Steve Drexler, 36 Hawthorne Place, volunteer, Montclair Animal Shelter believes the shelter will only thrive if the above recommendations are in place.

Serges Demefack, Community Coordinator for the Frog Hollow Museum Project presented a proposal to utilize this facility as a museum and cultural center rather than a police substation.

NEW BUSINESS – ORDINANCE/FIRST READING - INTRODUCTION

Mayor Jackson introduced the following ordinance and made a motion which was duly seconded, that it pass first reading and be further considered for final passage at a regular meeting of the Township Council to be held on October 7, 2014:

"BOND ORDINANCE AMENDING THE TITLE AND SECTIONS 1, 2 AND 3(a) OF BOND ORDINANCE NUMBERED O-14-003 OF THE TOWNSHIP OF MONTCLAIR, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY ADOPTED MARCH 4, 2014 PROVIDING FOR IMPROVEMENTS TO VARIOUS STREETS IN ORDER TO REMOVE THE REFERENCE TO THE STATE GRANT AND TO AMEND THE PROJECT DESCRIPTION." (O-14-033)

TOWNSHIP MANAGER'S REPORTPreview September 16, 2014 meeting items

1. Proclamation – Montclair Art Museum
2. Hearing on Bond Ordinance – 2014 Capital Plan – *Washington Field improvements \$350,000.00 various other projects TBD*
3. Hearing on Abandoned Vehicle Ordinance
4. Resolution authorizing amendment of a professional services agreement H2M site investigation 399 Orange Road in the amount of not to exceed \$100,817.00
5. Resolution authorizing change order # 1 For Construction of the Orange Road Water Main in the amount of \$24,000.00
6. Resolution authorizing the temporary southbound road closure Lloyd Road (MKA library Construction)
7. Resolution authorizing the Township Manager to sign a MOU for a parking meter field trial

NEW BUSINESS – RESOLUTIONS

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

WHEREAS, the Township Council of the Township of Montclair, County of Essex, State of New Jersey, recognizes that the Senior Citizen Advisory Committee provides vital information and outreach to seniors in the community at its annual "Seniorama"; and

WHEREAS, the Township Council further recognizes that Partners for Health has invested in the "Lifelong Montclair – Aging in Place" initiative to help coordinate resources and services designed to help seniors age in place; and it is incumbent upon not only public officials but also upon the entire community to take action to create an environment where seniors can choose to age gracefully in our community; and

WHEREAS, the topic of Seniorama 2014 is "Lifelong Montclair – Aging Place: It Takes a Community", scheduled for Thursday, October 16 at 12 to 3 p.m. at the YMCA located at 25 Park Street in Montclair; and

WHEREAS, the Township Health Department has been approved to receive grant funding from the Partners for Health Foundation on behalf of the Senior Citizen Advisory Committee for program supplies to help make Seniorama a success; now therefore

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

1. The Township Council does hereby authorize receipt of funding from Partners for Health for the Seniorama grant for September 1 to October 16, in the calendar year 2014 in the amount of \$4,950.00.
2. The Township Council acknowledges the terms and conditions for administering the Partners for Health grant, including the administrative compliance and audit requirements. (R-14-138)

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, and

WHEREAS, the Mayor and Council of the Township of Montclair will receive funding and wishes to accept funding from the New Jersey Department of Transportation, Union Street Project in the amount of \$221,330 and wish to amend its 2014 budget in the sum of \$221,330 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services:
Public & Private Revenues
Offset with Appropriations:
New Jersey Department of Transportation
Union Street Project

Pursuant to provisions of Statute ; now, therefore

BE IT RESOLVED by the Mayor and Council of the Township of Montclair that a like sum of \$221,330 be and it is hereby appropriated and accepted under the caption of

General Appropriations
(a) Operations Excluded from Caps
Public & Private Programs
Offset by Revenues:
New Jersey Department of Transportation
Union Street Project

Pursuant to provisions of Statute ; now, therefore

BE IT FURTHER RESOLVED that the Township Clerk forwards two copies of this resolution to the Director of Local Government Services. (R-14-139)

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

BE IT RESOLVED by the Council of the Township of Montclair, in the County of Essex, that said bills be and they are hereby ordered paid and that warrants by drawn on the Treasurer to the order of such person for the amount respectively as hereinafter stated to wit: \$3,673,062.53

The Council gave permission for the Susan B. Komen Foundation to implement their "pink ribbon" initiative within the municipality during the month of October.

REPORTS

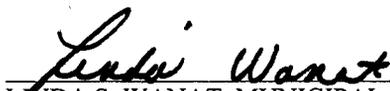
Councilor Baskerville asked that the Council discuss the dead deer removal procedure at an upcoming Council meeting. (September 23).

Mayor Jackson suggested that the Township review the status of all temporary employees after six months employment.

Councilor McMahon attended the recent Rotary Luncheon whose guest speaker Steve Rogers, an expert in services for veterans.

Montclair Ambulance Unit will hold their 16th annual golf outing on Monday, September 15, 2014.

At 8:36 P.M. on motion made by Mayor Jackson and duly seconded, the meeting was adjourned by unanimous vote.


LINDA S. WANAT, MUNICIPAL CLERK

ATTEST:



ROBERT JACKSON MAYOR