

**Millburn Township Committee Meeting Minutes**

Minutes of the Regular Meeting of the Township Committee of the Township of Millburn, in Essex County, New Jersey, held in Town Hall starting at 7:30 PM on the above date.

Mayor Thall Eglow opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall at 7:30 PM on April 2, 2019.

Mayor Thall Eglow asked all those present to stand for the Salute to the Flag.

Upon call of the roll, the following Committee members were recorded present: Jackie Benjamin Lieberberg, Cheryl H. Burstein, Samuel D. Levy, Tara B. Prupis, and Dianne Thall Eglow. Also present were Business Administrator Alexander McDonald, Township Attorney Christopher Falcon, Assistant Business Administrator Jimmy Homsy and Township Clerk Christine Gatti.

**Approval of Agenda**

Mayor Thall Eglow asked for a motion to approve the agenda. The motion was offered by Ms. Lieberberg and seconded by Mr. Levy.

Roll Call Vote: All Ayes

**Promotion**

Fire Chief Echavarria brought forth the candidate for promotion to Battalion Chief, Shaun Quirk, and reviewed his background.

Mayor Thall Eglow asked for a motion to approve Resolution 19-101, which was made by Mr. Levy and seconded by Ms. Burstein.

Roll Call Vote: All Ayes

**RESOLUTION 19-101  
CONFIRM FIRE DEPARTMENT PROMOTION**

**WHEREAS**, the Township of Millburn is in need of a Battalion Fire Chief; and

**WHEREAS**, Shaun Quirk has met the criteria set-down for Battalion Fire Chief and he has gone through the appropriate selection process;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, that confirmation is given to the promotion of Shaun Quirk to the rank of Battalion Fire Chief, effective April 2, 2019.

Township Clerk Gatti administered the Oath of Office to Shaun Quirk.

A two minute recess was taken.

**Proclamation**

Ms. Burstein presented a Proclamation acknowledging Distracted Driving Crackdown.

**Minutes**

Mayor Thall Eglow asked for a motion to approve the January 15, 2019 regular meeting minutes. The motion was made by Ms. Burstein and seconded by Ms. Prupis. Vote: All Ayes

Millburn Township Committee Meeting Minutes

Mayor Thall Eglow asked for a motion to approve the February 5, 2019 regular meeting minutes. The motion was made by Ms. Lieberberg and seconded by Ms. Burstein. Vote: All Ayes

Mayor Thall Eglow asked for a motion to approve the February 5, 2019 special meeting minutes. The motion was made by Ms. Burstein and seconded by Ms. Prupis. Vote: All Ayes

Reports

Mayor Thall Eglow read the following statement:

*“Gero Park will be hosting a grand opening of its new Playground on APRIL 17th, 2-3PM. Music, ice pops, face painting and FUN & GAMES! If you are not traveling that week, be sure to bring the kids.*

*Pilgrim Pipeline: the short update is there is no update. The New York State Dept of Environmental Conservation is still “reviewing” Pilgrim’s 2015 application. Pilgrim has made NO filings with NJDEP. Governor Murphy has taken an aggressive position against new natural gas pipelines in NJ.*

*I have shared pictures with DPW of the accumulation of large tree limbs at the damn at Campbell’s Pond. If these logs dislodge, they will travel downstream and choke these narrow water ways...past the Paper Mill, under the PNC and Deil Bridge into Taylor Park ect....Our DPW is taking a look for access to remove these, which is limited. I have shared this as well with Congressman Malinowski’s office, the Congressman is very concerned, because this is all within the CD7 district which floods. Millburn will write a letter to the Essex County Exec and the Mayor of Orange to explore how to remediate this “log Jam”. This is a vital starting point because as we learn the Army Core is not providing any solutions soon.*

*This Segways perfectly with an event that*

*Congressman Malinowski will be hosting. An Earth day trash clean up at and around the Campbell Pond area on SATURDAY APRIL 20th. I will have more details on the Websites as this is finalized. His NJ staffer actually walked the area today with John Bace , Of DPW, and they had extensive conversation about how the area.*

*The Joint Meeting, our sewer authority, assured me they conduct periodic checks where debris is known to accumulate, Millburn DPW also checks on these areas and is to report back to them, After heavy rains they do send their people out for extra checks, however, they do appreciate residents informing such as when we had a problem last year at Ridgewood and Gilbert Place.*

*LED lighting UPDATE;*

*Lots 1 ( clock tower) and Lot 5 (Town Hall) and have been replaced. WE have a request in to JCPL to have ALL the street lights along Millburn Ave and Chatham Road changed over to LED.*

*Our town Planner is currently updating the town’s lighting ordinance, because applicants currently need apply for LED variances.*

*Hobart and WO Ridge traffic light update: the County is currently conducting a survey of the area. Letters have been sent to the property owners on each corner by our engineering dept letting them know that this-area has passed the warrents for the installation of a traffic light, and in the meantime these homes owners are to make sure that all sight triangles are clear.*

*We held the 2nd SH Train Station public outreach; New folks came with new ideas that were very helpful. We have engaged Stantec, our Traffic Consultant, to officially work with our engineering dept to drill down on more specific ideas, taking into consideration all residents comments and concerns from the 1st 2 meetings. I want to assure you, that nothing gets approved with out more reach out and anything recommendations will come before the TC for discussion.*

Millburn Township Committee Meeting Minutes

*PACTS is meeting next week, Stantec will be there. We have asked they review our Mission Statement, as well as our minutes and some preliminary ideas and measurements pertaining to the corners at Millburn and Main St. These corners were identified as the first targeted area, and Stantec, will be doing a site visit.*

*All the PACTS minutes one the PACTS minutes will be posted on the website tomorrow as well, and please send your comments to us.*

*I had a Mayor's breakfast with about 10 of Millburn's commercial property owners, this was a meet and greet listening session and proved to be very informative. I have also been trying meet with the property owners individually who were unable to attend.*

LASTLY,

*ALL The remaining Pay Stations are being installed along Millburn Ave east of Main St."*

Ms. Lieberberg spoke about the Mill Wheel Festival taking place on Sunday from 2-4 PM in Taylor Park. She announced that the Farmers' Market will be returning as of June 14<sup>th</sup> to the same location and will be open from 1 – 6 PM.

Mr. McDonald reviewed the details regarding the paving of lots 8 and 12, which is on the consent agenda this evening for consideration. He noted that it will be done over the schools' spring break to minimize disruptions as much as possible. He spoke about a phone conference regarding the Sustainable Essex Alliance. He stated that the conversation focused on the lack of financial favor for residents as indicated by the RFPs received and the consensus was that is best not to proceed at this time.

George Serio, Essex County representative, gave a brief update regarding County activities.

**Public Comment**

Mayor Thall Eglow opened the floor to public comment.

Phil Kirsch, of 93 Cedar Street, came forward and spoke about an environmental roundtable sponsored by Essex County. He asked if Millburn has discussed banning plastic or single use bags as was encouraged at the meeting in an effort to force the State to do something. Mayor Thall Eglow stated that the Millburn Environmental Commission will be meeting on the 9<sup>th</sup> and it will be discussed then. She pointed out that they have been working on something for quite a while and will eventually present a recommendation to the Township Committee. Mr. Kirsch and the Mayor discussed the value of educating the public on the matter.

The scout leader from St. Rose of Lima came forward and introduced two Eagle Scout candidates. The first was Collin Woros of Slayton Drive, who handed out information regarding his project that focuses on honoring veterans by creating banners that memorialize veterans past and present. He indicated that the banners could be placed on various light posts throughout town. He added that he is also assisting with the Memorial Day festivities. The second scout was Gabe Lipschitz, who stated he just completed his Eagle Scout project, which focused on improvements to the gazebo in Taylor Park.

A gentleman from upstate New York, whose name was not audible, came forward and discussed the large amount of organ transplants in China, yet they do not have an organ donation program. He spoke at length about the possibilities of the origins of the organs, wondering if people are killed for their organs.

Mayor Thall Eglow asked there were any other public comments. Seeing none, she continued with the meeting.

Millburn Township Committee Meeting Minutes

**Public Comment – Consent Agenda**

Mayor Thall Eglow asked if there were any comments or questions regarding items on the Consent Agenda. Seeing none, she brought forth the consent agenda and reviewed the items, noting that Resolution 19-096 needs to have to lot numbers corrected from 5 to 8 and 12. Mike Banick, the Director of the Millburn Library, came forward and spoke about library aid being cut by the State and thanked the township for their continued support, as indicated in Resolution 19-095.

**Consent Agenda**

Mayor Thall Eglow asked for a motion to approve the items on the consent agenda. Ms. Burstein made a motion to approve the consent agenda which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

**RESOLUTION 19-090  
APPROVE BILLS PAYABLE**

**RESOLVED** that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated April 2, 2019, in the following accounts:

General	\$ 564,782.76
Capital Fund	7,955.00
Parking Utility - Operating Fund	18,130.29
Dog Fund Trust	224.55
Donation Trust Fund	486.00
Escrow Trust Fund	1,890.00
Waste Recycling Trust	229.90
PATFA II	385.00

**RESOLUTION 19-091  
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer of the Township of Millburn be and he is hereby Authorized and directed to the draw warrants to pay the payees listed below in the specified amounts;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Michael I. Schneck, Trustee and Li Zhang and John Margineanu 301 South Livingston Ave Ste. 105 Livingston, NJ 07039 Block 4902 Lot 1 393 White Oak Ridge Road	Tax Appeal 2018 taxes	\$3,010.87
Michael I. Schneck, Trustee and Millburn Common Assoc. 301 South Livingston Ave Ste. 105 Livingston, NJ 07039 Block 705 Lot 2 227 Millburn Ave	Tax Appeal 2017 taxes	\$18,560.00
Michael I. Schneck, Trustee and N Pond Assoc. 301 South Livingston Ave Ste. 105 Livingston, NJ 07039 Block 3006 Lot 10 60 Parsonage Hill Road	Tax Appeal 2018 taxes	\$1,000.45
Michael I. Schneck, Trustee and Fred M. & Barbara Aueron 301 South Livingston Ave Ste. 105	Tax Appeal 2018 taxes	\$1902.00

Livingston, NJ 07039  
 Block 4205 Lot 6  
 130 Fairfield Dr.

Michael I. Schneck, Trustee and  
 Fred M. & Barbara Aueron  
 301 South Livingston Ave Ste. 105  
 Livingston, NJ 07039  
 Block 4205 Lot 6  
 130 Fairfield Dr.

Tax Appeal  
 2017 taxes \$1,856.00

Michael I. Schneck, Trustee and  
 William & Elyse Greenbaum  
 301 South Livingston Ave Ste. 105  
 Livingston, NJ 07039  
 Block 3305 Lot 5  
 38 Slope Dr.

Tax Appeal  
 2018 taxes \$3,296.17

Michael I. Schneck, Trustee and  
 John C. & Anne K. Hou  
 301 South Livingston Ave Ste. 105  
 Livingston, NJ 07039  
 Block 1505 Lot 25  
 8 Sherwood Rd.

Tax Appeal  
 2018 taxes \$5,700.29

Michael I. Schneck, Trustee and  
 Michael & Meryl Skinder  
 301 South Livingston Ave Ste. 105  
 Livingston, NJ 07039  
 Block 4206 Lot 14  
 116 Fairfield Dr.

Tax Appeal  
 2018 taxes \$4,190.11

Michael I. Schneck, Trustee and  
 Mark A. & Sandra Z. Rosenbaum  
 301 South Livingston Ave Ste.105  
 Livingston, NJ 07039  
 Block 3004 Lot 4  
 145 Forest Drive North

Tax Appeal  
 2018 taxes \$3,748.84

Michael I. Schneck, Trustee and  
 Wayne & Patricia Kent  
 301 South Livingston Ave Ste. 105  
 Livingston, NJ 07039  
 Block 2603 Lot 2  
 71 Fairfield Dr.

Tax Appeal  
 2018 taxes \$1,985.69

Michael I. Schneck, Trustee and  
 Adam D. & Nicole R. Bell  
 301 South Livingston Ave Ste. 105  
 Livingston, NJ 07039  
 Block 2903 Lot 7  
 31 Grosvenor Rd

Tax Appeal  
 2018 taxes \$6,230.95

Village Supermarket  
 733 Mountain Ave  
 Springfield, NJ 07081  
 Block 906 Lot 28  
 1 East Willow St

SID Refund  
 2019 SID credit  
 (SID overcollection) \$10.55

**RESOLUTION 19-092  
 AUTHORIZING THE AWARD OF A CONTRACT FOR LABOR RELATIONS COUNSEL  
 [CLEARY GIACOBBE ALFIERI & JACOBS LLC]**

Millburn Township Committee Meeting Minutes

**WHEREAS**, there exists a need in 2019 for labor relations counsel in connection with legal services as are necessary for the management of labor relations of the Township, including but not limited to participation in collective bargaining negotiations, grievances, administrative proceedings, arbitration and litigation through December 31, 2019; and

**WHEREAS**, the township has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

**WHEREAS**, the Township Committee has selected a firm through a competitive fair and open process and has determined that Cleary Giacobbe Alfieri & Jacobs LLC, shall serve the township as Labor Relations Counsel;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, in the County of Essex as follows:

1. That the Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services agreement in a form subject to the approval of the Township Attorney between Cleary Giacobbe Alfieri & Jacobs LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436, and the Township of Millburn, in connection with legal services as are necessary for the management of labor relations of the Township, including but not limited to participation in collective bargaining negotiations, grievances, administrative proceedings, arbitration and litigation through December 31, 2019 as per their proposal dated January 23, 2019.
2. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law.

**RESOLUTION 19-093**  
**AUTHORIZING BEER AND WINE AND PARKING OF VEHICLES**  
**IN TAYLOR PARK FOR ROCKTOBERFEST EVENT**

**WHEREAS**, the Education Foundation of Millburn Short Hills annually holds a Rocktoberfest event and their goal is to bring the community together and raise funding for Millburn Township district schools by committing to provide innovative and progressive tools and programs for district students and faculty, which are outside of school budgets; and

**WHEREAS**, the organizers of Rocktoberfest have made a request of the Township to allow the sale of beer and wine and the parking of vehicles in Taylor Park located at 100 Main Street, Millburn, at the Rocktoberfest event; and

**WHEREAS**, the Millburn Recreation Commission has recommended that the Township Committee take action to approve the sale of beer and wine and the parking of vehicles in Taylor Park for the Rocktoberfest event: and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn in the County of Essex, that:

1. Permission is hereby granted to the Education Foundation of Millburn Short Hills, a 501 (C) (3), to allow the sale of beer and wine and the parking of vehicles for the Rocktoberfest event in Taylor Park located at 100 Main Street, Millburn, scheduled for September 28, 2019 (rain date: October 5, 2019); and
2. The sale of beer and wine at the Rocktoberfest event shall only be on September 28, 2019 (rain date: October 5, 2019) between the hours of 12:30PM and 7:30PM; and
3. The sale of beer and wine and the parking of vehicles in Taylor Park for the Rocktoberfest event is contingent upon the organizers of the event complying with all requirements of the State of New Jersey Division of Alcoholic Beverage Control, Millburn Police, Fire, Health Administration, Recreation Departments and the

Recreation Commission.

**RESOLUTION 19-094  
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENT**

**NOW, THEREFORE BE IS RESOLVED** that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 27 West Beechcroft Road, Block: 2801, Lot: 15, as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 19-095  
SUPPORT OF PER CAPITA LIBRARY AID TO PUBLIC LIBRARIES**

**WHEREAS**, the State of New Jersey has a long tradition of direct support for public libraries through the Per Capita Library Aid program; and

**WHEREAS**, public libraries in New Jersey receive this state aid in recognition of meeting or exceeding state standards for library service; and

**WHEREAS**, public libraries depend on this state aid to improve their facilities, modernize their technology, increase public access to print or electronic materials, or otherwise meet service demands; and

**WHEREAS**, the Per Capita Library Aid program was reduced by 8% in state fiscal year 2009, 10% in state fiscal year 2010 and nearly 50% in state fiscal year 2011, to just 41 cents per capita; and

**WHEREAS**, this level of support has been held flat for nearly a decade, even as operating costs have increased and even as other state departments, agencies and services have seen their funding restored, either partially or fully; and

**WHEREAS**, usage of public libraries statewide is as strong as ever; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, in the County of Essex, at the recommendation of the Board of Trustees of the Millburn Free Public Library and Millburn Township Library Director, hereby support the restoration of Per Capita Library Aid for public libraries, and requests that all legislators support Assembly Bill A3801 and Senate Bill S2668 which will increase Per Capita Library Aid to \$1.20 per capita.

**RESOLUTION 19-096  
AWARD CONTRACT FOR MILLING AND PAVING OF MUNICIPAL LOTS #8 and #12**

**WHEREAS**, on March 26, 2019 the Township Clerk received four (4) bid proposals for the Milling and Paving of Parking Lots #8 and #12 and the three lowest bidders were as follows:

Mark Paving Co., Inc.  
77 Cutters Dock Road  
Woodbridge, NJ 07095  
Bid: \$126,436.40

Crossroad Pavement Maintenance LLC  
512 Newark Pompton Tnpk.  
Pompton Plains, NJ 07444  
Bid: \$133,975.80

American Asphalt & Milling Services  
96 Midland Avenue  
Kearny, NJ 07032  
Bid: \$138,911.00

Millburn Township Committee Meeting Minutes

WHEREAS, the lowest bidder Mark Paving Co., Inc. complied with the specifications and the Township Engineer has recommended that the contract be awarded;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn that the proper Township Officials are authorized and directed to execute a contract with Mark Paving Co., Inc., on a form approved by the Township Attorney, and pursuant to the proposal, the total amount of the project set forth in the contract shall be in the amount of \$126,436.40.

RESOLUTION 19-097
APPROVE SIDEWALK CAFÉ LICENSES

WHEREAS, the following have submitted applications to the Township Clerk to obtain a sidewalk café license, providing all required documentation and the appropriate fees; and

WHEREAS, the Police Department, Fire Department, Health Department and Engineering Department have conducted investigations of those establishments and have found nothing to prevent their issuance.

NOW, THEREFORE, BE IT RESOLVED that the following be approved:

- Basilico
Umi Sushi
Boxcar
Pita on Essex
Goldberg’s Deli

RESOLUTION 19-098
APPROVE RAFFLE LICENSES

WHEREAS, the following have submitted applications to the Township Clerk to conduct a raffle, providing all required identification and the appropriate fees; and

WHEREAS, the Police Department has conducted an investigation of those conducting such raffles and has found nothing to prevent their issuance.

NOW, THEREFORE, BE IT RESOLVED that the following be approved:

- Millburn PBA Local 34 Civic Association
Glenwood School PTO

2019 Budget Introduction

Resolution 19-099

Mayor Thall Eglow brought forth Resolution 19-099, asking for a motion to approve. Ms. Burstein made the motion, which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

RESOLUTION 19-099
GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the Governing Body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,”

Millburn Township Committee Meeting Minutes

as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Governing Body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millburn, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Resolution 19-100

Mr. McDonald introduced the township’s Chief Financial Officer, Jason Gabloff, noting that he would be making a presentation tonight and would be available for questions at the public hearing on May 7, 2019. He noted tonight is for the presentation and introduction. Mr. Gabloff provided a general overview of the township’s budget indicating that it is a 1.85% increase from last year. He stated that the biggest driver of the increase is pension costs and labor contracts. Mr. McDonald reviewed the proposed projects in the 2019 capital plan and reviewed the capital plan goals. He stated that the next step in the process is the public hearing on May 7, 2019.

Mayor Thall Eglow brought for the Resolution 19-100, asking for a motion to approve. Ms. Burstein made the motion, which was seconded by Ms. Lieberberg. It was announced the budgets public hearing is scheduled for the May 7, 2019 meeting.

Roll Call Vote: All Ayes

RESOLUTION 19-100
RESOLUTION TO APPROVE BUDGET AND
SET PUBLIC HEARING DATE (May 7, 2019)

MUNICIPAL BUDGET NOTICE
Municipal Budget of the Township of Millburn, County of Essex
for the Fiscal Year 2019

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019; and

BE IT FURTHER RESOLVED, that said Budget be published in The Item of Millburn and Short Hills in the issue of April 11, 2019.

The Governing Body of the Township of Millburn does hereby approve the following as the Budget for the year 2019:

RECORDED VOTE: Ayes: Burstein, Levy, Lieberberg, Prupis, Thall Eglow
Nays: None
Absent: None
Abstain: None

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Millburn, County of Essex, on April 2, 2019.

A Hearing on the Budget and Tax Resolution will be held at Town Hall on May 7, 2019 at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested parties.

Ordinance/Introduction

Ordinance 2529-19

Mr. Levy brought forth Ordinance 2529-19 for introduction. He reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Mayor Thall Eglow. The public hearing for the ordinance is scheduled for April 16, 2019.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2529-19  
CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4 45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Governing Body of the Township of Millburn, in the County of Essex, finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Governing Body for said year, amounting final appropriations otherwise advisable and necessary; and, hereby determines that a 1% increase in the to \$445,034.70 in excess of the in the Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Millburn, in the County of Essex, a majority of the full authorized of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Millburn shall, in accordance with this ordinance and N.J.S.A. 40: 45.14, be increased by 3.5%, amounting to \$1,557,621.48 and that the CY 2019 municipal budget for the Township of Millburn be approved and adopt accordance with ordinance; and,

**BE IF FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, with the that a Director certified copy of this ordinance as of the Division of Local Government Services within 5 days of introduction; and,

**BE IF FURTHER ORDAINED** that a certified copy adoption, with the recorded vote included thereon be within 5 days after such adoption of this ordinance upon field with said Director.

Ordinance 2530-19

Ms. Lieberberg brought forth Ordinance 2530-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Mayor Thall Eglow. The public hearing for the ordinance is scheduled for April 16, 2019.

Roll Call Vote: All Ayes

Millburn Township Committee Meeting Minutes

ORDINANCE NO. 2530-19

ORDINANCE TO AMEND CHAPTER 7 OF THE GENERAL ORDINANCES, "TRAFFIC", OF THE TOWNSHIP OF MILLBURN TO REDESIGNATE PARKING LOTS AT THE EASTBOUND SHORT HILLS TRAIN STATION

**Statement of Purpose:** *To combine the three parking lots that service the eastbound Short Hills Train Station into one parking area. By combining the parking lots that service the eastbound Short Hills train station, spaces can be more thoughtfully distributed to provide accessible parking to those that require handicapped parking. This revision to Chapter 7-35.7 "Designation of Types of Lots" will allow for handicap accessible parking adjacent to the train station.*

**WHEREAS,** there exists a desire to combine Township parking lots 3, 8 and 11 into an eastbound Short Hills train station parking area;

**WHEREAS,** this effort will allow for handicapped parking to be relocated to a more suitable location for commuters at the Short Hills Train Station; and

**WHEREAS,** the following revisions to Chapter 7-35.7 "Designation of Types of Lots" will allow the Township to place handicapped parking in parking areas that are more accessible to the train station by its users;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, as follows:**

**Section 1.** The section of Chapter 7 that is to be amended by this Ordinance includes only subsection 7-35.7 "Designation of Types of Lots" and is specifically set forth below. All additions shown in ***bold italics and underlines***. Any deletions are shown as ***strikovers in bold italics***.

**7-35.7 Designation of Types of Lots.**

No parking in off-street parking lots in the Township shall be permitted except by (1) valid permit issued by the Township; (2) depositing the correct payment in the meter controlling the parking space; (3) a vehicle having a special handicapped person's license plate parked in a space specifically designated as parking for such vehicles; or (4) as otherwise provided for in this subsection.

- a. Lot Number 1 (118 spaces), located at Essex Street and Main Street, shall have:
  - 1. Ninety-five (95) three (3)-hour meter spaces;
  - 2. Twenty (20) business (only) permit parking spaces; and
  - 3. Three (3) handicapped parking spaces.
- b. Lot Number 2 (400 spaces), located at Essex Street and Lackawanna Place, shall have:
  - 1. Two hundred and eighty one (281) permit parking spaces;
  - 2. Forty-four (44) three (3)-hour meter spaces;
  - 3. Nineteen (19) twenty-four (24) hour permit spaces;
  - 4. Forty-eight (48) business (only) permit parking spaces; and
  - 5. Eight (8) handicapped parking space.
- c. Short Hills Train Station Parking Area - Eastbound, with parking spaces located at 20 Chatham Road, 99 Baltusrol Way and spaces located to the east and west of the eastbound train station, shall, except for the designated meter parking spaces, be a permit parking only area restricted to vehicles which display a valid commuter permit or for those whose full-time business or employment is in the Township and have a valid business permit to park where designated. The requirements of this section shall not be in effect on Saturdays, Sundays and Legal Holidays. No overnight parking will be permitted. This combination of lots will have the following space allocation;
  - 1. Two hundred and seventy-three (273) commuter permit parking spaces;
  - 2. Eleven (11) business (only) permit parking spaces
  - 3. Two (2) parking spaces restricted for the use of the employees of the railroad station;
  - 4. Eight (8) handicapped parking spaces.

Millburn Township Committee Meeting Minutes

- c. ~~Lot Number 3 (194 spaces), located at Chatham Road, shall, except for the meter parking spaces, be a permit parking only area restricted to vehicles which display a valid resident's permit or for those whose full-time business or employment is in the Township with a valid nonresident's permit. Lot Number 3 shall have:~~
  - 1. ~~One hundred seventy-seven (177) permit parking spaces;~~
  - 2. ~~Six (6) handicapped parking spaces; and~~
  - 3. ~~Eleven (11) business (only) permit parking spaces.~~
- d. Lot Number 4 (59 spaces), located on Taylor Street, shall have:
  - 1. Nineteen (19) three (3)-hour meter parking spaces;
  - 2. Twenty-eight (28) permit parking spaces;
  - 3. Two (2) handicapped parking space; and
  - 4. Ten (10) combination three (3)-hour meter parking and permit parking spaces.
- e. Lot Number 5 (74 spaces), located on the northerly side of Millburn Avenue and adjoining the Town Hall on the east, shall have:
  - 1. Sixty-five (65) three (3)-hour meter parking spaces;
  - 2. Six (6) parking spaces at no fee for municipal business; and
  - 3. Three (3) handicapped parking spaces.
- f. Lot Number 6 (29 spaces), located on the northerly side of Millburn Avenue and adjoining the Town Hall on the west, shall have:
  - 1. Twenty-seven (27) combination spaces for business or twenty-four (24) hour parking permits; and
  - 2. Two (2) handicapped parking spaces.
- g. Lot Number 7 (307 spaces), abutting the concrete platform adjoining the westbound tracks of New Jersey Transit, at the Millburn Station, shall have:
  - 1. Two hundred seventy-seven (277) permit parking spaces;
  - 2. Nine (9) three (3)-hour meter parking spaces;
  - 3. Eight (8) spaces reserved for the Millburn–Short Hills Volunteer First Aid Squad;
  - 4. Four (4) handicapped parking spaces;
  - 5. Eight (8) reserved spaces; and
  - 6. One (1) space reserved for ticket agent.

All night parking shall be allowed by request and approval of the Millburn Police Department only in Lot Number 7 on Saturdays, Sundays and Legal Holidays between the hours of 2:00 a.m. and 6:00 a.m.

- h. ~~Lot Number 8 (84 spaces), located at the intersection of Chatham Road with Short Hills Avenue and Baltusrol Way, shall be a permit parking only area restricted to vehicles which display a valid permit. The requirements of this section shall not be in effect for Lot 8 on Saturdays, Sundays and Legal Holidays.~~
- i. Lot Number 9 (112 spaces), located at the intersection of Glen Avenue and Lackawanna Place, shall have:
  - 1. Seventeen (17) twelve (12) hour meter parking spaces to be located and designated pursuant to subsection 7-35.8 to be used by vehicles bearing valid Township resident parking decals on weekdays.
  - 2. Forty-one (41) permit parking spaces.
  - 3. Sixteen (16) parking spaces are hereby designated as “Library Patronage Parking Lot” spaces and shall be restricted solely for the use of library patrons, with parking time limited to three (3) hours.
  - 4. Four (4) parking spaces designated for handicapped use.

The requirements of this section shall not be in effect for Lot Number 9 on Saturdays, Sundays and Legal Holidays. Parking shall be allowed only in Lot Number 9 for vehicles displaying a valid permit.

Millburn Township Committee Meeting Minutes

- j. Lot Number 10 (9 spaces), located on the northerly side of Chatham Road some three hundred fifty-seven (357) feet, more or less, from the intersection of the easterly side line of Forest Drive, shall be a permit-parking-only area restricted to vehicles which display a valid "resident's permit" or a valid "nonresident's, whose full-time business or employment is in the Township, permit." The requirements of this section shall not be in effect for Lot Number 10 on Saturdays, Sundays and legal holidays.
- ~~k. Lot Number 11 (16 spaces), located on Chatham Road to the east and west of the Short Hills Railroad Station (eastbound side), shall have:
 
  - ~~1. Twelve (12) permit parking spaces restricted to vehicles which display a valid Township permit;~~
  - ~~2. Two (2) parking spaces restricted for the use of the employees of the railroad station; and~~
  - ~~3. Two (2) handicapped parking spaces.~~~~The requirements of this section shall not be in effect for Lot Number 11 on Saturdays, Sundays and Legal Holidays.~~~~
- l. Lot Number 12 (15 spaces), located at 326 Millburn Avenue, shall have fourteen (14) one (1)-hour meter parking spaces and one (1) handicapped parking space.
- m. Lot Number 13 (40 spaces), adjoining the Millburn Public Library, is hereby designated as the "Library Patronage Parking Lot" and shall have thirty-nine (39) spaces restricted solely for the use of library patrons with parking time limited to three (3) hours and one (1) handicapped parking space.
- n. Lot Number 14 (98 spaces), located at Short Hills Avenue and Jarvis Lane, shall have:
  - 1. Nineteen (19) two (2)-hour meter parking spaces;
  - 2. Seventy-five (75) permit parking spaces, including fourteen (14) twenty-four (24) hour permit parking spaces, twenty-six (26) business parking spaces, and thirty-five (35) permit parking spaces that may be used for both business and twenty-four (24)-hours parking; and
  - 3. Four (4) handicapped parking spaces.
- o. Lot Number 16 (27 spaces), located on the westerly side of Main Street directly across Main Street from Block 701, Lot 2, shall have twenty-seven (27) permit parking spaces.
- p. Lot Number 17 (24 spaces), located on Essex Street westerly of the Public Works Building, shall have twenty-four (24) parking spaces restricted for use by Township employees' vehicles which display a Township employee parking permit.
- q. Lot Number 19 (72 spaces), located on Spring Street, between Millburn Avenue and Essex Street, shall have 60 Business Permit Spaces and 12 Municipal Employee Spaces.

**Section 2.** The provisions of this Ordinance are severable and the invalidity of any phase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

**Section 3.** This Ordinance shall take effect after final passage and publication as required by law.

**Old Business**

**JGSC Proposal Discussion – Business Retail Consultant**

Ms. Prupis stated she would like to hear the opinions of the Governing Body regarding the business retail consultant, Joe Getz, which made a presentation at a previous meeting. Mr. Levy indicated that he felt his concerns were not addressed in a meaningful way when presented to the consultant. He questioned what the town would do with his preliminary report seeing we have no plan. He added that the implementation of the plan would cost additional money and we have no plan so what would be done with it. He stated that it seems premature to retain someone until we know what we want to do. Ms. Lieberberg questioned who would take on the implementation since we no longer have a Special Improvement District (SID). Mr. McDonald explained that the ordinance that established the SID is still in place but it is the district management organization that no longer exists seeing they dissolved. The Committee discussed the legality of the organization and whether or not it requires the town to collect

## Millburn Township Committee Meeting Minutes

the SID taxes, since there is not a budget to fund. Mr. Falcon was directed to research the mechanism to collect and what to do with the money if collected.

Ms. Prupis commented that the downtown and all of the business districts need attention and should be funded on data. She indicated that this would allow us to decide what next steps to take and a decision does not need to take place tonight. Ms. Burstein concurred, stating she would like data on empty storefronts. Ms. Thall Eglow read an email from Sheila Oliver that provided information on a revitalized business program through the Division of Community Affairs. She said the program will kick off with regional workshops. She pointed out that one is being offered in Montclair and she encouraged people to attend. Ms. Prupis said this has a different function from what Mr. Getz proposed. Mayor Thall Eglow stated that she would like to table this until she has a chance to attend a regional workshop.

Richard Futter, business owner, came forward and discussed the letter that Mayor Thall Eglow referenced. He pointed out that it is just tweaking the original Main Street legislation that started the trend of downtown management corporations. He said this would require an assessment all over again and a downtown management corporation. He added that we have done the exercise a number of times and the data collected is great, but the problem comes when you need to do something with it. He said there has got to be a different way to utilize the information. Mr. Futter requested that Ordinance 12-92 be repealed because he does not think the businesses should pay for this because there is data from past surveys which was never used. Mr. Futter and the Committee discussed data from surveys in the past and how data, regardless of when or how it was collected, would be utilized and who would facilitate, since there is no longer a DMDA or SID in place. A discussion ensued on how to revitalize the DMDA.

Ms. Prupis asked if anyone is interested in this service that Mr. Getz presented. Ms. Burstein said she is interested in the services, but there are many other options and services. Ms. Lieberberg said she concurs with Mr. Levy's point of once the data is collected, what is done with it. Richard Wasserman, of 24 Inverness Court, asked if there is any way to reconstitute the DMDA by getting new volunteers. Ms. Lieberberg said if we look at anything, we need to look at all of the commerce areas. The Committee discussed various options for a SID. Mayor Thall Eglow commented that in her conversations with business owners, no one seems to be expressing an interest. Mr. Levy said Mr. Futter made a good point in that the business owners didn't find value in the assessment over the course of 26 years and it seems as though the property owners don't want it. Mayor Thall Eglow said she feels the problem is with the zoning and that is currently being worked on to try to make it easier for businesses to come into town. Mr. Wasserman made suggestions of what should be done. Mayor Thall Eglow recommended that she the Township Attorney review the SID ordinance and the town will continue to work on reviewing and updating their zoning ordinances. Phil Kirsch came forward and said maybe someone should be hired for a year and see what happens.

### New Business

#### Pedestrian Safety Advisory Board

Ms. Prupis stated that she has been working with Jennifer Duckworth on an ordinance to create a Pedestrian Safety Advisory Board and indicated that she believed the draft was in the packet sent out to the Committee on Friday. She recommended that a permanent Pedestrian Safety Advisory Board be created and is needed. The board would have its own bylaws and members with three year terms. She said people that are interested can fill out a Volunteer Interest Form. Ms. Lieberberg spoke about various committees in town that include this topic in their specific focus. She asked what will this Committee do that will be different and what are the mechanisms that will be used to address what is not being addressed. Mayor Thall Eglow said she will add that this is a lot of redundancy and could be a drain on our township professionals if there are more meetings for them to go to, especially when these things are being addressed through other avenues. Mayor Thall Eglow reviewed the Traffic Issues Management Policy and said anything proposed by this new Committee would need to be filtered through the policy anyway. She questioned why the town would need this. Ms. Prupis said there are residents who feel this type of Committee is needed, especially since the Pedestrian and Circulation Traffic Safety Ad Hoc Committee (PACTS) would not be open to concerns outside of the downtown issues. Mayor Thall Eglow noted that PACTS is an ad hoc with a very specific focus. Ms. Burstein added that the PTOC is not a Township Committee group, that it is focused on the schools. She said pedestrian safety is a huge issue and there is no reason to oppose it. Mr. Levy said there is overlap with other committees and maybe the other committees could report to this Committee to filter through traffic policy.

**Millburn Township Committee Meeting Minutes**

Jennifer Duckworth, township resident and PTOC member, stated that this Committee would be a good place to collect data regarding town-wide safety issues from the other groups via a liaison from other committees and the professionals would only attend the meetings to which they are already assigned. She added that it would streamline the process.

A discussion ensued about the necessity of a PTOC person on the new Committee and the makeup of members on this board. Mr. Levy stated that he would be open to considering this Committee because it is prudent to have one Committee filter through the issues and present them to the Governing Body. He added that he would like Mr. Falcon to insert the appropriate language into the ordinance. Ms. Lieberberg said she would like to see someone from the PTOC in order to offer historical perspective. She said a hard look would need to be taken at the selection criteria for people appointed to the Committee. Mayor Thall Eglow said she concurs that a PTOC safety member should be included. Mr. Falcon was directed to redraft and circulate a new draft of this ordinance for Township Committee consideration.

**Adjournment**

Mayor Thall Eglow asked if anyone has any remaining comments or questions. Receiving none, she called for a motion to close the public session meeting which was offered by Mr. Levy and seconded by Mayor Thall Eglow. The meeting was adjourned at 9:25 PM. Vote: All Ayes

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Christine A. Gatti, RMC  
Township Clerk

Approved: May 21, 2019