

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 7:00 PM on the above date.

Mayor Lieberberg 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 7:00 PM on April 7, 2020.

Due to the emergency circumstances the following additional notice was provided to the public and press prior to the meeting:

“The April 7, 2020 and April 21, 2020 Millburn Township Committee Meetings will be held on the 2nd floor of Millburn Town Hall located at 375 Millburn Avenue, Millburn NJ, however, the room will be **closed to the public** due to the COVID-19 pandemic. The meeting times have been changed and the meetings scheduled for April 7th and April 21st will begin at 7:00PM. The Township Committee will be considering essential and regular business items only. Please see below directions to access our livestream meetings through YouTube. There will be an opportunity to comment through YouTube during the public comment period. Please provide comments only when public comment period is announced. Please be advised that you must be registered with YouTube in order to comment which is a free service. When commenting provide your full name and address so it may be entered into the record. Prepared statements during regular business hours prior to the meeting may be sent to cgatti@millburntwp.org. We thank you for your understanding and cooperation. Stay healthy.”

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

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

Approval of Agenda

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

Roll Call Vote: All Ayes

Minutes

Mayor Lieberberg asked for a motion to approve the March 3, 2020 regular meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes, except Burstein, who abstained

Mayor Lieberberg asked for a motion to approve the March 3, 2020 special meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes, except Burstein, who abstained

Reports

The following statement was made by Mayor Lieberberg:

“We have indeed experienced a challenging few weeks as we continue to keep all our residents safe through this unprecedented time period---

Millburn Township Committee Meeting Minutes

Currently we have 82 cases of COVID 19 in the township. With great sadness, I report that 2 residents have passed away.

Our Seniors are getting groceries, our community is engaged making masks, distributing supplies and supporting our local restaurants and first responders with meal donations and financial donations for PPE equipment— Special thanks to our Police, Fire and DPW workers who continue to do their part during this pandemic. We know we are being tested as a community and I am grateful for their service to our residents and merchants. Please consult the website for all the local initiatives that are taking place and ways that you can donate your time, services or make contributions directly to all the organizations that are striving to improve the lives and livelihood of all our residents and businesses. It takes a village and I know we have one of the best around.

I also want to note on the consent agenda items that as a Township, we hope to be making a \$20K donation to the MSHVFAS. In good times, they provide a vital service and NOW more than ever, we appreciate and acknowledge their selfless contribution to our community. The volunteers are completely committed to assisting our residents and we are so very, very grateful as they continue to operate whereas many other squads have either closed or are on hiatus during this crisis.

I also want to let everyone know that I signed an Executive Directive yesterday following up on Governor Murphy's Executive Order No. 108, permitting municipalities and counties to restrict online marketplaces for arranging and offering lodging. This Administrative Order gives municipalities and counties the ability to impose additional restrictions on the ability of private residences, or parts thereof, to accept new transient guests or seasonal tenants after 8:00 p.m. on Sunday, April 5. Millburn Township has enacted this order as of Yesterday, April 6th at 3 30 PM—no short term rentals are ALLOWED until further notice except for health care workers taking temporary residence.

I would like to add that Governor Murphy signed an Executive Order closing all State and County Parks—for now, our municipal parks are open with the understanding of social distancing. If the public does not adhere to these protocol, the parks will close immediately.

To our residents, Thank you for listening—please remember to WALK FACING TRAFFIC AND CYCLE WITH TRAFFIC. AND walk 6 feet apart--- We must adhere to these rules”.

Ms. Thall Eglow commented that there has been great communication with the Mayor's messages and she acknowledged the hard work of Mr. McDonald, Ms. Gatti and the town hall staff.

Mr. Wasserman said he proud of the staff and is amazed by the first responders. He thanked Mayor Lieberberg for her great communication. He spoke about the food pantry and acknowledged Annette Romano and the township's social worker, Ana Milian, who have coordinated the effort. He said anyone who would like to donate dry food may do so by dropping it at Green Nectar Market.

Ms. Thall Eglow a noted the sanitization efforts the First Aid Squad is making to the rigs.

Ms. Burstein said she did not have any reports and thanked Mayor Lieberberg for her communications.

Ms. Prupis announced the first Pedestrian Safety Advisory Board (PSAB) meeting being done on the Zoom platform at 8 AM. She advised that instructions to join the meeting is on the PSAB page of the township's website.

Mr. McDonald announced that Millburn township staff is fully operational. He expressed thanks to the staff and gratitude to the Township Committee for their support. He also thanked the residents for lots of support for the first responders and staff. He reviewed the Executive Orders issued by Governor Murphy, speaking about the closing of State and County parks. He noted that the township parks remain open, but only if people abide by proper social distancing. He pointed out that if this doesn't happen, township parks will be closed. He stated that traffic to the township website is up over 100% and use of our social media is up 50%. Mr. McDonald updated the Committee on the adaptive lighting project with Maser and advised it is progressing. He spoke about a statement the Committee received regarding financial inquiries resulting from the pandemic. He said it is important to address how long this may last before specific inquiries can be answered. He pointed out that there are a lot of moving

parts when considering how to address these inquiries. He said he is thankful we are in a sound financial position and need to address inquiries of this nature in a smart, thoughtful manner.

Public Comment

Mayor Lieberberg made the following statement:

Due to the COVID-19 pandemic Millburn town hall will be closed to the public for this meeting and directions to access our livestream meeting through YouTube has been properly noticed. There will be an opportunity to comment during the announced public comment period. You shall only comment when prompted that public comment period is open. Please be advised that you must be registered with YouTube in order to comment which is a free service. Please be advised that your name, address and submitted comment will be read into the record. The best way to have questions addressed is to contact Millburn Township Town Hall at 973-564-7000 or by contacting the proper officials directly and all contact information is available by visiting the Millburn Township website at <https://www.twp.millburn.nj.us/>.

I will now open the public comment period."

Mr. Homsy read the following statement submitted by David Sorkin, of 77 Fairfield Drive:

"As public comment has now gone virtual, I would like to submit the following for consideration at the next Township Committee meeting on Tuesday, April 7th.

First, as a resident, I would like to thank Mayor Lieberberg for her leadership, and her constant communication to the Township during the past few weeks. The initiatives being taken, and the confident, transparent, informative tone that is being used, have been extremely well received by all. Thanks to you in Town Hall for working so hard to preserve our safety during this difficult time. Second, as a small business owner in town, I would like to formally suggest the consideration of a full or partial reimbursement for the business parking permits that went into effect on January 15th. From a personal standpoint, I purchased 5 business permits in January, totaling over \$1,500, that are neither being used by my employees nor currently being enforced by the Township. As all businesses in town are in an ongoing forced closure, all employees have been mandated by the State to work from home, and all parking restrictions in town have been lifted for the foreseeable future, it seems like a full or partial reimbursement on business parking permits would be an opportune and appropriate way for the Township to support the small business community while the current Executive Order is in effect. Thank you for your understanding and your consideration."

Mr. Homsy read the following statement from Priya Patel:

This is a public comment submitted by Priya M. Patel at 9 Farview Rd, Millburn

"First, I want to thank the Township Committee for their leadership and courage in passing a single use plastics ordinance last December. I'm making a public comment tonight on behalf of the Millburn Environmental Commission and Green Team to strongly urge that our township continue with the June 12, 2020 enforcement target date of our ordinance as planned. I currently chair our town's Environmental Commission and it has come to our attention that Committee members may have received a letter from Linda Doherty, President and CEO of the New Jersey Food Council regarding single-use plastic bag ordinances. That letter is filled with misleading and baseless claims and should be read with great skepticism. The Food Council's letter is a blatant and, frankly, shameful example of fear mongering in a time where there are far too many unknowns. There is absolutely no evidence stating that a single-use bag is safer than a reusable bag. To claim that one type of bag is safer than another is irresponsible and lacks scientific backing. There is no rational reason anyone should think using a clean reusable bag from home is less safe than a single-use plastic one from the store. With clean reusable bags there is a clear chain of custody; individuals carry, pack, and clean their own bags, whereas an untold number of people handle the bundles of single use bags. Furthermore, anyone concerned about grocery shopping and coronavirus should be encouraged to wash their reusable bags as you would any other washable household item. Even the medical community acknowledges that a reusable bag poses no additional risk to a cashier who is handling thousands of store items touched by thousands of

Millburn Township Committee Meeting Minutes

individuals as well as cash and credit cards. As for supply chain issues for plastic and paper bags, under the ordinance residents can and should be further encouraged to bring reusable bags. In fact, Mayor Lieberberg has already planned to distribute reusable bags, emblazoned with the logo "Shop Local", to not only assist residents in the transition but to also show support for our local businesses during this difficult and challenging time. Climate change and plastic pollution are ongoing crises on a global scale, and we are now faced with yet another global crisis - the Covid 19 pandemic. Together, we can continue to fight the scourge of single-use plastic responsibly while also maintaining public health and safety for all Millburn residents.

*Thank you for your time and respectfully submitted,
Priya M. Patel
Chair, Millburn Environmental Commission"*

Not receiving any other comments, Mayor Lieberberg closed public comment.

Public Comment – Consent Agenda

Mayor Lieberberg asked if there were any comments or questions regarding items on the Consent Agenda.

Ms. Thall Eglow asked if the Boxcar restaurant is shuttered at this time. Mr. McDonald responded that it is not operational at this time.

No other comments or questions were presented.

Consent Agenda

Mayor Lieberberg asked for a motion to approve the items on the consent agenda. Mr. Wasserman made a motion to approve the consent agenda which was seconded by Ms. Prupis.

Roll Call Vote: All Ayes

**RESOLUTION 20-085
RESOLUTION TO 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 7, 2020, in the following accounts:

General	\$	679,009.66
Capital Fund		87,337.41
Parking Utility - Operating Fund		4,081.26
Dog Trust Fund		622.52
Donation Trust Fund		3,768.00
Police Off Duty Trust Fund		34,502.00

**RESOLUTION 20-086
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 Yehoshua & Revital Benjamin 301 South Livingston Ave Ste. 105 Livingston, NJ 07039 Block 2901 Lot 36	Tax Appeal 2019 taxes	\$5,618.23

April 7, 2020

Millburn Township Committee Meeting Minutes

23 Woodfield Dr.

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 2019 taxes	\$5,790.00
--	--------------------------	------------

Maya Shah and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 3903 Lot 26 128 Hartshorn Drive	Tax Appeal 2018 taxes (\$4,093.10) 2019 taxes (\$7,048.36)	\$11,141.46
--	--	-------------

Stephen Keating and McCarter & English LLP Four Gateway Center 100 Mulberry Street Newark, NJ 07102 Block 2403 Lot 3 17 Oaklawn Rd.	Tax Appeal 2018 taxes (\$9,439.63) 2019 taxes (\$9,578.59)	\$19,018.22
---	--	-------------

Jeffrey & Lynne Pagano and McCarter & English LLP Four Gateway Center 100 Mulberry Street Newark, NJ 07102 Block 3306 Lot 2 61 Taylor Road North	Tax Appeal 2018 taxes (\$7,950.36) 2019 taxes (\$12,892.40)	\$20,842.76
--	---	-------------

Gary Survis, Lorraine Kooby and McCarter & English LLP Four Gateway Center 100 Mulberry Street Newark, NJ 07102 Block 5005 Lot 6 305 Long Hill Drive	Tax Appeal 2019 taxes	\$772.00
--	--------------------------	----------

BE IT FURTHER RESOLVED that the following tax appeals be processed between the 45th and 60th day from the date of judgment;

Jennifer R. Jacobus, Trustee and Alieh B. Nejat 201 Littleton Rd 1 st Floor Morris Plains, NJ 07950 Block 4502 Lot 12 11 Sparta Rd	Tax Appeal 2017 taxes	\$7,424.00
--	--------------------------	------------

Laurie & Robert Chefitz and Michael Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 2804 Lot 8 26 South Beechcroft Rd.	Tax Appeal 2018 taxes (\$6,257.58) 2019 taxes (\$6,349.70)	\$12,607.28
--	--	-------------

Alan Legasto & Phoebe Lu c/o Skoloff & Wolfe P.C 293 Eisenhower Parkway # 390 Livingston, NJ 07039	Tax Appeal 2019 taxes	\$1,453.29
---	--------------------------	------------

Millburn Township Committee Meeting Minutes

Block 3702 Lot 6
340 Oxford Dr.

**RESOLUTION 20-087
AUTHORIZING THE CANCELLATION OF SEWER CHARGE**

NOW, THEREFORE BE IT RESOLVED that the Millburn Township Committee authorize the Tax Collector to cancel the sewer charges listed below.

Block	Lot	Location	No. of Units	Reason	Amount
4802	5	468 Long Hill Dr.	1	house demolished	\$176.00
306	1	460 Wyoming Ave.	1	office removed	\$176.00

**RESOLUTION 20-088
AUTHORIZING THE EXTENSION OF THE SEWER GRACE PERIOD**

NOW, THEREFORE BE IT RESOLVED that the Millburn Township Committee authorizes the extension of the grace period for the 2020 annual sewer usage fee to April 30, 2020 due to the current pandemic;

BE IT FURTHER RESOLVED that all payments received after April 30th will be subject to interest of 2% calculated back to the due date of April 1st.

**RESOLUTION 20-089
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENTS**

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 49 Seminole Way, Block: 3803, Lot: 11, as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 20-090
AUTHORIZING ONE YEAR OPTION #1 ON CONTRACT
FOR MOWING OF LARGE TURF AREAS [D’ONOFRIO & SON, INC.]**

WHEREAS, the Township of Millburn entered into a contract in 2019 with D’Onofrio & Son, Inc., 47 VanNess Terrace, Maplewood, NJ 07040, to provide Mowing of Large Turf Areas; and

WHEREAS, the Recreation Department has recommended exercising the Township’s option by renewal of this contract with the same terms and conditions for one additional year which is first option year for the contract (for 2020 season); and

WHEREAS, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby authorizes the extension of this contract.

**RESOLUTION 20-091
AUTHORIZING ONE YEAR OPTION #2 ON CONTRACT
FOR BUS SERVICE FOR SUMMER CAMPS [BELAIR TRANSPORT INC.]**

WHEREAS, the Township of Millburn entered into a contract in 2018 with Belair Transport Inc., 641 Tremont Avenue Orange, NJ 07050, to provide Bus Service for Summer Camps; and

WHEREAS, the Recreation Supervisor has recommended exercising the Township’s option by renewal of this contract with the same terms and conditions for one additional year which is second and final option year for the contract (January 1, 2020 through December 31, 2020); and

WHEREAS, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

Millburn Township Committee Meeting Minutes

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby authorizes the extension of this contract.

RESOLUTION 20-092

AUTHORIZE DONATION OF FUNDS TO THE MILLBURN SHORT HILLS FIRST AID SQUAD DURING COVID-19 EMERGENCY

WHEREAS, the Township Committee of the Township of Millburn recognizes the value the Township and its residents receive from the Millburn-Short Hills First Aid Squad; and

WHEREAS, the Millburn-Short Hills First Aid Squad has been responding to additional calls and using their resources and supplies during the COVID-19 emergency; and

WHEREAS, N.J.S.A. 40:5-2 allows a municipality to donate funds and resources to volunteer first aid squads; and

WHEREAS, the Township Committee recognizes the value of the services of resources being used by the Millburn-Short Hills First Aid Squad and wishes to donate \$20,000.00 per month beginning April 2020 until the state of emergency is lifted for the COVID-19 emergency, up to a maximum donation of \$60,000.00;

WHEREAS, the Chief Financial Officer has certified that funds are available for the donation to the Millburn-Short Hills First Aid Squad in an amount not to exceed \$60,000.00 from the Emergency/Storm Trust Fund;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millburn here awards the donation up to \$60,000.00 to the Millburn-Short Hills First Aid Squad and offers appreciation and support to our Millburn-Short Hills first responders.

RESOLUTION 20-093

AUTHORIZING ADVERTISEMENT OF BIDS - CHANNEL RECONSTRUCTION

BE IT RESOLVED by the Township Committee of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

Channel Reconstruction – Short Hills Garden Apartments

BE IT FURTHER RESOLVED that the sealed proposals will be opened and read in public at Town Hall, Millburn, New Jersey at a date and time to be determined and in the event no bids are received at that time, then authorization to re-advertise is hereby directed.

RESOLUTION 20-094

AUTHORIZING RENT ABEYANCE OF PAPER MILL PLAYHOUSE DURING EFFECTIVE DATES OF EXECUTIVE ORDERS ISSUED BY GOVERNOR MURPHY RELATED TO COVID-19 PANDEMIC

WHEREAS, on or about July 18, 2008, the Township of Millburn entered into a Lease with the Paper Mill Playhouse (“Lease”); and

WHEREAS, Section 1.02 of the Lease provides that the Township would provide the Lessee Paper Mill Playhouse (“Lessee”) with the exclusive right to use the property located at 15-23 Brookside Drive, Millburn, New Jersey (“Property”) for all lawful purposes; and

WHEREAS, due to the recent worldwide pandemic of COVID-19, Governor Phil Murphy has issued several Executive Orders, including Executive Order 104 dated March 16, 2020, (“Executive Orders”) which have the effect of prohibiting the Paper Mill Playhouse from utilizing the Property for all lawful purposes, and in particular, have the effect of prohibiting the Lessee from utilizing the Property for the uses envisioned by the Lease; and

Millburn Township Committee Meeting Minutes

WHEREAS, the inability of the Township to provide the Property to the Lessee for all lawful purposes due to the Executive Orders constitutes a Force Majeure event as set forth in Section 16.06 of the Lease; and

WHEREAS, Section 16.06 of the Lease provides that in the event that one party is excused from performance due to an event of Force Majeure, then the obligations of the other party shall be equitably adjusted; and

WHEREAS, in compliance with the provisions of the Lease and due to the issuance of the Executive Orders, the Township Committee of the Township of Millburn has determined that the rental obligation of the Lessee should be suspended and held in abeyance during the period of time during which the Executive Orders remain in effect which prohibit the use of the Property for all lawful purposes; and

WHEREAS, the Township Committee has determined that the obligation to equitably adjust the Lessee's rental obligation may extend for a greater period of time than the effective dates of the Executive Orders, depending on the eventual impact on the Lessee's business.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of April 2020, by the Township Committee of the Township of Millburn in the County of Essex, that:

1. The rental obligation of the Lessee Paper Mill Playhouse be and hereby shall be tolled during the period of March 16, 2020 until the date on which all Executive Orders prohibiting the Lessee from utilizing the Property for all lawful purposes are rescinded or withdrawn.
2. The Township Attorney and Business Administrator are hereby authorized and directed to take all actions to implement this Resolution.
3. The Resolution shall take effect immediately.

**RESOLUTION 20-095
AUTHORIZING RENT ABEYANCE OF ICAFE LLC / BOXCAR DURING
EFFECTIVE DATES OF EXECUTIVE ORDERS ISSUED BY GOVERNOR MURPHY RELATED TO COVID-19
PANDEMIC**

WHEREAS, on or about May 5, 2011, the Township of Millburn entered into a Lease with the ICAFE LLC ("Lease"); and

WHEREAS, Section 1.02 of the Lease provides that the Township would provide the Lessee ICAFE LLC ("Lessee") with the exclusive right to use a delineated portion of the Short Hills Train Station ("Property") for all lawful purposes; and

WHEREAS, due to the recent worldwide pandemic of COVID-19, Governor Phil Murphy has issued several Executive Orders, including Executive Order 104 dated March 16, 2020, ("Executive Orders") which have the effect of prohibiting ICAFE LLC / Boxcar from utilizing the Property for all lawful purposes, and in particular, have the effect of prohibiting the Lessee from utilizing the Property for the uses envisioned by the Lease; and

WHEREAS, the inability of the Township to provide the Property to the Lessee for all lawful purposes due to the Executive Orders constitutes a Force Majeure event as set forth in Section 16.06 of the Lease; and

WHEREAS, Section 16.06 of the Lease provides that in the event that one party is excused from performance due to an event of Force Majeure, then the obligations of the other party shall be equitably adjusted; and

WHEREAS, in compliance with the provisions of the Lease and due to the issuance of the Executive Orders, the Township Committee of the Township of Millburn has determined that the rental obligation of the Lessee should be suspended and held in abeyance during the period of time during which the Executive Orders remain in effect which prohibit the use of the Property for all lawful purposes; and

Millburn Township Committee Meeting Minutes

WHEREAS, the Township Committee has determined that the obligation to equitably adjust the Lessee’s rental obligation may extend for a greater period of time than the effective dates of the Executive Orders, depending on the eventual impact on the Lessee’s business.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of April 2020, by the Township Committee of the Township of Millburn in the County of Essex, that:

1. The rental obligation of the Lessee ICAFE LLC be and hereby shall be tolled during the period of March 16, 2020 until the date on which all Executive Orders prohibiting the Lessee from utilizing the Property for all lawful purposes are rescinded or withdrawn.
2. The Township Attorney and Business Administrator are hereby authorized and directed to take all actions to implement this Resolution.
3. The Resolution shall take effect immediately.

Ordinance/Second Reading and Consideration of Adoption

Ordinance 2551-20

Ms. Thall Eglow brought forth and reviewed Ordinance 2551-20, which was scheduled for consideration of adoption. Mayor Lieberberg opened the public hearing. As no comments or questions were received, Ms. Thall Eglow closed the public hearing and made a motion to adopt Ordinance 2551-20. Mr. Wasserman seconded the motion.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2551-20
 AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION
 OF AN EASEMENT INTEREST IN A PORTION OF THE REAL PROPERTY LOCATED AT 383
 HOBART AVENUE, KNOWN AS BLOCK 3508, LOT 4**

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisition of permanent easement on the corner of Hobart Avenue and Hobart Gap Road in order to enable certain signal and related infrastructure improvements to be made to the intersection.*

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, there is a need to improve the intersection of Hobart Avenue and White Oak Ridge Road with the addition of a signal and related infrastructure; and

WHEREAS, through consultation with the Township’s engineering consultants, Simco Engineering, PC the Township has determined that certain signal improvements at the intersection of Hobart Avenue and White Oak Ridge Road would improve roadway safety the intersection; and

WHEREAS, Simco Engineering, PC has designed proposed signal and infrastructure improvements which improvements will require the Township to acquire a permanent easement over a portion of property located at 383 Hobart Avenue, also known as Block 3508, Lot 4, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

WHEREAS, based upon the goal of improving traffic safety at the intersection and in consultation with the Township’s consulting engineers, the Township has identified the property located at 383 Hobart Avenue as a necessary location on which to locate certain improvements related to the proposed signal and infrastructure improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee:

1. The appraisal of the permanent easement located at 383 Hobart Avenue, (Block 3508, Lot 4) prepared by Integra Realty Resources on behalf of the Township is hereby accepted and

Millburn Township Committee Meeting Minutes

approved in its entirety, including but not limited to the appraised value of \$1,700.00.

- 2. The Business Administrator and/or the firm of Maraziti, Falcon, LLP is authorized to submit a written offer for the purchase of the aforementioned drainage easement and to negotiate its acquisition with the property owner on the basis of the aforementioned appraisal.
- 3. In the event that the Business Administrator and/or the firm of Maraziti, Falcon, LLP is unable to acquire the property interest through good faith negotiation, the firm of Maraziti Falcon, LLP is authorized to file an action in Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40A:12-5(a)(1).
- 4. This ordinance shall take effect after final passage and publication as provided by law.

Ordinance 2552-20

Mayor Lieberberg brought forth and reviewed Ordinance 2552-20, which was scheduled for consideration of adoption. Mayor Lieberberg opened the public hearing. As no comments or questions were received, Mayor Lieberberg closed the public hearing and made a motion to adopt Ordinance 2552-20. Ms. Thall Eglow seconded the motion.

Roll Call Vote: All Ayes

ORDINANCE NO. 2552-20
AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION
OF AN EASEMENT INTEREST IN A PORTION OF THE REAL PROPERTY LOCATED AT 48
HOBART GAP ROAD, KNOWN AS BLOCK 3403,
LOT 13

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisition of permanent easement on the corner of Hobart Avenue and Hobart Gap Road in order to enable certain signal and related infrastructure improvements to be made to the intersection.*

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, there is a need to improve the intersection of Hobart Avenue and White Oak Ridge Road with the addition of a signal and related infrastructure; and

WHEREAS, through consultation with the Township’s engineering consultants, Simco Engineering, PC the Township has determined that certain signal improvements at the intersection of Hobart Avenue and White Oak Ridge Road would improve roadway safety at the intersection; and

WHEREAS, Simco Engineering, PC has designed proposed signal and infrastructure improvements which improvements will require the Township to acquire a permanent easement over a portion of property located at 48 Hobart Gap Road, also known as Block 3403, Lot 13, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

WHEREAS, based upon the goal of improving traffic safety at the intersection and in consultation with the Township’s consulting engineers, the Township has identified the property located at 48 Hobart Gap Road as a necessary location on which to locate certain improvements related to the proposed signal and infrastructure improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee:

- 1. The appraisal of the permanent easement located at 48 Hobart Gap Road, (Block 3403, Lot 13) prepared by Integra Realty Resources on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$4,000.00.

Millburn Township Committee Meeting Minutes

- 2. The Business Administrator and/or the firm of Maraziti, Falcon, LLP is authorized to submit a written offer for the purchase of the aforementioned drainage easement and to negotiate its acquisition with the property owner on the basis of the aforementioned appraisal.
- 3. In the event that the Business Administrator and/or the firm of Maraziti, Falcon, LLP is unable to acquire the property interest through good faith negotiation, the firm of Maraziti Falcon, LLP is authorized to file an action in Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40A:12-5(a)(1).
- 4. This ordinance shall take effect after final passage and publication as provided by law.

Ordinance 2553-20

Mr. Wasserman brought forth and reviewed Ordinance 2553-20, which was scheduled for consideration of adoption. Mayor Lieberberg opened the public hearing. As no comments or questions were received, Mr. Wasserman closed the public hearing and made a motion to adopt Ordinance 2553-20. Ms. Thall Eglow seconded the motion.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2553-20
 AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION
 OF AN EASEMENT INTEREST IN A PORTION OF THE REAL PROPERTY LOCATED AT 375
 HOBART AVENUE, KNOWN AS BLOCK 3302, LOT 7**

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisition of permanent easement on the corner of Hobart Avenue and Hobart Gap Road in order to enable certain signal and related infrastructure improvements to be made to the intersection.*

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, there is a need to improve the intersection of Hobart Avenue and White Oak Ridge Road with the addition of a signal and related infrastructure; and

WHEREAS, through consultation with the Township’s engineering consultants, Simco Engineering, PC the Township has determined that certain signal improvements at the intersection of Hobart Avenue and White Oak Ridge Road would improve roadway safety the intersection; and

WHEREAS, Simco Engineering, PC has designed proposed signal and infrastructure improvements which improvements will require the Township to acquire a permanent easement over a portion of property located at 375 Hobart Avenue, also known as Block 3302, Lot 7, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

WHEREAS, based upon the goal of improving traffic safety at the intersection and in consultation with the Township’s consulting engineers, the Township has identified the property located at 375 Hobart Avenue as a necessary location on which to locate certain improvements related to the proposed signal and infrastructure improvements; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee:

- 1. The appraisal of the permanent easement located at 375 Hobart Avenue, (Block 3302, Lot 7) prepared by Integra Realty Resources on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$2,700.00.
- 2. The Business Administrator and/or the firm of Maraziti, Falcon, LLP is authorized to submit a written offer for the purchase of the aforementioned drainage easement and to negotiate its

acquisition with the property owner on the basis of the aforementioned appraisal.

3. In the event that the Business Administrator and/or the firm of Maraziti, Falcon, LLP is unable to acquire the property interest through good faith negotiation, the firm of Maraziti Falcon, LLP is authorized to file an action in Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40A:12-5(a)(1).
4. This ordinance shall take effect after final passage and publication as provided by law.

Mr. McDonald noted that these three ordinances were introduced before the emergency caused by the pandemic. He said they are necessary to install the traffic signal at Hobart Avenue. He pointed out that our attorney will work with the residents to gather the easements and paperwork. Mr. Wasserman asked when the signal will be in place. Mr. McDonald advised that it depends on the timeframe in which the easement paperwork is complete and the County documents are signed and they take lead, therefore a specific timeframe is unknown at this time.

Mr. Falcon stated that he had a report. He advised that there has been a lot of movement by the State regarding how to address public meetings for the land use boards, specifically Planning Boards and Boards of Adjustment. He said the Department of Community Affairs will be offering some guidance, after which, he will conduct a conference call with the board attorneys and chairs. He stated that they will review the guidance and will try to work it out this week. Mr. McDonald noted that the land use board meetings have been cancelled through April, but he hopes to be up and running for May.

Old Business

Ms. Burstein said she would like to discuss the upcoming plastics ban and how it is going to impact grocery delivery service, especially since the services are being relied upon so heavily right now. Mayor Lieberberg stated that we need to look at whether or not grocery drop off has the same carve out as food delivery. Ms. Thall Eglow referenced comments submitted by the local Shop Rite owner, Phil Sumas, expressing his desire for a delay to the ordinance going into effect in June. He said their focus is on safety right now and he does not support people bringing reusable bags into the store at this time. He also commented on the additional stress changing habits may cause people at an already stressful time. She noted that Renee Papanian of the Green Team and Priya Patel said it will be stressful for people regardless of when it goes into effect. Ms. Thall Eglow suggested that the Governing Body discuss the ramifications of either not implementing on the start date or what will happen if it is not enforced and whether or not it will cause a legal issue. Ms. Burstein pointed out that no one is suggesting not having the ordinance, just postponing until maybe September, but says the issue she is most concerned about is the grocery deliveries. Mr. Wasserman commented that hopefully we will be past the pandemic by June 12th when the ordinance is scheduled to be effective and he said we do have a few meetings to address the issue before the start date. Ms. Thall Eglow asked what it would mean if they decided to delay the ordinance. Mr. McDonald advised they would have to revised the ordinance, which would be a two meeting process. Mayor Lieberberg referenced a letter she received from the Mayor of Bradley Beach which expressed the opinion that there are less touches with the reusable bags. Ms. Burstein reiterated her concern is with the delivery services. Mayor Lieberberg said it is something they will review and consider over the next couple of weeks.

Mayor Lieberberg asked if there were any other items of old business. Mr. Wasserman encouraged people to order takeout from local merchants. Ms. Thall Eglow asked if there was any idea when Millburn Standard would be opening for curbside delivery only. Mr. McDonald said he has not heard that they have had their final inspections yet and does not know when they will be able to conduct business.

Millburn Township Committee Meeting Minutes

Mayor Lieberberg said she thinks it is important to move forward with the traffic engineer regarding the adaptive lighting and the crosswalk near Dunkin Donuts. She thinks it is important to look forward.

Ms. Prupis stated that she would like to go back to the plastic bag issue and suggested requiring delivery services to use brown paper bags. A brief discussion ensued regarding their ability to do business during the pandemic or whether they should have been prepared for this already.

New Business

No one presented new business.

Adjournment

Mayor Lieberberg asked if anyone had any remaining comments or questions. Receiving none, she called for a motion to close the public session of the meeting, which was offered by Mr. Wasserman and seconded by Ms. Thall Eglow. The meeting was adjourned at 8:00 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: 5/5/2020