

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 16, 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, 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. Tara B. Prupis was absent.

Approval of Agenda

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

Roll Call Vote: All Ayes

Proclamation

Proclamations were presented recognizing the Community Service Award presented to the family of Roger Manshel, Family Meal Week and Arbor Day.

Minutes

Mayor Thall Eglow asked for a motion to approve the February 19, 2019 regular meeting minutes. The motion was made by Mr. Levy and seconded by Ms. Burstein. Vote: All Ayes

Mayor Thall Eglow asked for a motion to approve the February 19, 2019 special meeting minutes. The motion was made by Mr. Levy and seconded by Ms. Burstein. Vote: All Ayes

Reports

Mayor Thall Eglow read the following statement:

“GOOD EVENING, THANK YOU FOR COMING OUT TONIGHT.

Want to wish everyone a Happy Easter and Passover.

Tomorrow at 2pm the Rec Department will be hosting the grand opening event of the new Gero Park Playground! Please stop by. The current show the Paper Mill playhouse is Benny and Joon. We thought it was terrific, great singing a very moving story. Thanks and compliments to the Millburn Chamber for organizing a very well attended Street Fair this past weekend. I attended 2 events with local Mayors and NJ elected officials. The first event was held at Newark City Hall hosted by Governor Murphy.

Governor Murphy discussed his budget, SALT, Marijuana legislation, and funding for education and gun control. Millburn’s Chamber of Commerce was one of the hosts at the event, held at Mayfair Farms, whose panel was led by Assemblyman Bramnick and, NJ’s Senate President Stephan Sweeney. A common topic at both events was the need for the federal funding for the gateway tunnel, and the current training and hiring of more conductors for NJ Transit. It was said that the lack of conductors is a large contributor to our train delays.

We, at town hall, realize without a DMDA there are gaps that need addressing.

Millburn Township Committee Meeting Minutes

For instance in the past the weekends in June were sidewalk sale days. Downtown merchants will be offered this opportunity to put out racks and tables with their merchandise Fridays- Saturdays and Sundays FOR the month of June. We will post this on the town website as well.

We are also working on updating some of the zoning definitions, as well as the lighting and signage ordinances with our Town Planner and zoning officer. We hope that these measures will help to streamline zoning applications moving forward. We are also providing training for a new Town hall employee to facilitate interested parties looking to open businesses. This is very preliminary, but We hope this person can serve as an Economic development liaison, perhaps, a first point of contact in Town Hall to help with questions.

Currently there is an exhibition at the Millburn Library in the lobby highlighting information provided to the Environmental Commission by ANJEC (Assoc. of NJ Environmental Commissions).. Elizabeth Vollavahn the EC Chairperson has put this together and I encourage you to stop by. It will be there though the end of the month.

In anticipation of a future presentation to the TC by the environmental comm., which will look to Prohibit Single Use Disposable Plastic Bags, straws and Polystyrene take out containers. The EC in conjunction with members of the Township's Green Team and Schools Environmental Committee will be hosting 2 PUBLIC INFORMATION SESSIONS ON April 30th also at THE LIBRARY 9 AM & 7 PM. This is a very important initiative by these joint groups. They realize that public outreach, education and support is paramount to its success. Please try attending one of these 2 sessions.

CONGRESSMAN MALINOWSKI WILL BE HOSTING AN EARTH DAY CLEAN UP APRIL 30TH 12-2 PM AT CAMPBELLS POND. BAGS WILL BE PROVIDED. This will be at Campbell's Pond in the reservation.

PACTS met and we have retained and instructed, Stantec our Traffic engineer Consultant, to review the (south-east and west) corners at Main and Millburn Ave. The plans will maintain a pedestrian refuge while seeking to bring back a better circulation pattern around these corners. They will also be working on a plan along Essex Street across from the DPW building. This will allow better access to Town Hall Plaza while creating many new parking spots. At the next PACTS meeting (May 13th), Stantec, will have drawings for us to review. 2 points. Nothing will be finalized with out Public input AND nothing will be done before next Spring."

Ms. Burstein provided an update regarding the Library Board, which met last night. She announced that May 7th is museum night, with Vivian Gordon from the Met discussing portraiture. She said on May 6th at 2:00 PM there will be a discussion on the book *A Gentleman from Moscow*. She announced the book sale being held on June 15th and 16th. She pointed out that the Library is working on their strategic plan and have a survey on their website for input.

Ms. Lieberberg spoke about the Millwheel event that was held last week with fanfare and much success. She thanked all involved in making the event happen. She encouraged everyone to mark their calendars for September 7th when the decorated millwheels are unveiled. She advised that she attended a meeting with the Board of Education and continued to discuss traffic safety issues. She pointed out that interns now have a place to park for summer internships. She announced that permits will be available for \$75.00 and the application is available online.

Mr. Falcon stated that Judge Garner convened a case management conference on the affordable housing matter. He indicated that the matters to be discussed were the builders' remedy suit and the township's declaratory judgment. He said another conference was set up for June 7th and extended the township's immunity from further builders' remedy lawsuits to June 30th.

Mr. McDonald reminded business owners in town that they are required to apply for a sidewalk café license prior to putting tables and chairs out. On March 19th the Township Committee approved an RFP for a feasibility study of the JFK site for a possible relocation of the public works facility. He pointed out that the matter is ongoing and officials are doing their due diligence. He added that there is a lot of work involved and environmental factors to be considered. He said he expects to be able to report back at the end of May. He reported on concrete work on Old Short Hills Road and Parsonage Hill Road and

Millburn Township Committee Meeting Minutes

stated that paving of both roads is imminent and when we get updates from the County they will be disseminated.

Public Comment

Mayor Thall Eglow opened the floor to public comment.

Elaine Becker, of Brookhaven Way, spoke about a display at the Library celebrating the 40th anniversary of the Lackawanna Coalition.

Josh Scharf, of 11 Hawthorne Road, spoke about an ineligible student ordinance, which he stated has been adopted by a dozen or so other school districts. Mr. Scharf stated he has been told that township counsel does not agree with the ordinance and asked if that was correct. Mr. Falcon said he has never seen the document, so that statement is incorrect. Mr. Scharf indicated that it is a deterrent and suggested the Township Committee consider adopting it. He said it is a common sense thing and added that he would be happy to provide an e-mail copy of the ordinance to anyone who is interested.

Phil Kirsch, of 93 Cedar Street, came forward and read a letter he sent to Essex County Executive, Joseph DiVincenzo:

"I was one of nearly a dozen residents who went before the Essex County Board of Freeholders on Wednesday, April 10, to speak against funding for a new bear exhibit at the Turtle Back Zoo. To me the expenditure is not the main issue, though I would rather see Open Space funds, especially at this point in our continued overdevelopment, used exclusively to preserve land in its natural state, or to improve potentially unsafe areas like the structures over and around Campbells Pond. And I will leave the pros and cons of keeping animals in any type of "zoo," to others.

I love the zoo and its iconic train, and so does my grandson, as did my children before him. However, I have become very concerned that too much of a good thing is very soon going to compromise recreation in the whole of our beautiful and precious South Mountain Reservation, roil its traffic, and irretrievably spoil its natural qualities and availability to all County residents. It never was meant to be, and should not become, a stampeded "Bronx Zoo" or destination venue, and there will be no turning back as it approaches that scale. Turtle Back has become justifiably popular, as evidenced by the need for yet another parking garage which, even on existing zoo land, means more impermeable surface, more auto emissions in the reservation, and even more traffic and more crowds. It's wonderful that so many like the zoo, and that we who live locally can share it with them, but if we continue to build more attractions and more parking garages and even more roads, take up more space and take down more trees, either inside or out of the zoo proper, we are changing the nature of both the zoo and the preserve it inhabits, in a way that is not recoverable."

If there is any lesson in where we find ourselves in a time of climate change and extreme weather brought on by our own achievements and abilities, it is that these become indulgences when we don't realize when to stop, and this is definitely one of those instances.

Lynne Ranieri, of 94 Oakview Terrace, inquired about the cap bank ordinance, which was explained by Mr. Levy.

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

Mayor Thall Eglow introduced John Lloyd, Special Tax Counsel for Millburn Township. Mr. Lloyd provided an overview of the state of the tax assessment base and the current status of tax appeals in town. He noted that Millburn is fiscally sound and has a strong base condition. He said currently, the township has 600 tax appeals and 46 commercial appeals. He added that the mall and the Hilton are currently not under appeal. He explained the ebb and flow of tax appeals based on different property types. He pointed out that the trains and schools are a strong factor in home sale prices remaining strong. Mr. Lloyd engaged in a brief discussion with the Governing Body and fielded questions from the public. Richard Wasserman, of 24 Inverness Court, inquired about the current timeline and process of an appeal, which was explained by Mr. Lloyd. Lynne Ranieri, of 94 Oakview Terrace, inquired about

Millburn Township Committee Meeting Minutes

lower housing prices in the Wyoming historic district, which was addressed by Mr. Lloyd, noting that softness in sales is primarily based on price point rather than historic designation being an impediment to sales depending on the buyer. Elaine Becker, Brookhaven Way, came forward and commented that sales were a bit lower this year and asked if he could explain. Mr. Lloyd discussed data and possible explanations with Ms. Becker.

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.

Consent Agenda

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

Roll Call Vote: All Ayes, except Prupis, who was absent

**RESOLUTION 19-102
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 16, 2019, in the following accounts:

General	\$	830,338.04
Capital Fund		29,364.00
Parking Utility - Operating Fund		6,208.95
Dog Fund Trust		253.80
Donation Trust Fund		8,781.56
Escrow Trust Fund		5,482.25
Police Off Duty Trust		61,373.00

**RESOLUTION 19-103
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

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

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

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Sherri Cohen Shapiro and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 4001 Lot 4 110 Westview Rd.	Tax Appeal 2018 taxes	\$3,360.83
Robert A. Frenkel and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 2103 Lot 8	Tax Appeal 2017 taxes (2,553.86) 2018 taxes (3,568.15)	\$6,122.01

April 16, 2019

Millburn Township Committee Meeting Minutes

45 Northern Drive

<p>Leonard & Rosalie Rubin and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 4602 Lot 6 21 Rippling Brook Drive</p>	<p>Tax Appeal 2018 taxes</p>	<p>\$1,363.73</p>
<p>James O Jr. & Virginia B. Welch and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 2306 Lot 11 165 Old Short Hills Rd</p>	<p>Tax Appeal 2015 taxes (7,893.75) 2016 taxes (8,077.50)</p>	<p>\$15,971.25</p>
<p>Valerie L & Douglas Wilde and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 3103 Lot 2 77 Stewart Rd</p>	<p>Tax Appeal 2018 taxes</p>	<p>\$4,928.08</p>
<p>J. Ananthanarayanan & S. Varadarajan and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 4705 Lot 26 10 Troy Lane</p>	<p>Tax Appeal 2016 taxes</p>	<p>\$1,835.21</p>
<p>Steven & Joan Koch and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 1605 Lot 19 18 Crescent Place</p>	<p>Tax Appeal 2014 taxes</p>	<p>\$6,816.10</p>
<p>Kartik Hariharan & Rohini Vira and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 3304 Lot 19 25 Merrywood Lane</p>	<p>Tax Appeal 2014 taxes (1,667.23) 2015 taxes (3,845.84) 2016 taxes (3,935.36) 2018 taxes (1,483.56)</p>	<p>\$10,931.99</p>
<p>Morton & Rosalie Farber and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 3306 Lot 4 71 Taylor Road North</p>	<p>Tax Appeal 2017 taxes (1,458.82) 2018 taxes (3,396.97)</p>	<p>\$4,855.79</p>
<p>Jeffrey Alan & Nancie Perlowitz and Michael A. Vespasiano Attorney Trust Account</p>	<p>Tax Appeal 2018 taxes</p>	<p>\$9,510.00</p>

April 16, 2019

Millburn Township Committee Meeting Minutes

331 Main Street
 Chatham, NJ 07928
 Block 1502 Lot 33
 44 Montview Ave.

Jeffrey & Debra D. Matchen and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 4102 Lot 14 26 Tall Pine Lane	Tax Appeal 2018 taxes	\$3,615.70
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Lindeman Realty I LLC and Michael A. Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Block 3606 Lot 5 181 Long Hill Drive	Tax Appeal 2017 taxes	\$3,216.45
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Brach Eichler LLC and Wendy A. Silverstein 101 Eisenhower Parkway Roseland, NJ 07068 Block 1502 Lot 36 22 Gap View Rd	Tax Appeal 2017 taxes (2,873.09) 2018 taxes (2,944.30)	\$5,817.39
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**RESOLUTION 19-104
 AUTHORIZE 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
2001	2	284 Hobart Ave	1	Subdivision/ now vacant land	176.00

**RESOLUTION 19-105
 AUTHORIZING ADVERTISEMENT OF BIDS -
 Mountain View Road Improvements**

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:

Mountain View Road Improvements

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 19-106
 AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENTS**

NOW, THEREFORE BE IS RESOLVED that the Millburn Township Mayor and Municipal Clerk are hereby authorized to execute the Indemnification Agreements for Storm Sewer Connections for 250

Millburn Township Committee Meeting Minutes

Hartshorn Drive, Block: 3802, Lot: 31, 151 Western Drive, Block: 3101, Lot: 17 and 11 Berkley Road, Block: 11.02, Lot: 45, as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 19-107
REJECTING BIDS RECEIVED FOR “EXTERIOR MASONRY RESTORATION AT SHORT HILLS TRAIN STATION AND HISTORIC BUILDING” AND AUTHORIZING READVERTISEMENT FOR THE RECEIPT OF BIDS**

WHEREAS, the Township received six sealed bids on March 21, 2019 in response to its advertisement for the receipt of bids for the “Short Hills Train Station and Historic Society Building” project; and

WHEREAS, the bid price for the bids received on March 21, 2019 for the “Short Hills Train Station and Historic Society Building” project are as follows:

<u>Bidder</u>	<u>Bid Price</u>
1. Arista Renovation, Inc. 36 Acme Ave. Bethpage, NY 11704	\$73,500.00
2. Abraham General Construction, LLC 81 Northfield Avenue, Suite 202 West Orange, NJ 07052	\$145,000.00
3. Michael J. Malpere Co., Inc. P.O. Box 187 Cranford, NJ 07016	\$204,999.00
4. A1 Construction Services 2468 N. Jerusalem Rd., Ste. 1 Bellmore, NY 11701	\$235,000.00
5. Dell-Tech, Inc. 930 New York Avenue Trenton, NJ 08636	\$287,500.00
6. M&M Construction Technology, Inc. 661 Pedton Avenue Staten Island, NY 10310	\$411,786.00

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-23(c), requires notice of revisions or addenda to bid documents to be provided no later than seven days, Saturdays, Sundays, or holidays excepted, prior to the date for acceptance of bids, to any person who has received a bid package; and

WHEREAS, Addendum No. 2 was issued on Thursday, March 14, 2019, which is less than the required seven business day statutory time period for the issuance of the addendum; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-23(d) provides that failure to “provide proper notification of revisions or addenda to advertisements or bid documents related to bids as prescribed by this section shall prevent the contracting unit from accepting the bids and require the re-advertisement for bids pursuant to subsection a. of this section.”

NOW, THEREFORE, BE IT RESOLVED by the Millburn Township Committee, County of Essex, State of New Jersey, as follows:

1. The Township Committee hereby rejects all bids received on March 21, 2019 in response to the receipt of bids for the “Exterior Masonry Restoration at Short Hills Train Station & Historic Society Building” project because Addendum No. 2 was not issued in accordance with N.J.S.A. 40A:11-23.
2. The Business Administrator is authorized and directed to forward notice of rejection to all bidders set forth in this Resolution and shall return their respective bid securities.

Millburn Township Committee Meeting Minutes

- 3. The "Exterior Masonry Restoration at Short Hills Train Station & Historic Society Building" bid specifications shall be revised as necessary and re-advertised for the receipt of bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
- 4. The Township's staff and consultants are hereby authorized and directed to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.

5.This Resolution shall take effect immediately.

**RESOLUTION 19-108
APPROVE 2019-2020 TAXI/LIVERY LICENSE**

WHEREAS, the following applicant(s) has submitted an application for a Taxicab/Livery License and provided all required documentation and appropriate fees;

NOW, THEREFORE BE IT RESOLVED that a 2019 – 2020 Taxi/Livery License be issued to:

<u>NAME</u>	<u>STATUS</u>
Vantastic Shuttle/Michael Dana	Livery Owner and Driver

**RESOLUTION 19-109
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:

LIV Breads

**RESOLUTION 19-110
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:

Oratory Prep
Education Foundation of Millburn and Short Hills

Ordinance/Second Reading and Consideration of Adoption

Ordinance 2529-19

Mr. Levy brought forth and reviewed Ordinance 2529-19 for consideration of adoption. Mayor Thall Eglow declared the public hearing open. Since comments or questions were not presented, Mayor Thall Eglow declared the public hearing closed. Mr. Levy made a motion to approve the ordinance on final reading, which was seconded by Ms. Burstein.

Roll Call Vote: All Ayes, except Prupis, who was absent

Millburn Township Committee Meeting Minutes

**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 and reviewed Ordinance 2530-19 for consideration of adoption. Mayor Thall Eglow declared the public hearing open. Since comments or questions were not presented, the public hearing was closed. Ms. Lieberberg made a motion to approve the ordinance on final reading, which was seconded by Mayor Thall Eglow.

Roll Call Vote: All Ayes, except Prupis, who was absent

**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.*

Millburn Township Committee Meeting Minutes

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.
- ~~e. 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;

Millburn Township Committee Meeting Minutes

- 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.

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;~~

Millburn Township Committee Meeting Minutes

- ~~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.

Ordinance/Introduction

Ordinance 2531-19

Ms. Burstein brought forth Ordinance 2531-19 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 May 21, 2019.

Roll Call Vote: All Ayes, except Prupis, who was absent

ORDINANCE NO. 2531-19
AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION
OF AN EASEMENT INTEREST IN A PORTION OF THE REAL PROPERTY LOCATED AT 2
PARK ROAD, KNOWN AS BLOCK 1401, LOT 11

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisition of an irregularly shaped drainage easement interest, as well as a temporary construction easement, at the southwestern corner of property located in the Township on which to locate pipes and related flood control equipment underground. The installation of the pipes and equipment will allow for improved stormwater management.*

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

Millburn Township Committee Meeting Minutes

purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, there is a need to improve the stormwater facilities in the area along Old Short Hills Road; and

WHEREAS, through consultation with the Township’s engineering consultants, Schommer Engineering, Inc., the Township has determined that an improved stormwater management system would be facilitated by replacing the stormwater drainage system in the area of 1 Jefferson Avenue and 2 Park Road, running beneath Old Short Hills Road; and

WHEREAS, Schommer Engineering, Inc., has designed a proposed upgrade and revisions to the drainage system to improve capacity, which improvements will require the Township to acquire a drainage and construction easement over a portion of property located at 2 Park Road, also known as Block 1401, Lot 11, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

WHEREAS, based upon the goal of mitigating the impact of stormwater in the area and mitigating the risk of flooding due to the presence of stormwater in the area and in consultation with the Township’s consulting engineers, the Township has identified the property located at 2 Park Road as a necessary location on which to locate certain improvements related to the proposed flood mitigation project; and

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

1. The appraisal of the drainage easement and temporary construction easement located at 2 Park Road, (Block 1401, Lot 11) prepared by Value Research Group, LLC on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$4,200.00.
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.

Old Business

Electronic Message Board

Mr. McDonald opened the discussion by stating that the bid for the electronic message board is currently under legal review. He wished to discuss the location for the message board. He outlined the possibilities as being in front of town hall, at the corner of Lackawanna and Glen or the corner of Parsonage Hill Road. Mr. Levy suggested the location with statistically the most traffic. Ms. Burstein concurred, as did Ms. Lieberberg, stating that she believes the busiest location would be near the train station and library. Ms. Thall Eglow stated that town hall might be another good location, especially if a second message board is installed because Millburn Avenue gets a lot of traffic and she typically sees a message board in front of a building. Merrily Reisbeck, of 91 Whittingham, came forward and asked about the cost and if more than one is being considered. She pointed out that she has noticed most towns have them in front of town hall. Ms. Burstein agreed that it should be at town hall. Ms. Becker agreed and thinks town hall is the perfect choice because there is always traffic in front of town hall. Ms. Ranirei stated that she thinks there is a safety issue at the library location due to it being a distraction with the pedestrian traffic from the train. Mayor Thall Eglow asked for the Committees final thoughts on the location, noting that she would like it placed in front of town hall, as would Ms. Burstein. Mr. Levy abstained and Ms. Lieberberg said she still thinks near the library is the best location. Mayor Thall Eglow stated that town hall would be the location.

In other old business, Ms. Burstein asked if there is a time frame for getting an ordinance regarding short term housing. Ms. Lieberberg stated that Administration has been tasked with looking at other

April 16, 2019

Millburn Township Committee Meeting Minutes

municipalities who have ordinances of this nature to see how they were executed. Mr. McDonald reported that an analysis would be circulated with sample ordinances to the Committee for possible discussion for the May 7th Committee meeting.

New Business

No one presented new business.

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. Vote: All Ayes. The meeting was adjourned at 8:45 PM.

Christine A. Gatti, RMC
Township Clerk

Approved: June 18, 2019