

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 May 5, 2020.

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, 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 Homs.

Approval of Agenda

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

Vote: All Ayes

Minutes

Mayor Lieberberg asked for a motion to approve the April 7, 2020 regular meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Vote: All Ayes

Reports

The following statement was made by Mayor Lieberberg:

“Good evening fellow Committee members and those joining us remotely, thank you for your attendance.

Our residents with the virus now number 126 cases --- the residents with recovery are now at 62%. This information is constantly evolving and we will continue to bring you all the numbers as we receive them.

We continue to persevere as a Township—essential services are continuing and I am grateful that we have the infrastructure in place to continue to support our Senior Citizens and most vulnerable residents with food deliveries and our well stocked food pantry—thank you to Deputy Mayor Tara Prupis, Annette Romano and Ana Millan for their commitment to our residents.

Thank you also to Down the Block, MSH Flag, MEND, MSH health support, The Mask Lady, MSHVFAS and our Police, Fire, DPW and Town Hall employees as well as the countless others who continue to work hard to serve and support our local community and our neighbors.

As discussed at our last meeting, we will be moving forward with the decorative upgrading of our 3 township owned utility boxes. This will be a joint initiative with Millburn High School Art Department and the Township. The Farmer’s Market will open on June 2nd with social distancing protocols in place—stay tuned for more details in the coming weeks.

Essex County now has set up another testing facility in Newark at the Roller Rink in Branch Brook Park as well as the one at Weequahic Park --- the testing criteria has changed and anyone that wants to be tested—can do so--- it is by appointment only—please go to the website—Essex County Covid 19 to schedule an appointment. Also—as of this morning—Essex County is REQUIRING all attendees to wear a Face Covering in the County Parks—this is mandatory!

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A friendly reminder to ALL our residents that Face covering is required when picking up food and shopping in supermarkets, drug stores and essential stores—THIS IS THE LAW and not optional! When walking please keep social distance of 6' and recognize everyone's comfort level is different—please keep your distance.

As mentioned previously, the NJ primary has been moved to JULY 7th. If you want to register for Vote by mail/remember--you must declare your party affiliation –contact our township clerk—

TownClerk@Millburntp.org

AND PLEASE fill out your census data--- this Essential data will be used to address infra structure spending and requisite funding on a Federal Level—your participation is greatly appreciated.”

Mr. Wasserman thanked Steve Roth and the Millburn Short Hills First Aid Squad for participating in a drive by visit to cheer up children involved in the Friendship Circle. He also thanked the Board of Education for maintaining the pedestrian bridge. Mr. Wasserman also stated that the Finance Committee met last week to review the town's finances, which are in good standing.

Ms. Thall Eglow concurred with Mr. Wasserman's report about the town's finances, but pointed out that they are taking a big hit on revenue from the parking meters in the amount of \$20,000 per month. She pointed out that the issue this presents is how to deal with the note for the parking deck. She advised that they are discussing how to approach this with Mr. McDonald and Mr. Gabloff, CFO. She reviewed a letter she sent to the Library Director, Michael Banick, regarding the library being closed. She stated that it would need to be approved by Governor Murphy, but she would like to see the library staff get creative in order to see ways to utilize the library.

Mr. McDonald spoke about the auction process for electric supply for all municipal buildings, which was favorable to the township and will offer savings. He announced an upcoming pre-construction meeting with the paving contractor for Old Short Hills Road. He advised that the intent is to start milling and paving on May 11th and noted that the work can be done during the day because of the school closures. Mr. McDonald noted that the Short Hills Train Station roof project is complete and looks great. He reviewed the resolution on the consent agenda regarding a recommendation from the Pedestrian Safety Advisory Board (PSAB) about Holmes and Essex Streets. He advised it addresses requesting the County to grind out the westerly crosswalk on Holmes so cars turning onto Holmes from Essex are not doing so into a crosswalk.

Mr. Falcon reviewed the protocol for land use meetings and advised that the Planning Board would be having a practice session to test it. He stated that they have commenced the acquisition of easements on Hobart per the direction of the resolution that was passed previously. Mr. Falcon also spoke about changes to the Special Improvement District (SID) ordinance that will be presented to the Township Committee for consideration. He advised that because there are so many substantive changes, he will recommend that the ordinance be adopted in its entirety. He noted that the changes will be presented for discussion at the May 19th meeting.

Mr. McDonald followed up on Mr. Falcon's comments, noting that the Planning Board is ready to go for their May 20th meeting, but the Zoning Board of Adjustment is taking a slower approach. He pointed out with regard to the easements mentioned by Mr. Falcon, that he has been in touch with the County and they are ready to go when we are.

Ms. Prupis noted that the Environmental Commission would be having its first virtual meeting next Tuesday on Zoom.

Presentation

Jesse Moehlman, Administrative Analyst, made a presentation about the Taylor Park Strategic Plan. He said that this has been a year-long effort exploring a proposed plan to make improvements to Taylor Park. He reviewed the background of putting together a plan involving township personnel along with 70 interested community members in order to gather their perspective on the park. He advised that this is the beginning of hopefully reimagining the park in the 21st century. Mr. Moehlman stated the mission

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and vision of the strategic plan is to draw people into the park, promote social gathering and serve as a connection to the assets downtown Millburn has to offer. He reviewed the history of the park and the desire of respondents to see more special events in the part that will draw people together. He explored ideas respondents provided as opportunities for new and expanded programming. He said the Bauer Center was the most-cited site for improvement, along with upgraded walking paths, improvements to Taylor Pond, upgrades to playground equipment and new programming ideas, including making it easier for non-township groups to plan and sponsor events. He spoke about the implementation of short, medium and long term aspirations for the park and their associated costs. He noted that this plan is a starting point, not a final product and should be evaluated after 1 year, 3 years and 5 years. The Committee thanked Mr. Moehlman for his hard work on this extensive project. Mr. Moehlman addressed questions, comments and suggestions from Committee members.

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/>.”

Mayor Lieberberg opened the public comment period.

Mr. Homsy stated there were 23 people tuned in and stated he would read the following statement which was submitted via e-mail prior to the meeting:

“William Whalen, 48 Woodcrest Avenue

Dear Millburn Township Committee and Residents,

Gas Leaf Blowers Regulation is NECESSARY. They are extremely loud, polluting, and dangerous (see below.) As shared through Next Door and Facebook, we have educated ourselves on the topic and transparently provided the research gathered in the petition to residents and the township. It has received significant support in those forums, in addition to gaining 116 supporters as of this writing. The petition can be found here: <https://www.change.org/gasleafbbaan>

Due to Covid-19, the situation has become even more serious. This month, Harvard researchers published that gas leaf blowers can increase complications and death from Covid-19 (Research attached). Additionally, gas leaf blowers have a lengthy list of negative effects, which impact the "quiet majority" (NY Times) of residents that choose to attend to their landscaping more considerately.

(Research Summary) Covid 19 and Gas Powered Leaf Blowers: A lethal combination:

"This memorandum discusses three specific problems that gas-powered leaf blowers (GLBs) present during the COVID-19 crisis, including: (i) an increased risk of complications and death from COVID-19 due to the fine particulate matter generated by GLBs; (ii) the sleep, concentration, and other health problems caused by the noise generated by GLBs, which is interfering with the ability of adults and children who are trying to work, learn, and rest at home; and (iii) the disproportionate risks of COVID-19-related illness that landscape workers face as a result of working with GLBs. The authors review the existing literature on the health and environmental problems associated with GLBs and recommend a moratorium on the use of GLBs (and possibly electric/battery blowers too) during the pandemic, as well as a longer-term plan that includes a phase-out of GLBs and help to transition the landscape industry to cleaner, quieter, and healthier alternatives."

We look forward to moving this legislation forward as soon as possible.”

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No one else submitted comments, so 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 rationale behind the resolution addressing the crosswalk is to ensure that it cannot be put back. She said it was her understanding that it was put back there because people were crossing. Mr. McDonald stated that was correct and believed it to be the reason PSAB requested the resolution. Ms. Thall Eglow asked if PSAB could look at the crosswalk at Undercliff because it encourages people to cross four lanes of traffic. Ms. Prupis said they can look at it when they meet in July.

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. Thall Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 20-108
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 May 5, 2020, in the following accounts:

General	\$	420,426.31
Parking Utility - Operating Fund		8,448.69
Dog Trust Fund		278.46
Donation Trust Fund		3,757.34
Escrow Trust Fund		2,559.00
Police Off Duty Trust Fund		44,278.00

**RESOLUTION 20-109
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>
Jennifer R. Jacobus, Trustee & Unique Estates LLC 201 Littleton Rd 1 st floor Morris Plains, NJ 07950 Block 1505 Lot 13.02 101 Old Short Hills Rd	Tax Appeal 2018 taxes (\$12,233.66) 2019 taxes (\$20,133.76)	\$32,367.42
Patrick Wayne Chau, Wan Kit and Michael A. Paff Esq. / Paff Law Firm P.O. Box 6767 495 N. Bridge St. Bridgewater, NJ 08807 Block 1901 Lot 16 296 Taylor Road South	Tax Appeal 2017 taxes (\$322.94) 2018 taxes (\$330.95) 2019 taxes (\$335.82)	\$989.71

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Vincent & Lisa Salerno and Michael A. Paff Esq. / Paff Law Firm P.O. Box 6767 495 N. Bridge St. Bridgewater, NJ 08807 Block 5102 Lot 30 76 Browning Rd.	Tax Appeal 2019 taxes	\$4,356.01
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Pace Realty LLC P.O. Box 1895 Bloomfield, NJ 07003	Tax Refund 2020 Sewer duplicate pymt Block 4802 lot 12 (\$176.00) Block 4004 Lot 14 (\$176.00)	\$352.00
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**RESOLUTION 20-110
AUTHORIZING THE MILLBURN TOWNSHIP
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED
TAX BILLS IN ACCORDANCE WITH P.L. 1994, c.72**

WHEREAS, the Township of Millburn introduced the budget on March 17, 2020 and the Essex County Board of Taxation is unable to certify Millburn’s tax rate at this time and the Millburn Township Tax Collector will be unable to mail the Township’s final 2020 tax bills on a timely basis;

WHEREAS, the Millburn Township Tax Collector in consultation with the Millburn Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54: 4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY on this 5th day of May, 2020, as follows:

1. The Millburn Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2020 taxes.
2. The entire estimated tax levy for 2020 is hereby set at \$192,042,532.59.
3. In accordance with law the third installment of 2020 taxes shall not be subject to interest until the later of August 7 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**RESOLUTION 20-111
AUTHORIZATION FOR THE TOWNSHIP OF MILLBURN TO APPLY FOR AND ACCEPT A SUBGRANT
AWARD OF THE FEDERAL FISCAL YEAR 2019 OF DEPARTMENT OF LAW AND PUBLIC SAFETY FOR
EMERGENCY MANAGEMENT PERFORMACE GRANT PROGRAM FUNDING AND FOR THE TOWNSHIP
CHIEF FINANCIAL OFFICER TO CERTIFY THE AVAILABILITY OF FUNDS**

WHEREAS, the Township of Millburn, Office of Emergency Management has been awarded Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) #FY19-EMPG-EMAA-0712, CDFA#: 97.042 from the New Jersey Department of Law and Public Safety Office of the Attorney General and the Subgrant, consisting of a total amount of up to \$10,000.00 Federal Award purpose of enhancing the Township of Millburn’s Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

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WHEREAS, the Township of Millburn Office of Emergency Management, designated by the New Jersey Department of Law and Public Safety Office of the Attorney General, has submitted an Application for Subgrant Award that has been required by the said New Jersey Department of Law and Public Safety Office of the Attorney General; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Millburn accepts the award of the FFY19 Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) Grant Program Subgrant in the amount of up to \$10,000.00 Federal Funds; and

BE IT FURTHER RESOLVED that the Township Chief Financial Officer and the Township Director of Emergency Management are authorized to sign the appropriate subgrant award documents and the Township of Millburn is hereby accepting the specific grant of funds for the purpose described in the application; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services, the Township Manager, the Township Chief Financial Officer, the County Division of Emergency Management and Office of the Treasury; and

BE IT FURTHER RESOLVED that this resolution replaces Resolution 20-057 adopted by the Millburn Township Committee on February 4, 2020.

**RESOLUTION 20-112
AUTHORIZING ADVERTISEMENT OF BIDS -
OAKLAWN DRAINAGE PROJECT**

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:

Oaklawn Drainage Project

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 20-113
APPROVE RAFFLE LICENSE**

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

WHEREAS, the Police Department is in receipt of a copy of the application per the regulation of the Legalized Games of Chance Control Commission.

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

American Legion Post #140

**RESOLUTION 20-114
REQUEST THE COUNTY OF ESSEX TO REMOVE THE CROSSWALK ON THE WESTERLY SIDE OF ESSEX
STREETS INTERSECTION WITH HOLMES STREET**

WHEREAS, it is the desire of the Township Committee of the Township of Millburn to have the crosswalk removed from westerly side of Essex Street (County Rte. 577) where it intersects with Holmes Street; and

WHEREAS, this request also comes from a recommendation made by the Township's Pedestrian Safety Advisory Board to further promote the safety and welfare of pedestrians, in particular commuters,

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that frequent this intersection by eliminating the conflict of left hand turning vehicles from Holmes onto the one way Essex Street; and

WHEREAS, there will remain a crosswalk on the easterly side of the intersection for controlled and safe pedestrian crossing of Essex Street without conflict from turning vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that it hereby requests the County of Essex to remove the western crosswalk located at the intersection of Essex Street and Holmes Street at its earliest convenience.

RESOLUTION 20-115

AUTHORIZING THE PURCHASE OF ELECTRICITY/NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE - MAY 5, 2020

WHEREAS, The Township of Millburn has determined to move forward with the EMEX Reverse Auction in order to procure electricity/natural gas for the Local Unit; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity/natural gas supply service for public use through the use of an online auction service; and

WHEREAS, The Township of Millburn will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energyexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act.

NOW THEREFORE BE IT RESOLVED, that the Township of Millburn Business Administrator of the Local Unit is hereby authorized to execute on behalf of The Township of Millburn any electricity/natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

Old Business

No one presented old business.

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 Ms. Prupis and seconded by Mr. Wasserman. The meeting was adjourned at 8:00 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: June 2, 2020