

**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 19, 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 Ms. Prupis and seconded by Mr. Wasserman.

Roll Call Vote: All Ayes

**Minutes**

Mayor Lieberberg asked for a motion to approve the April 21, 2020 regular meeting minutes. The motion was made by Ms. Prupis and seconded by Ms. Thall Eglow. Vote: All Ayes

Mayor Lieberberg asked for a motion to approve the April 21, 2020 special meeting minutes. The motion was made by Ms. Prupis and seconded by Mr. Wasserman. Vote: All Ayes

**Reports**

The following statement was made and submitted by Mayor Lieberberg:

“Good evening fellow Committee members and residents—there are currently 138 confirmed residents with Covid 19 and this number includes approximately 63% that have recovered. Essex County has set up mobile testing units for Covid 19 on Tuesdays and Thursdays from 4-7 PM in addition to the Weequahic Park (M W F 10-4) please go to the EssexCOVID 19.com website to reserve a spot. FREE to all Essex County residents---FYI—next Thursday, May 28 I know will be close to us at Codey Arena.

ALSO—friendly reminder—fill out your census—we were at about 70%-- I am striving for 100%--let’s get there! Just want to remind everyone that the Millburn Farmers Market will begin on June 2<sup>nd</sup>—just 2 weeks away at the lot across from Fiamma—TUESDAYS--1-6PM. Pleased to announce that Dogwood Organic Farms, Alstede Farms, Ort Farms, Dr. Pickle, Paolo’s Kitchens and Gourmet Fruits and Nuts will be there--- Please plan to stop by—social distancing protocols will be observed and it will be an opportunity to shop local.

I am very excited to announce that Millburn Township/Millburn Recreation Department in conjunction with Summit Soundz Entertainment will be hosting 5 nights-- Drive-in Movie event June 25<sup>th</sup> – June 29<sup>th</sup> at the Millburn High School parking lot. Tomorrow we will posting a fun survey to gather interest on the available movies options. Please check our social media and cast your vote. Stay tuned because additional information and registration will be available in the next couple weeks. We will be observing all social distancing protocols --- guaranteed to be lots of fun – please mark your calendars for the dates—once again – June 25<sup>th</sup>-29<sup>th</sup>.

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Also want to let everyone know that the Inaugural issue of our Township Newsletter will arrive in your inboxes on June 1<sup>st</sup>--- Thank you Deputy Mayor Prupis for being the driver in this initiative— It will contain lots of information and provide important data points---Residents—YOU must be registered with the Township Swift alerts to receive it— now more than ever, be sure to sign up---thank you.”

Committeewoman Thall Eglow submitted and made the following statement:

“We have seen a lot of BARTERING of all sorts of new and mostly used items on Work Moms, New Comers and Next Door sites. We reached out to our Board of Health, while there are no guidelines or restrictions, we would urge caution when picking up clothes, books, recreation equipment, household goods ect.. It is your choice, but again we urge caution, because possible Covid 19 carrier status of these neighbors is unknown.

I am glad that the reopening of public LIBRARIES are included in Governor Murphy’s Phase 2 Plan. I know many people miss the Library. I shared with Alex and Mike Banick a survey sent out by Springfield asking residents to weigh in on its reopening, curbside pickup and hours they would frequent the library.

We will be having our first zoom Planning Board meeting tomorrow night.

Jackie, Alex and I met at the cut through area between Essex and Millburn Ave. Jackie then met with the artists that helped coordinate the successful wheel project about what type of art could be placed on the outside of the building .

I was thinking we could discuss coming up with a name for that ally, which is actually an underutilized cut through. We have been saying that Millburn needs “way finding” signage and by naming and enhancing this cut through, people would see how convenient the parking deck is to Milburn Ave, it could be considered a little street without cars. A Pedestrian way.

Roxanne, from the Chamber of Commerce had a great idea, that a decorative archway sign could really enhance and direct people here. Kind of like the sign at Carnaby Street in London. Of course we have to look into the easements and perhaps activities could take place here in the future.”

Ms. Prupis reported that the Environmental Commission met last Tuesday and voted on working to support an electric leaf blower ban. She said they would like to bring that support before the Township Committee for consideration in August. Ms. Prupis mentioned that the interviews for the visioning plan are scheduled for the second week in June. She said there are four firms being interviewed and three members of the Planning Board, who are planners, have been asked to sit in on the interviews.

Mr. Wasserman announced that the Pride Flag will be raised in front of Town Hall on June 5<sup>th</sup>. He also commented that moving forward with the interviews for the revisioning plan is very exciting.

Ms. Burstein reported that the Joint Dispatch Center had a meeting virtually on May 12<sup>th</sup>, where the new director raised various issues, including revisiting staffing due to social distancing, testing and lack of a backup site. Ms. Burstein advised that the Recreation Commission met last week. She noted that the parks are open, as well as, the tennis courts by reservation. She pointed out that they are waiting to hear from the Governor regarding what happens with the pool and sports programs.

Mr. McDonald announced that the Planning Board will be meeting via Zoom tomorrow. He said they are evaluating the Board of Adjustment’s ability to meet in June. He reminded residents that Old Short Hills Road will have closures due to paving. He stated that Highland will be paved next and then there will be restring on Highland and Hobart. He said the Short Hills Train Station roof is complete and has a 75 year warranty.

Mr. Falcon said he is pleased to report that he has been collaborating with the Board of Adjustment attorney, Gail Fraiser, and the Planning Board attorney, Ed Buzak, to advance an amendment to Assembly Bill 3919, which will extend the time in which the land use boards have to approve applications or declare them complete. He pointed out that the bill was adopted in both houses and is on the Governor’s desk for consideration.

**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 he has opened public comment on YouTube Live and he would read the following statement which was submitted via e-mail prior to the meeting by Dave Cosgrove, resident of 99 Oakview:

“Can I please get an update on :

- 1)the status of the Woodmont Properties development
- 2) on the Woodmont properties project what is the number of apartment/units Woodmont was seeking/discussing
- 2) the status of efforts by the township to develop its own affordable housing projects
- 3) identify other projects/developments that are being discussed or considered ( location, address and size)”

Alyssa Sutton, resident of Mountainview Road, submitted a comment asking about the status of downtown tweaks of the Complete Streets project. Mayor Lieberberg responded that they would be discussing that during the Old Business portion of the meeting.

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 how Resolution 20-118 would impact the current crossing guards. Mr. McDonald advised that the idea is to have the company hired to consider current crossing guards and a rate of pay would be discussed by their employer. A brief discussion ensued regarding the process and the pros and cons of privatization.

Mr. McDonald reviewed the funding agreement with Essex County, which was addressed in Resolution 20-117. He pointed out that it is funding given to Millburn by Essex County as part of the CARES Act, which is part of the response to the pandemic.

Comments began to be read from the comment section online, but Mr. Falcon suggested that the Committee address the consent agenda first and then could return to the public comments. He noted that the delay is posing a time lag in questions being posted.

No other comments or questions were presented.

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Consent Agenda

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

Roll Call Vote: All Ayes

**RESOLUTION 20-116  
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 19<sup>th</sup>, 2020, in the following accounts:

General	\$	661,860.15
Capital Fund		13,180.42
Parking Utility - Operating Fund		6,922.20
Dog Trust Fund		164.56
Escrow Trust Fund		138.75
Police Off Duty Trust Fund		58,322.00
PATFA II		739.00

**RESOLUTION 20-117  
AUTHORIZE REIMBURSEMENT AGREEMENT WITH THE COUNTY OF ESSEX**

**WHEREAS**, the United States of America, the State of New Jersey, the County of Essex, and the Township of Millburn have become victims of the COVID-19 virus and pandemic (“COVID-19”); and

**WHEREAS**, COVID-19 has caused severe economic and personal damage and hardship to the Township and all communities throughout the United States; and

**WHEREAS**, on March 27, 2020, the Coronavirus Aid Relief and Economic Security Act (the “CARES Act”) was passed by the United States Congress and signed into law by the President; and

**WHEREAS**, the County of Essex has received CARES Act funds from the United States Treasury to reimburse the County and municipalities and agencies within the County (the “Stimulus Funds”); and

**WHEREAS**, the County has provided the annexed Reimbursement Agreement whereby it will give the Township \$372,315.37 from the Stimulus Funds on an immediate basis subject to the terms and conditions of the Reimbursement Agreement; and

**WHEREAS**, the Township Chief Financial Officer, Mayor and Business Administrator recommend immediate approval of the Reimbursement Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MILLBURN**, that the Mayor be and hereby is authorized to enter into the Reimbursement Agreement between the County of Essex and Township of Millburn dated May 12, 2020 and all other actions reasonably needed to implement such agreement.

**RESOLUTION 20-118  
AUTHORIZING ADVERTISEMENT OF BIDS -  
PRIVATIZATION OF CROSSING GUARDS**

**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:

**Privatization of Crossing Guards**

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**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 20-119  
AUTHORIZING A REQUEST FOR PROPOSAL -  
MARKETING OF RECYCLABLE MATERIALS**

**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, a request for proposal to be received by the Township Administrator's office of the Township of Millburn in the County of Essex, New Jersey, for:

**Marketing of recyclable materials**

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

**Public Comment (continued)**

The Committee returned to the public comment portion of the meeting, due to delays presented by the remote format of the meeting.

Perri Urso, Business and Property Owner on Millburn Avenue, asked if there would be another public portion of the meeting to weigh in on the business plan.

Michael and Maureen Marcketta, resident of 214 Passaic Avenue, recommended that the Bauer Center bathroom should not be open to the public until 10 PM due to safety concerns. Mr. Wasserman responded that the idea of the restrooms being open was in response to the park being so busy. He pointed out that he agrees with their comments and said the Police Department should weigh in and perhaps a police call box could be installed. Mr. McDonald said this concept that was presented regarding improvements to the park at the last meeting is not at that stage yet and is only being discussed. Ms. Prupis suggested maybe only keeping the bathroom open until sundown. Mr. Wasserman suggested that the bathrooms be accessible. Mayor Lieberberg stated that the overflowing trash issue at the park has been addressed.

Merrily Reisbeck, of 99 Whittingham Terrace, advised that she supports the bathrooms being open, but not after dark.

As no other comments or questions were submitted, Mayor Lieberberg closed the public portion of the meeting.

**Old Business**

**Special Improvement District Draft Ordinance**

Mr. McDonald advised that the Governing Body tasked Mr. Falcon and him to draft an ordinance to revamp the Special Improvement District (SID). He pointed out that the purpose of this being on the agenda tonight was for the Committee to discuss the draft that had been given to them and address any questions, concerns or suggestions. He stated that he believes the revisions to the original ordinance address the desire to make the SID less of an autonomous organization and bring it closer to the town where more controls could be in place.

Mr. Wasserman commented that we are at a crossroads and how on a basic level, many businesses are suffering. He pointed out that this would add value to businesses. He stated that our neighboring towns have successful SIDs and strongly recommends that the Township Committee take action. Ms. Thall Eglow said she agreed with Mr. Wasserman that towns with SID/BIDs are weathering the pandemic

better and asked what the biggest differences are in this draft as compared to the old ordinance. Mr. Falcon advised that the biggest difference is the meshing of the district management corporation operations with a great deal of Township Committee involvement. He added that it is a good starting point on which to enhance the policy directive. Ms. Burstein concurred with Mr. Wasserman and Ms. Thall Eglow, stating that she thinks this is extremely important. She questioned where the suggested number of board members came from. Mr. McDonald advised that those numbers were based on Westfield's SID. He said that they have a good sized, active group, who will break into smaller subcommittees for different things and how they impact different areas. Mayor Lieberberg said there are big distinctions and changes. She pointed out that the SID would potentially be expanded to the B2, B3 and B4 Districts, not just the downtown. She said this would cast a wider net to engage ore property owners.

Mr. McDonald pointed out that the Township Committee would need to come to consensus on and map out the area they would like included. The Township Committee discussed language for the advisory board appointments and agreed that the appointments should come from the Board of Directors with Township Committee approval. Mayor Lieberberg suggested appointing a subcommittee to review, engage and interview and then the subcommittee would report to the full Township Committee to select the six members of the Board of Directors. A discussion ensued among the Committee regarding what would be included in the business district and there was consensus to include all Business Zones. Mayor Lieberberg and Mr. Wasserman volunteered to serve on the subcommittee and start the search process for SID Board of Trustees. Mayor Lieberberg asked for a summary of the ordinance and overview of responsibility that can be provided to people during the search process. Ms. Prupis expressed concerns with the language for board members and category of members. A discussion took place regarding these concerns and clarification was provided to not put limitations on the categories. The content of the annual report was discussed and Mr. McDonald explained that expectations for the report could tie into the by-laws. The discussion returned to language regarding board members and categories, with Mr. Wasserman suggesting an exemption be included for a qualified candidate. Mr. McDonald explained that the purpose for the parameters is to not have a majority of one interest group on the board.

Mr. Falcon discussed the Certificate of Incorporation and reviewed the process. He noted that a board of trustees needs to be considered early in the process and they should consider a timeline. Mayor Lieberberg suggested beginning outreach for board members immediately, with discussion of the applicants at closed sessions on June 2<sup>nd</sup> and 16<sup>th</sup>, have the first reading of the ordinance at the June 16<sup>th</sup> meeting and adoption at the July 14<sup>th</sup> meeting. The feasibility of the timeline was discussed. Mr. Wasserman suggested finding office space at town hall for the director to help with expense and support. The Committee discussed a name for the organization and Mayor Lieberberg suggested MSHBO. It was agreed that Mayor Lieberberg and Mr. Wasserman would take on the subcommittee duties and bring their recommendations to the Township Committee for consideration of approval.

### **Lot 5 Entrance/Exit Safety Improvements**

Mr. McDonald stated that the traffic engineer was tasked with looking at the entrance and exit at Town Hall in addition to the crosswalk near Dunkin' Donuts. The recommendation was that the crosswalk remain where it currently is and that that entrance/exit be moved. Mr. McDonald stated that he was looking for consensus from the Committee before taking any action. Mr. Wasserman reviewed the plans to clarify for people unfamiliar with the situation regarding this area. Ms. Thall Eglow suggested that they may want to consider pricing out a pedestrian blinking light to help with safety when getting the bid. Mr. McDonald said there are many factors to consider, but the timing is right to get it done in July or August, he just needs consensus from the Committee. The Township Committee agreed to move forward with the improvements as recommend by Mr. McDonald.

Mayor Lieberberg asked if anyone had any other issues of old business they would like to discuss.

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Ms. Burstein said she would like to revisit the short term rental issue. She stated that she was never in favor of it and given the issues with COVID 19, she thinks having people coming in and out of houses could be problematic. She would like to discuss full on restriction. Mayor Lieberberg advised that it can be put on the next agenda for discussion.

Ms. Thall Eglow presented another issue of old business by submitting and making the following statement:

“We have all heard many times and agree that the raised parking can be challenging. I would like to discuss what was recommended by Maurice, our Professional Traffic Consultant as a possible solution.

To widen the parking surface by removing the bollards all together in a small trial section to see how it works. DPW would be able to do this and we have caps for the holes when the bollards are removed, these caps were for when the bollards were removed for street fairs. Now, with vehicle traffic still light on Millburn Ave, this may be a very good time to consider this. What are the objections and down sides?

TOWN HALL PLAZA, things will get back to normal one day, schools will reopen and traffic will return as well as the lack of adequate parking down town. Alex has shared with us the diagrams for town hall plaza that would actually remedy the entrance from Essex St into Town hall plaza, remove the crash hazard left where the guy wires are and provide up to 16 new parking spots.

New safer sidewalks and crossing would also be provided with this plan, this is an in-house plan AND I would like support at this time simply to engage the Town’s Professional Traffic Consultant simply to review and provide the findings, approximate costs and time line. I would encourage my Committee members to seriously consider this as a can do summer project.”

Mr. Wasserman commented that since we are revisioning and looking into redevelopment, he’d prefer to see this as part of a complete plan. Ms. Thall Eglow said all she is asking is to have Maser issue a formal report for these areas. She pointed out that these are not big ticket items and they should be looked at now. Ms. Burstein stated that moving the bollards is a no brainer and believes it should be done. She said she support asking Maser to provide an engineering report on Town Hall Plaza. Mr. McDonald said we could take a look at what it will take to move the bollards. He stated that he will look back at prior reports that were done regarding the flexible parking and will report back. Ms. Thall Eglow polled the Committee members regarding consensus to have Maser look at Town Hall Plaza and report back. Mr. Wasserman and Ms. Prupis were opposed and Ms. Burstein and Mayor Lieberberg said they support having it looked at.

Ms. Thall Eglow had another item of old business to present and made and provided the following statement:

“I would like to discuss with my committee members the option of a temporary moratorium on the enforcement date of this ordinance. While, I am definitely in favor of the ban on single use plastics, I believe a pause is prudent.

I spoke to the Managers at Millburn’s Shop Rite, Kings and Trader Joe’s. They, too, are in favor of the ordinance, however they all felt that this is not the ideal time for several reasons. Their first concern has been and continues to be the safety of their work force and shoppers. It has been incredibly stressful getting their stores in compliance and they have been successful.

Trader Joe’s is not allowing its customers to bring in their own bags, while Shop Rite and Kings will not touch customer’s bags. They all also told me that due to disruptions in production, paper bags are now actually harder to get. One manager said it was challenging to roll this ban out in his store pre-pandemic and this could cause a negative backlash to a really positive change.

The fact that NJ is still under Governor Murphy’s emergency and stay of home orders the Environmental Commission and Green Team have not been out and about to refresh, re-educate and remind our Residents and merchants, who are may NOT readily remember to bring bags and then the township is then forcing the retailer to charge this new fee.

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Retail literally reopened yesterday after 9 weeks and these merchants also need to retool and get up to speed. Other towns whose ordinances have not “yet” gone into effect, have temporarily paused their ordinances enforcement dates. I believe Millburn should do the same.”

Ms. Thall Eglow read a letter from the manager of Millburn Shop Rite, which listed reasoning and a request to temporarily hold off on enforcing the start date of the plastic bag ban due to the difficulties already being experienced due to the pandemic. She pointed out that from conversations with the managers of Kings and Trader Joe’s that they feel the same way. Mayor Lieberberg stated that she thinks it is the ideal time to institute the ban because people’s shopping habits have changed and there are fewer people in the stores. She added that it would allow people the ability to ease into it. She said she does not see it as a hardship. Mr. Wasserman advised that he agrees with Mayor Lieberberg and sees no reason to wait. He said it is great long term for the town and the environment. Ms. Burstein said she is ok with leaving it as is. Ms. Prupis said she wanted to move forward with the ordinance as is.

**New Business**

**Art Installation at Taylor Park**

ADVISORY COMMITTEE ON CULTURE, ENGAGEMENT, DIVERSITY AND ARTS  
Mayor Lieberberg presented and submitted the following statement:

“The Advisory Committee on Culture, Engagement, Diversity and Arts (CEDA) had met last week and we continued our discussion about a public art installation in Taylor Park—Idea is a sculpture that would acknowledge our historical past and would also be speak to the mission of community engagement and diversity--- piece could have some non-stationary elements as well—We have met with engineering—surveyed the area with respect to flood plain and agreed that the best location would be on the side – along Main Street facing the Bauer Center-This EQI—expression of interest inquiry would seek artists with previous public art experience—the thought is that we would review 5 finalists and then select one that we believed resonated the most with our mission and philosophy. The total budget including all preliminary design, installation would be \$25,000.

Mayor Lieberberg asked the Committee for their opinion. After a brief discussion, there was consensus to move forward. Mayor Lieberberg thanked her Committee members for their support.

Prior to moving onto adjourning the meeting, Mr. Falcon addressed Mr. Cosgrove’s comments that had been presented earlier in the meeting during public comment. Mr. Falcon advised that his questions are related to litigation regarding the declaratory judgement and Woodmont’s attempt to intervene, which was denied. He said there has been no change as far as Woodmont is concerned. He said as far as anything else being looked at or considered, there is nothing to report.

**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. Prupis. The meeting was adjourned at 9:00 PM. Vote: All Ayes

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Christine A. Gatti, RMC  
Township Clerk

Approved: June 16, 2020