

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 May 21, 2019.

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

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

Approval of Agenda

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

Roll Call Vote: All Ayes

Proclamation

A Proclamation was presented recognizing the World Champion Millburn High School Robotics Team.

Minutes

Mayor Thall Eglow asked for a motion to approve the April 2, 2019 regular meeting minutes. The motion was made by Mr. Levy and seconded by Ms. Burstein.

Roll Call Vote: All Ayes

Reports

Mayor Thall Eglow read and provided the following statement:

“As TC members one of the special privileges we have is the issuing of Proclamations.

We present these to groups or to residents who have shown commitments to worthy causes, groups and those who have excelled in various areas.

Tonight’s recipients are a group of Millburn High School Students, who are the World Champions in Vex Robotics. Literally the World! Please come up.

Friday was Hartshorn School Officer Appreciation day; Principle Frattini started this initiative. The helicopter landed perfectly. The students read statements and handed out plaques and letters of appreciation to our town’s police officers, Representatives of the Essex County Sherriff’s office and others instrumental to our town’s public safety.

On Saturday the MHS class of 1967 dedicated a custom made bench to the High School. It’s installed as you walk from the parking lot directly into the building. It says, “The answer my friend is blowing in the wind”. There was a story/ myth, that Bob Dylan’s cousin, who lived in Millburn in the 60’s, actually wrote this song, sold it to Bob, and swore to secrecy and promised to never take credit. The story was actually picked up by Newsweek.

Deputy Mayor Jackie Leiberberg, and I are developing a relationship with the new executive director of the Paper Mill Playhouse. They are, as we are, interested in the Paper Mill expanding their reach to many

Millburn Township Committee Meeting Minutes

residents who may not be familiar with their programs outside of the shows. We brainstormed some exciting ideas for out reach and publicity.

The Environmental Commission met and they have scheduled 4 merchant round tables to continue the conversation about banning these three plastic categories. (Single use plastics bags, plastic straws and Styrofoam type containers).

I met with the owner of the Shop Rites that our residents frequent, Millburn, Springfield and Livingston. He and his executive assistant look forward to attending participating. He agrees with the over use of plastics and their detrimental effects on the environment. As with every thing else, its complicated, but he wants to work with us and the other towns.

The EC has planted native wild flowers at the corner of Lackawanna and Glenn, by the 1st aid squad. Not only does help to beautify that corner, replacing the old bushes that were in very poor condition, these flowers will also serve as a water catch and retention basin. Thanks to Elizabeth Vollavanh EC Chair who has been envisioning this for many years. Thanks to DPW and Tom Doty for their help.

The Joint 911 dispatch met and all is well. They are fully staffed and are training new hires. There is now an assistant director who is available to attend town meetings to go over when a emergency is an emergency and when to consider other times that do not require calling 911.

Town Hall is working on updating the lighting ordinances to bring them up to date with modern times to acknowledge LED lighting.

We are looking for ways to streamline the process for applicants who appear before the boards for variances and permits. The process can be expensive, time consuming and a worst of all a deterrent to getting new business into town.

Before the meeting I stopped by the Library for the Art Appreciation Committee's Gala that highlights the High School AP Art students. please stop by before May 28th.

Laraine Brennan and her entire Committee have curated an amazing collection

Concerning the discussions that have come before this board regarding ineligible students in our school system....The TC has received a request from several residents to consider an ordinance pertaining to the an eligible students in our school system. At this time that does not appear to be a need or commitment to move forward with such a policy, if anything should change the committee will have the option to revisit this discussion. However will not spend further time on the matter now.

PACTS met and our traffic consultant has presented the data pertaining to the south east and west corners at Millburn and Main. These corners continue to be our focus to improve circulation while maintaining pedestrian safety. The traffic light pole in the large bump out has been Hit 5x. It shows damage and leans. Bringing back the dedicated right turn lane in front of the lighting store will also allow for less congestion and back up along Millburn Avenue."

Ms. Burstein reported that she attended a Library Board meeting on Tuesday night. She said the book sale will be held the week of June 10th. She said there will be a "little library" rack at the pool. She said this summer will be the "Summer of Science" with various correlating activities.

Ms. Lieberberg gave an update on the State's marijuana legislation by reviewing various proposed bills. She said that the vote for recreational marijuana will be on the ballot as a referendum for 2019. She said she is discussing with Millburn's Township Committee members about having a referendum regarding marijuana in Millburn's 2019 ballot. She said mill wheel designs are due on May 24th and so far 5 applications have been submitted. She said the Farmers' Market will open on June 4th at the same location and will be open from 1-6 PM.

Ms. Prupis said the PTOC committee met and said Millburn has achieved gold status on safe routes to school. She said they are all excited about the possibility of a pedestrian safety advisory board being formed.

May 21, 2019

Millburn Township Committee Meeting Minutes

Mr. McDonald encourage people to attend the Memorial Day parade at 10AM on Saturday, May 25th.

Mayor Thall Eglow asked if her fellow Committee members wanted to start up another subcommittee regarding the referendum about marijuana legalization. The Committee engaged in a discussion as to whether or not they wish to have the subcommittee. It was decided it is not necessary and discussed the utility of putting the question on the 2019 local ballot, since there would not be a cost. Mr. Falcon was instructed to put together some referendum language for consideration by the Committee.

George Serio, Essex County representative, spoke about various activities and events being sponsored by the County.

Public Comment

Mayor Thall Eglow opened the floor to public comment.

Janet Pizar, of 186 Main Street, asked why not put to a referendum to see if the taxpayers want to fund deconstruction for traffic expedience whereby they funded for pedestrian safety. Mayor Thall Eglow stated that information will be provided by our traffic engineer and there will be public outreach sessions. Ms. Pizar asked why the Mayor was in support of a referendum to remove flex parking, but not this. Mayor Thall Eglow said there was not a referendum on the original construction and this is how we will be moving forward with it.

Mayor Thall Eglow asked if anyone else had a public comment. Seeing none, she moved forward with the meeting.

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

**RESOLUTION 19-130
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 21, 2019, in the following accounts:

| | |
|----------------------------------|---------------|
| General | \$ 315,988.63 |
| Capital Fund | 14,299.50 |
| Parking Utility – Capital Fund | 108,736.91 |
| Parking Utility - Operating Fund | 6,116.20 |
| Dog Fund Trust | 90.00 |
| Donation Trust Fund | 1,500.00 |
| Escrow Trust Fund | 5,096.23 |
| Police Off Duty Trust | 49,937.00 |
| SUI Trust Fund | 684.86 |
| Waste Recycling Trust | 13,881.92 |

**RESOLUTION 19-131
ADOPT A HEALTH SAVING ACCOUNT PLAN AND A TRANSPORTATION FRINGE BENEFIT FUND AS PART
OF THE TOWNSHIPS SECTION 125 PLAN**

WHEREAS, the Township of Millburn desires to adopt the above-named plan, which shall be included under the Township’s Section 125 plan as outlined by the Internal Revenue service to allow for the pre-tax deductions of certain items covered under Section 125 of the Internal Revenue Code;

Millburn Township Committee Meeting Minutes

NOW THEREFORE BE IT RESOLVED, that the Health Savings Account and Transportation Fringe Benefit Fund is hereby added to the Township’s Section 125 cafeteria plan of May 21, 2019;

BE IT FURTHER RESOLVED, that the proper Township Officials authorized by the Township of Millburn are hereby authorized and directed to take such action and to execute such documents as may be deemed necessary to effectuate the above resolution and to direct counsel to take such action as may be necessary to satisfy any applicable required of law.

RESOLUTION 19-132
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT WITH SUBURBAN CONSULTANT ENGINEERS INC. FOR THE PERFORMANCE OF ENGINEERING CONSULTING SERVICES

WHEREAS, a Township is authorized to enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the Township; and

WHEREAS, there exists a need for the retention of an Engineering Consultant for the Channel Reconstruction at Short Hills Garden Apartments Site in Millburn Township and the township has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, at the recommendation of the Township Engineer the Township Committee has selected an engineer through a competitive fair and open process and has determined that Suburban Consultant Engineers Inc. shall serve the township as the Township Engineer Consultant for the Channel Reconstruction at Short Hills Garden Apartments Site in Millburn Township;

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute a professional services agreement, in a form subject to the approval of the Township Attorney, between Suburban Consultant Engineers Inc., 365 Passaic Street, Suite 96 U.S. Highway 206, Flanders, New Jersey 07836 to provide professional engineering consulting services to Millburn Township through December 31, 2019 as per the proposal dated April 10, 2019.
2. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law within ten days of its passage.

RESOLUTION 19-133
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENT

NOW, THEREFORE BE IS RESOLVED that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 82 Maple Street, Block: 202, Lot: 14, as per the recommendation of the Superintendent of Public Works.

RESOLUTION 19-134
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:

- EVOO and Lemon
- Fiamma Pizza
- La Pergola
- Mia Famiglia

Millburn Township Committee Meeting Minutes

Peter's
Cara Mia
Pizzeta

**RESOLUTION 19-135
PERMITTING SIDEWALK SALES DURING THE MONTH OF JUNE 2019**

WHEREAS, the Millburn Township Code Section 15-8.1 prohibits obstruction of sidewalks with merchandise, etc.; and

WHEREAS, the Township of Millburn supports local businesses in their request to hold sidewalk sales in order to sell merchandise; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that Millburn Township businesses are permitted to hold sidewalk sales in front of their businesses in the Township of Millburn on Fridays, Saturdays and Sundays during their regular business hours during the month June 2019.

Ordinance/Second Reading and Consideration of Adoption

Ordinance 2531-19

Ms. Burstein brought forth and reviewed Ordinance 2531-19 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. Ms. Burstein made a motion to approve and adopt the ordinance on final reading, which was seconded by Mr. Levy.

Roll Call Vote: All Ayes

**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 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

Millburn Township Committee Meeting Minutes

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.

Ordinance/Introduction

Ordinance 2532-19

Ms. Prupis brought forth Ordinance 2532-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, noting that the public hearing would take place on June 18, 2019. Ms. Burstein and Mr. Levy commented on some of the language in the ordinance and discussed the changes with Mr. Falcon. The Committee members agreed to the language revisions. Ms. Prupis moved the ordinance as amended and confirmed that the public hearing would be held on June 18, 2019. Mr. Levy seconded the motion.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2532-19
 AN ORDINANCE AMENDING CHAPTER II, ARTICLE V OF THE
 REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN, TO CREATE A
 “PEDESTRIAN SAFETY ADVISORY BOARD”**

STATEMENT OF PURPOSE: *This Ordinance is designed to create a nine (9) Member Pedestrian Safety Advisory Board to advise Township Committee on issues affecting pedestrian safety consistent with the Traffic Issues Management Policy (attached), adopted by Resolution 19-079 and as amended from time to time. The Township Committee representative and the Township Resident Members of the Board will serve on a voluntary basis for the terms of three years.*

The Board, which shall meet at least quarterly, will investigate and analyze pedestrian safety issues and present recommendations regarding new initiatives and policies.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, in the County of Essex and State of New Jersey, that Chapter II, Article V of the Revised General Ordinances of the Township of Millburn, is amended by the addition of a new Section 2-38 as follows:

2.38 PEDESTRIAN SAFETY ADVISORY BOARD

2-38.1 Purpose

There is hereby established a Pedestrian Safety Advisory Board to serve as a volunteer advisory committee to the Township Committee concerning issues affecting pedestrian safety and acting in a

manner consistent with the Traffic Issues Management Policy adopted by Resolution 19-079 and as amended from time to time.

2-38.2 Membership

The Board shall be comprised of the following nine (9) Members. Members 7 through 9 shall be bona fide residents of the Township of Millburn.

1. A representative of the Township Committee
2. The Superintendent of the Millburn Township Public Schools or Designee
3. Parent Teacher Organization Council (PTOC) Safety Committee Member
4. The Township Engineer or Designee
5. Police Chief or Designee
6. Business Administrator or Designee
7. Township Resident applying through Volunteer Interest Form
8. Township Resident applying through Volunteer Interest Form
9. Township Resident applying through Volunteer Interest Form

2-38.3 Term

1. The Township Members of the Board, including the representative of the Township Committee and the Township Residents shall be appointed by the Township Committee and shall serve for a term of three years, or until a successor is appointed. Any vacancy shall be filled for the remainder of the unexpired term only. All Members of every category first appointed, shall hold office until December 31, 2019. The balance of the Members shall serve on the Board by virtue of holding office or employment in the categories designated. After 2019, they shall continue on the Board for as long as they hold the office or employment designated or until a successor holds the office or employment designated.
2. Township Resident Members shall hold office for alternatively arranged staggered terms of one, two and three years commencing at the first annual Reorganization Meeting of the Township Committee following the adoption of this Ordinance as follows:
 - One of the Township Residents applying through Volunteer Interest Form shall serve an initial 3-year term
 - One of the Township Residents applying through Volunteer Interest Form shall serve an initial 2-year term
 - One of the Township Residents applying through Volunteer Interest Form shall serve an initial 1-year term

2-38.4 Organizational Structure

1. The Board may adopt bylaws to govern its general operation provided that the bylaws and any revisions are approved in advance by resolution of the Township Committee.
2. The Board shall meet not less than quarterly or as otherwise more frequently determined by the Board.
3. Meetings shall be open public meetings administered in accordance with the requirements of the Open Public Meetings Act.
4. Minutes of each meeting of the Board shall be taken to serve as a public record.

2-38.5 Consultant and Staff Assistance

The Board shall have no budget, but shall, following authorization by the Township Committee, be assisted and advised from time to time, by the Township Planner, the Township Engineering Consultant and other pertinent consultants, as well as the Fire Chief or Designee, and other Staff Members or employees of the Township. The activities to be performed by Consultants,

Staff and/or employees shall include, grant writing services, transportation analyses, data requests and related services.

2-38.6 Functions

The functions of the Board shall be as follows:

1. Investigation and analysis of issues affecting pedestrian safety within Millburn Township.
2. Recommendations to Township Committee regarding initiatives and policies designed to enhance pedestrian safety within Millburn Township, which recommendations shall be made consistent with the procedure set forth in the Traffic Issues Management Policy adopted by Resolution 19-079 and as amended from time to time.
3. Annual report to the Township Committee of the Board's activities and recommendations.

BE IT FURTHER ORDAINED, that the remainder of Chapter II, Article V shall remain unchanged.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with law.

Old Business

No one presented old business.

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 Ms. Prupis. The meeting was adjourned at 8:25 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: July 16, 2019