

**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 Burstein 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 October 3, 2017.

Mayor Burstein 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, Dianne T. Eglow, Samuel D. Levy, Jodi L. Rosenberg and Robert J. Tillotson.

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 Burstein asked for a motion to approve the agenda, which was offered by Mr. Tillotson and seconded by Ms. Rosenberg.

Roll Call Vote: All Ayes

**Proclamations**

Proclamations were presented in recognition of Domestic Violence Awareness and Knock Out Opiod Abuse Day.

**Special Report**

Mr. McDonald made a presentation regarding the 2017 Best Practices Inventory. Mayor Burstein brought forth Resolution 17-214. Ms. Rosenberg made a motion to approve, which was seconded by Ms. Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 17-214  
CONFIRM TOWNSHIP COMMITTEE ACKNOWLEDGEMENT  
OF 2017 BEST PRACTICES INVENTORY**

**BE IT RESOLVED**, by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey that the 2017 Best Practices Inventory was listed on the agenda for discussion and that the Municipal Clerk may certify that the Inventory and the results were discussed publically at a Millburn Township Committee meeting held on October 3, 2017.

**Reports**

Ms. Eglow spoke about the Joint Meeting, explaining that it is the organization that runs the sewage system for 11 towns, including Millburn. She noted that she is the liaison for Millburn and the Joint Meeting's Executive Director, Samuel McGee, shared with her a thank you note from Millburn High School teacher Michelle Rosenthal, who had taken her students on a field trip to the Joint Meeting last year. Ms. Rosenthal noted that one of the free response questions on last year's College Board included a description of secondary or tertiary wastewater treatment and the students all did well with the question. She noted that that Ms. Rosenthal has arranged for another field trip this year.

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Mayor Burstein announced that she had a meeting with the South Mountain and Washington Ad Hoc Traffic Committee. She pointed out that they are looking at and considering concerns and remedies and will continue to meet.

Mayor Burstein stated that the Education Foundation’s Rocktoberfest on October 1<sup>st</sup> was a success and they did a great job organizing the event.

Ms. Eglow reviewed her concerns with the Ridgewood intersection and issues with dangerous traffic. She suggested a Police Department presence at the intersection and suggested that then ad hoc committee to look at the corner.

**Public Discussion**

Mayor Burstein asked if there were any comments or questions regarding items on the Consent Agenda. Ms. Eglow questioned Resolution 17-216. She asked if the paving will be done at night and suggested making the exit at Charlie Brown’s one way. She thinks a one-way exit would be safer and people can then use Town Hall Plaza. Mr. McDonald advised there has not been a pre-construction meeting yet and it could be discussed there. The Committee discussed various possibilities and Mr. McDonald said he would gather information and get it to the Committee for consideration.

**Consent Agenda**

Mayor Burstein asked for a motion to approve the items on the consent agenda. Mr. Levy made a motion to approve the consent agenda as amended, which was seconded by Ms. Rosenberg.

Roll Call Vote: All Ayes

**RESOLUTION 17-215**

**RESOLUTION TO APPROVE BILLS PAYABLE**

**RESOLVED** that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated October 3, 2017, in the following accounts:

General	\$ 386,587.25
Capital Fund	319,281.08
Parking Utility – Capital Fund	3,116.00
Parking Utility Operating Fund	2,895.99
Donation Trust Fund	4,915.08
Escrow Trust Fund	5,289.00
Police Off Duty Trust Fund	56,486.00
Waste Recycling Trust Fund	557.94

**RESOLUTION 17-216**

**AWARD CONTRACT FOR RESURFACING OF MUNICIPAL LOT #5**

**WHEREAS**, on September 21, 2017, the Township Clerk received seven (7) bid proposals for the Gero Park Tennis Court Resurfacing Project, the three lowest bidders were as follows:

American Asphalt & Milling Services, LLC  
96 Midland Avenue  
Kearny, NJ 07032  
Bid: \$66,131.50

Abraham Construction  
39 Condit Terrace  
West Orange, NJ 07052  
Bid: \$70,817.60

PMC Paving Contracting  
150 River Road, Suite H4  
Montville, NJ 07041  
Bid: \$86,361.70

**WHEREAS**, the lowest bidder American Asphalt & Milling Services, LLC complied with the specifications and the Township Engineer has recommended that contract be awarded;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn that the proper Township Officials are authorized and directed to execute a contract with American Asphalt & Milling Services, LLC, on a form approved by the Township Attorney, and pursuant to the proposal, the total amount of the project set forth in the contract shall be in the amount of \$66,131.50.

**RESOLUTION 17-217**

**RESOLUTION TO APPOINT TEMPORARY FIRE SUBCODE OFFICIAL**

**WHEREAS**, it is deemed necessary to have a New Jersey Department of Community Affairs Licensed Fire Sub Code Official and/or Inspector employed at all times to provide plan review and inspection services for the Township in order to be in compliance with the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et. Seq.; and

**WHEREAS**, the existing Township of Millburn/Short Hills Fire Subcode Official, Stephen D. Jones, CBO will be retiring effective October 31, 2017; and

**WHEREAS**, Stephen D. Jones, CBO will voluntarily resign from the position of Fire Subcode Official for the Township effective Monday, October 2, 2017 so that a natural transition to a new Subcode Official can take place before his retirement; and

**WHEREAS**, the Township has a need to perform the required plan review and inspections duties in a timely manner so as not to interfere with the construction services provided to residents and businesses of this community; and

**WHEREAS**, although construction activity within the Township remains strong, the Township is not currently in need of a full-time Fire Subcode Official; and

**WHEREAS**, Anthony Alfano, currently the Fire Subcode Official/Inspector for the Township of Springfield possesses the necessary Fire Protection Subcode Official's license issued by the New Jersey Department of Community Affairs to perform the required duties of the position; and

**WHEREAS**, Anthony Alfano has expressed an interest in performing the necessary plan review and fire inspections for the Township on a part-time basis while more permanent negotiations continue for the adoption of a shared-services agreement between the two communities; and

**WHEREAS**, a municipality shall appoint an acting Subcode Official any time the absence of such official would impede the orderly administration of the Uniform Construction Code and other duties mandated by the municipality; and

**WHEREAS**, acting appointments shall be accomplished by any mechanism acceptable to the municipality; providing, however, that a written record shall be kept.

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, that Anthony Alfano (DCA License #3482) is hereby granted a TEMPORARY APPOINTMENT for sixty(60) days as the ACTING FIRE SUBCODEIFIRE INSPECTOR for the Township of Millburn until such a time that a shared services agreement is executed by and between the Township of Millburn and the Township of

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Springfield. In the absence of a formally executed agreement before the expiration of the temporary appointment, suitable arrangements shall be made to finalize a permanent appointment per the relevant sections of the New Jersey Administrative Code.

**BE IT FURTHER RESOLVED**, that the need to provide adequate staffing, permitting, plan review and inspection services as required by the New Jersey Uniform Construction Code is a necessary service provided to its residents and businesses;

**BE IT FINALLY RESOLVED** that the Township of Millburn hereby appoints Anthony Alfano as the Temporary, Acting Fire Subcode for a period of sixty (60) days, effective October 2, 2017 or until such time as a suitable, qualified Fire Subcode Official can be hired by the Township or an approved shared service agreement can be reached.

**RESOLUTION 17-218  
CONFIRM APPOINTMENTS TO THE  
ESSEX COUNTY SOLID WASTE ADVISORY COUNCIL**

**BE IT RESOLVED** by the Township Committee confirms that Jesse Moehlman be appointed as the Millburn Township Representative to the Essex County Solid Waste Advisory Council and John Bace as the Alternate with their two-year terms ending on December 31, 2018.

**RESOLUTION 17-219  
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:

Casita

**Resolution**

**17-220 - Resolution Against Efforts to Delegitimize the State of Israel and the Global Movement to Boycott, Divest from and Sanction the People of Israel**

Mr. Levy spoke about his previous comments and objections to the proposed resolution. He reviewed the process of the Governing Body and noted it only passes and legislates what it can have power or authority over. He pointed out that the Governing Body is not charged with passing symbolic resolutions. Mr. Falcon said he concluded that there is no legal impediment in doing so and it would just be a sentiment of the Governing Body. Mr. Levy suggested doing a proclamation and noted that it does not seem there is a limit as to what the Committee can resolve. Mayor Burstein said she does not object to Mr. Levy's disagreement, but thinks they should take counsels advice that they may consider this matter. Mr. Levy reiterated that he believes it is a slippery slope to engage in these types of resolutions. Ms. Rosenberg said she respectfully disagrees and believes it is an important declaration and is not harmful. Ms. Eglow said she agrees with Ms. Rosenberg and does not see a downside and feels it is incredibly important. Mr. Tillotson said he agrees with Mr. Levy, noting historically the Committee stayed out of these matters because it is a slippery slope. He said proclamations advance causes and he has some concerns with this. Mayor Burstein said that she finds the movement important. Mayor

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Burstein called for a motion on Resolution 17-220, which was made by Ms. Eglow and seconded by Ms. Rosenberg.

Roll Call Vote: Aye: Eglow, Rosenberg, Burstein  
Nay: Levy  
Abstain: Tillotson

RESOLUTION 17-220

RESOLUTION AGAINST EFFORTS TO DELEGITIMIZE THE STATE OF ISRAEL AND THE GLOBAL MOVEMENT TO BOYCOTT, DIVEST FROM, AND SANCTION THE PEOPLE OF ISRAEL

WHEREAS, the Global Boycott, Divestment and Sanctions Movement (BDS Movement) is a campaign seeking to exclude the Israeli people from the economic, cultural, and academic life of humanity; and

WHEREAS, this movement targets not just the Israeli government but Israeli academic, cultural, and civil society institutions, as well as individual Israeli citizens of all political persuasions, and in some cases even Jews of other nationalities who support Israel; and

WHEREAS, the Global BDS Movement targets Israel and only Israel; and

WHEREAS, Israel is a democracy with well established rights for religious minorities, women and all it citizens; and

WHEREAS, the Global BDS Movement does not recognize the right of the Jewish people to national self-determination; and

WHEREAS, Israel is an ally of the United States and has a long-standing relationship with the United States and the State of New Jersey and its surrounding regions; and

WHEREAS, our local region has the largest population of Jewish residents in the nation and is home to the largest Jewish community outside of Israel; and

WHEREAS, New Jersey law prohibits investment of New Jersey public employee retirement funds in any company that boycotts, divests from or sanctions Israel or Israeli businesses, or boycotts those doing business with Israel, or boycotts companies operating in Israel or Israel-controlled territory;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Millburn, supports the above-referenced law enacted by the State of New Jersey and supports all efforts to combat the movement to delegitimize the State of Israel and the global movement to boycott, divest from, and sanction its government and people.

Ordinance /Second Reading and Consideration of Adoption

Ordinance 2488-17

Mayor Burstein brought forth and reviewed Ordinance 2488-17 for consideration of adoption. Mayor Burstein declared the public hearing open. Seeing there no public comment, Mayor Burstein declared the public hearing closed and made a motion to approve and adopt Ordinance 2488-17 on final reading; the motion was seconded by Ms. Rosenberg.

Roll Call Vote: All Ayes

ORDINANCE NO. 2488-17

ORDINANCE AMENDING CHAPTER VII "TRAFFIC"  
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN

STATEMENT OF PURPOSE: The proposed amendment to the Traffic Ordinance is intended to authorize the installation of a Stop Sign at the intersection of Meeker Place and Willow Street.

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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. Article VII entitled "Traffic" of the Revised General Ordinances of the Township of Millburn is hereby amended as follows:

Section 7-20 – "Stop Intersections" is amended and supplemented to include the following intersection:

<i>Intersection</i>	<i>STOP Sign on:</i>
Meeker Place and Willow Street	Meeker Place facing westbound traffic*

\*STOP SIGN, Type R1-1 (30"), shall be installed on Meeker Place facing westbound traffic, approaching Willow Street.

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 2490-17

Ms. Eglow brought forth Ordinance 2490-17 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Rosenberg. It was announced that the public hearing for the ordinance is scheduled for November 13, 2017.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2490-17**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC" SECTION 7-45 "PARKING PROHIBITED IN FIRE LANES" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN**

**STATEMENT OF PURPOSE:** Ordinance revision to add a new fire lane at 350 Millburn Avenue and to amend and increase the restrictions currently pertaining to fire lanes at 52 Great Hills Drive.

**WHEREAS,** the Fire Marshall of the Millburn Township Fire Department has recommended the adoption of amendments to Section 7-45 pertaining to the prohibition of parking in designated fire lanes within the Township and specifically, with respect to parking adjacent to the Millburn Cinema and the Far Brook School; and

**WHEREAS,** the Township Committee has considered the recommendations and desires to implement the same.

**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. Section 7-45 entitled "Parking Prohibited in Fire Lanes" is amended to revise the existing subsection v. as follows:

- v. 52 Great Hills Drive, Short Hills, shown as Block 4101, Lot 33 on the Millburn Township Tax Map.
  - 1. No parking within eighteen (18') feet of any building except in the area approved for parking.
  - 2. No parking in the circular driveway except for the dropping off and/or picking up of children.

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- 3. No parking along the length of the curb line from the circular driveway to the entrance at Great Hills Drive except in the areas approved for parking.
- 4. No parking in the exit driveway for thirty seven (37') from Great Hills Drive to the parking lot.

**Section 2.** Section 7-45 entitled "Parking Prohibited in Fire Lanes" is amended to add a new subsection rr. as follows:

rr. 350 Millburn Avenue, Millburn, New Jersey, shown as Block 801, Lot 2, on the Township of Millburn Tax Map.

- 1. No parking for thirty seven (37') feet in the front of the building between the previously approved parking spaces.

**Section 3.** The provisions of this ordinance are severable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

**Section 4.** This ordinance shall take effect after final passage and publication as required by law.

**Old Business**

**Complete Streets Ad Hoc Charter**

Mayor Burstein reviewed the issues raised and duties of the Complete Streets Ad Hoc Committee. She reviewed the draft resolution outlining their responsibilities and spoke about how the proposed members were selected. Ms. Eglow thanked Ms. Cho for bringing this to the attention of the Township Committee. She suggested that the Ad Hoc Committee include two Township Committee members. She commented that she is glad this is being formalized and sees it as a positive step. Mr. Levy recommended that Part 5 of the draft resolution be more detailed. He addressed Part 6 that speaks of minutes, stating that they should be detailed and suggested they be transcribed. Mr. Tillotson pointed out that he thinks 13 people on a committee is bulky. Mayor Burstein said she would like the ad hoc to look at the flexible parking and other issues raised and report their recommendations back to the Township Committee.

**Regulations for Chickens on Residential Properties**

Ms. Rosenberg reported on the status of formulating a residential chicken ordinance. She pointed out that before drafting the ordinance, we need to come to a decision on the number of chickens, minimum property size, distance from neighbors and other specifics. Ms. Eglow commented that there should be a fair and balanced approach to regulating chickens on residential properties.

Mr. Tillotson stated that he thinks the most important thing to consider is the distance from neighbors because they are not indoor pets. He pointed out that the Board of Health should be consulted and the township should highlight the cost of regulating and enforcing the proposed ordinance.

Mr. Levy added that we need to know the impact on enforcement and hear from experts on the extent that chickens attract predators. He stated that he would like an opinion from animal control regarding the predators. He indicated that at this time he does not have an opinion and would have to be persuaded about the ordinance.

The Committee engaged in discussion about different options on regulations. Mr. Falcon said he would circulate a draft ordinance to the Health Officer as well and ask for his input. All members agreed that the draft ordinance should include a minimum property lot size and a maximum number of chickens.

**New Business**

Ms. Eglow commented that Rocktoberfest was a great event. She pointed out that currently dogs are not allowed in Taylor Park but there is no enforcement. She stated that we may want to revisit the issue with consideration of a strict leash and poop pick up law. She asked Mr. Tillotson, liaison to the

Recreation Commission, to present the idea to the Recreation Commission and get their thoughts. She noted it may help to keep the geese out of the parks as an added benefit. Ms. Burstein said they will have to look into why the restriction was enacted in the first place.

### Public Discussion

Mayor Burstein opened the floor to public comment.

Sunali Ganti, resident of Canoe Brook Road, asked if there was any updated information on the dog shelter. Mr. McDonald advised that a surveyor looked at the property and Mr. Falcon stated that they are awaiting descriptions from him. Mayor Burstein noted that they will be naming the road at the next meeting. She asked if there has been any consideration about removing the pavement from that property because of concerns with flooding on JFK Parkway. Ms. Ganti stated that people will remove the chain across the vacant land area and avoid the flooding by re-routing through the Poet's section.

Elizabeth Stevens, resident of 23 Harvey Drive, asked if they would rip out the pavement at least on the portion of the property that the township owns. She stated that she supports allowing chickens on residential properties, but suggested that each Township Committee try owning one for six months to see what they think. She pointed out that they do smell.

Richard Wasserman, resident of 24 Inverness Court, noted his concerns for the merchants in town. He expressed his concerns with the flexible parking. He stated that he feels it should be addressed on an urgent basis because it is dangerous. He indicated that he does not see any advertising for the downtown businesses and does not see what the DMDA is doing to promote the downtown. He thinks the money the town gives to them could be better spent. Ms. Rosenberg suggested having someone from the DMDA come to a future meeting to address this point.

Jamie Serruto, resident of 77 Jefferson Avenue, discussed a program he is working on with the DMDA to bring business to the downtown. He spoke about a discount card program they are working to execute. He stated that the striping on the flexible parking is horrendous and needs to be cleaned. He indicated that the new garbage pails look great. He asked about a change to the parking lot behind Dunkin Donuts and he was advised that the area is being designated as a loading area for businesses. He addressed issues with the light and traffic flow at Short Hills Avenue in the morning.

Jean Gerardo, resident of 10 Canterbury Lane, spoke about exiting the parking lot on Essex Street and noted the two parking spaces on Essex make it difficult to see. She described a bad experience she recently had when calling the regional 9-1-1 system. She stated that it worked much better when it was based in town and she said she will never use it again; she will call the police directly. She stated that she is not for chickens.

Stephanie Bonder was present representing Hadassah. She thanked the Township Committee for passing the BDS resolution. She said it is not a symbolic gesture, but a stand against hate.

David Gleckman, representing the Simon Wiesenthal Center, thanked the Township Committee for supporting the anti-BDS movement.

Debbie Fox, resident of 78 Mountainview Road, thinks the biggest problem regarding safety in town is jaywalking and Police Department enforcement is needed. She spoke about problems with traffic in the Washington School area and said she is glad to see more crossing guards in the area.

Jackie Benjamin Lieberberg, resident of 36 Kilmer Drive, asked if we know how many residents in town own chickens. She was advised that the number is unknown, but the best guess is 20 households.

Sarit Katz, resident of Fairfield Drive, asked about the cost of the construction to the sidewalks along Millburn Avenue near Wells Fargo. Mr. McDonald stated the remaining amount on the contract is \$800,000, but that is not the cost of the work. He pointed out that at this point he does not know the exact cost. Mr. McDonald and Ms. Eglow discussed the construction costs in previous construction. Ms. Katz asked if there is anything on the table for Phase 2 or 2A. She was advised that there is no schedule. It was announced that there are original drawing and sketches but nothing new has been done. It was



confirmed that nothing has been authorized regarding Phase 2. She also spoke about allowing public discussion prior to votes so the public can express their opinion. She reviewed her thoughts regarding the anti BDS resolution and said she did not think it is symbolic.

Cary Heller, resident of 56 Byron Road, asked why the lake is so scummy. Mr. McDonald said the Recreation Department is looking into treating it. Mr. Heller made comments regarding the makeup of the Complete Streets Ad Hoc Committee. He also questioned the budget for the Complete Streets project and wanted to know if Arterial was still under contract for the project. Mayor Burstein said their contract has not been voided, but currently they are not working on anything. He recommended that before we spend more money he thinks the budget for the project should be reviewed. Mr. Heller spoke about a drop off plan at the train station.

Debbie Frank, resident of 232 Sagamore Road, came forward and said she likes Complete Streets. She stated that she thinks it is a good thing to control and slow traffic. She pointed out that she is happy with the one lane, the pace of traffic and how it looks. She added that she is not too sure about the flexible parking. She said the worst thing would be to drag this out and have the process start and stop. She indicated that it will take them longer to come back again after their patterns have changed. She said she is OK with residential chickens. She noted that she agreed with Mr. Levy's reasoning regarding the anti BDS resolution.

Phil Kirsch, resident of 93 Cedar Street, said he would never be against the Township Committee supporting a resolution on state or federal issues. He reviewed his support for the State of Israel but does not support the shutdown of dialogue.

Cassandra Fishkin, owner of Casita on Millburn Avenue, said that in a conversation with an employee of the DMDA it was told to her that their job is not to represent the merchants. She said she had an extensive conversation with this person and still does not understand their purpose. She stated that she feels constantly shut down by the DMDA. She pointed out that people are not coming back to town to use the businesses because their routines have changed. She stated that the way things currently are is the problem. She said convenience is being left out of the equation.

Carrie Straussberg came forward and thanked the Township Committee for their support of the Rocktoberfest event in Taylor Park.

Janet Pizar, resident of Main Street in Millburn, commented about the parking on Millburn Avenue and spoke about the original plan with the reverse diagonal parking. She asked that nothing hasty be done until it is evaluated over time.

Not seeing additional comments, the public discussion was closed.

### **Adjournment**

Mayor Burstein asked if anyone has any remaining comments or questions. Receiving none, she called for a motion to adjourn the meeting which was offered by Mr. Tillotson and seconded by Ms. Eglow. Vote: All Ayes. The meeting was adjourned at 9:40 PM.

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Christine A. Gatti, RMC  
Township Clerk

Approved: December 19, 2017