

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 Bourke opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, be 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 February 2, 2016.

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

Upon roll call, the following Committee members were recorded present: W. Theodore Bourke, Cheryl Burstein, Ian Mount, Jodi L. Rosenberg, and Robert J. Tillotson.

Also present were Business Administrator Timothy Gordon, Township Attorney Christopher Falcon, Assistant Administrator Alexander McDonald and Township Clerk Christine Gatti.

Approval of Agenda

Mayor Bourke asked for a motion to approve the agenda, which was offered by Ms. Burstein and seconded by Mr. Mount.

Vote: All Ayes

Minutes

Mayor Bourke brought forth the minutes of October 20, 2015 for approval. Mr. Tillotson made a motion to approve, which was seconded by Ms. Bourke. Mr. Mount and Ms. Rosenberg abstained.

Vote: All Ayes (Noting the abstention of Mr. Mount and Ms. Rosenberg)

Mayor Bourke brought forth the minutes of November 10, 2015 for approval. Mr. Mount made a motion to approve, which was seconded by Mr. Bourke. Ms. Rosenberg abstained.

Vote: All Ayes (Noting the abstention of Ms. Rosenberg)

Reports

Ms. Rosenberg stated that she is scheduled to address the Old Guard on Thursday. She reported that there will be a new snack bar concession at the pool.

Mr. Tillotson gave an update on the Rahway River Coalition.

Mr. Mount discussed programs at the Arboretum and an upcoming fundraiser.

Ms. Burstein announced that the Library is conducting a survey online and asked the public to participate.

Mr. Falcon announced that he assembled a small panel to discuss COAH regulations on February 10th at 7:30 PM. He said the purpose is to review requirements on housing and the current laws and encouraged the public to attend.

Mayor Bourke thanked the Police, Fire and Public Works Departments for their tireless efforts during the storm. He noted that they removed over 25" of snow in 24 hours. He encouraged residents to attend the COAH discussion hosted by Mr. Falcon. Mayor Bourke announced that the final AAA report is on the website and the consultant will be attending the February 16th

meeting in order to answer questions. He also announced two public forums for the proposed Complete Streets project, which are scheduled for February 11th and 16th.

Consent Agenda

Mayor Bourke asked if there were any comments or questions regarding items on the Consent Agenda.

Seeing there were no comments, Mayor Bourke asked for a motion to approve the items listed on the consent agenda. Ms. Rosenberg made a motion to approve the consent agenda resolutions, seconded by Mr. Mount.

Roll call vote: All ayes

**RESOLUTION 16-040
 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 February 2, 2016, in the following accounts:

General	\$ 755,604.90
Capital Fund	436,918.53
Parking Utility Operating Fund	5,048.52
Dog Fund Trust	4,067.21
Donation Trust Fund	190.00
Police off Duty Trust Fund	66,984.00
Waste Recycling Trust Fund	1,450.00

**RESOLUTION 16-041
 AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

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

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Kim J. Kirk 64 Browning Rd Short Hills, NJ 07078 Block 5102 Lot 1 64 Browning Rd	Tax Appeal 2014 Added taxes (\$465.70) 2015 Added taxes (\$486.26)	\$951.96
Wei Lin & Yanming Wu 25 Mt. Ararat Rd Short Hills, NJ 07078 Block 1904 Lot 9 25 Mt. Ararat Rd	Tax Appeal 2015 Added taxes	\$85.78
Leichter, Andrew S. & Orzech, Susan c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 4502 Lot 25 79 Lawrence Drive	Tax Appeal 2014 Taxes	\$1,955.52
Richard & Breyana Rosenblatt c/o McKirdy & Riskin P.A. 136 South St Box 2379	Tax Appeal 2014 taxes (\$3,096.58)	\$6,329.86

Millburn Township Committee Meeting Minutes

Morristown, NJ 07962-2379
Block 4902 Lot 8
12 Farmstead Rd

2015 taxes
(\$3,233.28

J.Gary & Wendy L. Balter
c/o Zipp, Tannenbaum & Caccavelli LLC
280 Raritan Center Pkwy
Edison, NJ 08837
Block 2401 Lot 2
15 Kenilworth

Tax Appeal
2014 taxes

\$2,016.00

CitiMortgage, Inc.
PO Box 23689
Rochester, NY 14692
Block 2501 Lot 12
30 East Hartshorn Drive

Tax Refund
2015 Taxes
Overcollection
(overpayment)

\$153.17

**RESOLUTION 16-042
AWARD CONTRACT FOR MUNICIPAL POOL CONCESSION**

WHEREAS, on January 12, 2016, the Township Clerk received two (2) bid proposals for the Municipal Pool Food Concession, the bidders were as follows:

Park Eats, LLC
6 Danae Court
Holmdel, NJ 07733
Bid (for 2016 and 2017): \$25,333.00 (\$12,666.50 each year)

Let's Eat Concessions
34 Newark Bay Court
Bayonne, NJ 07002
Bid (for 2016 and 2017): \$25,098.00 (\$12,549.00 each year)

WHEREAS, the highest bidder Park Eats, LLC complied with the specifications and the Township Recreation Director 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 Park Eats, LLC on a form approved by the Township Attorney and pursuant to the proposal, the amount of the fees set forth in the contract shall be as follows: \$25,333.00 (\$12,666.50 each year - 2016 and 2017).

BE IT FURTHER RESOLVED that in the event that the township in its discretion chooses to extend the contract not to exceed two one year extensions any price change included as part of the extension shall be based on the bid price, adjusted on an annual basis, but not adjusted to exceed the change in the index rate for the twelve months preceding the most recent quarterly calculation available at the time the contract is renewed.

**RESOLUTION 16-043
AUTHORIZING THE ADVERTISING OF BIDS –
SHORT HILLS TRAIN STATION EXTERIOR RESTORATION**

BE IT RESOLVED by the Township Committee of the Township 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:

Short Hills Train Station Exterior Restoration

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 16-044
RESOLUTION TO APPROVE RAFFLE LICENSES**

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

WHEREAS, the Police Department has conducted an investigation of those conducting such raffles and has found nothing to prevent their issuance;

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

St. Michael's Foundation Inc.

ORDINANCE/INTRODUCTION

Ordinance 2453-15

Mayor Bourke brought forth Ordinance 2453-15 for introduction:

**ORDINANCE NO. 2453-16
ORDINANCE AMENDING CHAPTER II "ADMINISTRATION"
OF THE MILLBURN TOWNSHIP ORDINANCE CODE**

STATEMENT OF PURPOSE: *Ordinance to revise existing requirements concerning the times at which Township Committee meetings may take place.*

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 II "Administration" of the Revised General Ordinances of the Township of Millburn ("Code") is hereby amended as follows:

Section 2-1 "Membership of Township Committee; Meetings," and more particularly, Subsection 2-1.3 thereof entitled "Meetings" is revised as follows:

- a. *Annual Meeting.* The Township Committee shall hold its annual meeting in accordance with the requirements of N.J.S.A. 40A:63-3, at 12 o'clock noon on January 1, or at some other hour on any day during the first week in January.
- b. *Regular Meetings.* The Committee shall meet regularly thereafter on the first and third Tuesdays of each month at 7:30 p.m. at Town Hall, except as the Township Committee may, by resolution, change the time, date or place of such regular meeting, or dispense of the same.
- c. *Special Meetings.* A special meeting may be called upon written request by a majority of the members of the Committee or by the Mayor. The call for a special meeting shall be filed with the Township Clerk and served upon each Committee Member. The request and call for a special meeting shall specify the purpose of the meeting and no business shall be transacted at any special meeting other than that specified.
- d. *Conference Meetings.* The Committee may hold conference meetings on such

- e. *Open Public Meetings Act.* All meetings of the Township Committee shall be conducted in accordance with the requirements of the Open Public Meetings Law.

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.

Ms. Burstein moved that the ordinance be taken up and passed on first reading, which was seconded by Mr. Tillotson. It was announced that the public hearing for the ordinance is scheduled for March 1, 2016.

Roll Call: All Ayes

NEW BUSINESS

Complete Streets Presentation

Mayor Bourke introduced Dave Lustberg from Arterial LLC. Mayor Bourke briefly reviewed the details of the plan, which they have been working on for over a year. He pointed out that they are trying to achieve balance between pedestrian safety, traffic calming and the integrity of the downtown. Mr. Lustberg presented the Downtown Streetscape and Pedestrian Safety Capital Plan. John McCormack, Traffic Engineer from Saw Schwartz Engineering, was also present to explain the traffic data. Mr. Lustberg presented the implementation plan. He reviewed the proposed phases and stated the goal is to have it done in two summer cycles and complete by the fall of 2017. The professionals fielded questions from the public regarding the overall traffic plan, back in parking, lane sizes and lights.

Richard Futter expressed concern regarding the level of disruption to businesses. Mr. Lustberg assured that they will always keep the access to businesses open.

Ken Ettinger, of Short Hills, congratulated them on the plan and asked about the approval for it.

Mayor Bourke stated the purpose of the meeting is to educate the public. He said it would involve long-term debt, which requires a 4-1 vote by the Township Committee. The decision is made by the Township Committee, who encourage feedback from the public.

Janet Pizar said it is clear that something had to change due to the catalyst of safety issues for pedestrians. She said she finds the plan very impressive.

Mr. Ettinger questioned the cost for the project. Mayor Bourke advised that they are waiting on the numbers but the range is between 7.7 and 8.7 million for the project. Mayor Bourke reviewed how the township manages debt and noted that property taxes will not be raised for this project seeing other debt is being cancelled out.

Ed Mazer, resident of Greenwood Drive, complimented the plan, stating it appears it will improve safety and make the area more attractive. He asked if the township can get the State or County to help finance the project. Mr. Bourke replied that the township has begun to look into grants for the project.

Terry Harrison, resident of Pine Street, asked about the cost of maintenance and if taxes would be lowered if the project was not pursued, since we no longer have to make payments on other projects. Mayor Bourke state that like a home, investments must be made in capital projects.

Mr. Lustberg stated that they do not have hard numbers available for maintenance, but low maintenance, durable materials are being selected.

Phil Kirsch, of Cedar Street, came forward and stated that this is a well-considered action which is appreciated and added that it is very detailed. He said the plan is exciting and thanked the Committee.

Shayne Miller, of the Paper Mill Playhouse, thanked the Governing Body for their due diligence and transparency regarding the project. He pointed out that this is a great plan.

A resident expressed concerns regarding the new street and said it seems unnecessary given that Spring Street is nearby. The resident also expressed concern regarding the roundabout.

Mayor Bourke stated he received an e-mail that expressed concern regarding the rear in parking and parking not being on both sides. He thanked those present who provided feedback and encouraged more residents to come to the public forum meetings pertaining to the Complete Streets project on February 11th and 18th. He added that he would like as many people as possible to listen and understand the plan and offer their concerns and feedback.

PUBLIC DISCUSSION

Mayor Tillotson asked if anyone had questions or comments for the Township Committee.

Mr. Ettinger offered his congratulations to Ms. Rosenberg. He acknowledged that those who work to clear the snow work very hard, but he is concerned that they may start too soon. He said many of the corners have snow piled much higher than it should be which causes a safety issue. He suggested maybe someone could follow up after and complete the job of widening the streets and clearing the sight line at the corners. He also commented that the school board and the municipal tax are all part of the same family. He encouraged the township to work with the Board of Education and suggested maybe reducing the municipal tax to offset school increases. He also stated that the Planning Board should look at evaluation and reconsideration of zoning.

ADJOURNMENT

Mayor Bourke asked if anyone has any remaining comments or questions. Receiving none, he called for a motion to adjourn the meeting which was offered by Mr. Tillotson and seconded by Ms. Rosenberg. The meeting was adjourned at 9:50 PM.

Christine A. Gatti, RMC
Township Clerk

Approved: May 3, 2016