

**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 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 March 1, 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 H. 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 December 1, 2015. Ms. Burstein made a motion to approve the minutes, which was seconded by Mr. Tillotson. Ms. Rosenberg abstained.

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

**Proclamation**

A Proclamation was presented acknowledging Red Cross Month. Ms. Rosenberg noted the passing of Ed Borneman a long time resident, participant and volunteer coordinator of the Red Cross Blood drives. Mr. Mount concurred that his passing was a big loss for the blood drive program.

**Reports**

Mr. McDonald announced that all of the township's communication platforms were advertised through the schools' information platforms. The focus is to hopefully increase subscribership and keep the residents well informed.

Mr. Mount stated the Cora Hartshorn Spring Gala is scheduled for April 2nd and he encouraged support for the event. He stated that he and Ms. Rosenberg will be delivering Meals on Wheels with SAGE.

Ms. Rosenberg noted the March is Meals on Wheels month. She suggested getting in touch with SAGE if you have an interest in participating.

Mr. Bourke noted that March is Brain Injury Awareness month and a proclamation will be presented at Opportunity Project.

Mr. Mount reported that he will be attending National Youth Art Month exhibit at Millburn High School and will be presenting a proclamation on behalf of the township.

George Serio, County Representative, reviewed County activities and gave updates, noting that Millburn Township is the recipient of a Community Development Block Grant.

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Public Discussion

Mayor Bourke asked if there were any comments or questions regarding items on the Consent Agenda. No one presented comments or questions.

Consent Agenda

Mayor Bourke asked for a motion to approve the items on the consent agenda. Ms. Rosenberg made a motion to approve the consent agenda, seconded by Mr. Mount.

Roll call vote: All ayes

**RESOLUTION 16-061**

**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 March 1, 2016, in the following accounts:

General	\$ 421,799.34
Capital Fund	200,242.08
Parking Utility Operating Fund	1,956.77
Dog Fund Trust	15.99
Donation Trust Fund	360.50
Escrow Trust Fund	270.00
Police Off Duty Trust Fund	43,784.00
Waste Recycling Trust Fund	4,284.30
PATFA II	1,969.00

**RESOLUTION 16-062**

**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>
518 Millburn Investors, LLC	Tax Appeal	\$3,950.00
c/o Zipp, Tannenbaum & Caccavelli LLC	2013 Taxes	
280 Raritan Center Parkway	(\$1,934.00)	
Edison, NJ 08837	2014 Taxes	
Block 1708 Lot 13	(\$2,016.00)	
518 Millburn Ave		

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RESOLUTION 16-063  
 AUTHORIZE TRANSFER OF FUNDS

BE IT RESOLVED that the Township Chief Financial Officer be and is hereby authorized and directed to make the following transfers between 2015 Reserve Budget Appropriations:

DEPARTMENT	ACCOUNT NAME	TYPE	AMOUNT	
			IN	OUT
ADMINISTRATION	SALARY & WAGES	S&W	\$ 9,000.00	
COMPTROLLER	PROFESSIONAL FEES	OE		\$ 9,000.00
COMPTROLLER	SALARY & WAGES	S&W	\$ 3,400.00	
COMPTROLLER	PROFESSIONAL FEES	OE		\$ 3,400.00
LEGAL SERVICES	LEGAL SERVICES	OE	\$ 75,000.00	
GROUP INSURANCE	EMP. GROUP INSURANCE	OE		\$ 75,000.00
POLICE	SALARY & WAGES	S&W	\$ 133,000.00	
GROUP INSURANCE	EMP. GROUP INSURANCE	OE		\$ 133,000.00
FIRE	SALARY & WAGES	S&W	\$ 35,000.00	
TAX COLLECTOR	SALARY & WAGES	S&W		\$ 35,000.00
VEHICLE MAINTENANCE	SALARY & WAGES	S&W	\$ 16,000.00	
SHADE TREE	SALARY & WAGES	S&W		\$ 16,000.00
ACCUMULATED ABSENCES	ACCUMULATED ABSENCES	OE	\$ 300,000.00	
LANDFILLS	TYPE 13 CONTAINERS	OE		\$ 50,000.00
LANDFILLS	RECYCLING CONTAINERS	OE		\$ 30,000.00
LANDFILLS	TYPE 13 WASTE	OE		\$ 125,000.00
LANDFILLS	LANDFILLS	OE		\$ 85,000.00
COMPTROLLER	PROFESSIONAL FEES	OE		\$ 10,000.00
RESERVE FOR LITIGATION	LITIGATION TRUST	OE	\$ 250,000.00	
UTILITIES - ELECTRIC	ELECTRICITY	OE		\$ 145,000.00
UTILITIES - ST LIGHTING	STREET LIGHTING	OE		\$ 90,000.00
RECREATION - SR. CITIZENTS	SALARY & WAGES	S&W		\$ 15,000.00
RESERVE FOR SNOW TRUST	SNOW TRUST	OE	\$ 140,000.00	

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ROADS - SNOW	SALARY & WAGES	S&W	\$ 80,000.00
ROADS - SNOW	SALT	OE	\$ 60,000.00
RESERVE FOR EPL/POL TRUST	EPL/POL TRUST	OE	\$ 300,000.00
ROADS	REPAIR & MAINT	OE	\$ 50,000.00
GROUP INSURANCE	EMP. GROUP INSURANCE	OE	\$ 20,000.00
UTILITIES - NATURAL GAS	NATURAL GAS	OE	\$ 80,000.00
UTILITIES - GASOLINE	GASOLINE	OE	\$ 15,000.00
SHADE TREE	SALARY & WAGES	OE	\$ 55,000.00
COURT	SALARY & WAGES	S&W	\$ 50,000.00
ASSESSOR	PROF. FEES	OE	\$ 20,000.00
SANITATION	EQUIP. MAINT	OE	\$ 10,000.00
			<b>\$1,261,400.00 \$1,261,400.00</b>

**RESOLUTION 16-064  
AUTHORIZING THE ADVERTISING OF BIDS –  
OPEN AIR CAFE**

**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:

**Open Air Café**

**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 16-065  
AWARD CONTRACT FOR MILLBURN FIRE DEPARTMENT BOILER REPLACEMENT**

**WHEREAS**, on February 9, 2016, the Township Clerk received ten (10) bid proposals for the Millburn Fire Department Station 1 Replacement Boilers, the low three bidders were as follows:

Envirocon, LLC  
490 Schooleys Mountain Road  
Hackettstown, NJ 07840  
Bid: \$97,347.00

S. Dupont HVAC&R LLC.  
50 Kymer Road  
Branchville, NJ 07826  
Bid: \$148,872.00

Liberty Mechanical Contractors, Inc.  
330-336 Raymond Blvd.

Newark, NJ 07105  
Bid: \$165,500.00

**WHEREAS**, the lowest bidder Envirocon, LLC complied with the specifications and the Township Engineer and Construction Official have recommended that the 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 Envirocon, LLC on a form approved by the Township Attorney and pursuant to the proposal, the amount of the fees set forth in the contract in total bid amount of \$97,347.00.

**RESOLUTION 16-066  
AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR  
REVALUATION OF ALL REAL PROPERTY LOCATED IN THE TOWNSHIP**

**WHEREAS**, the Township of Millburn (“Township”) finds that it will be beneficial to utilize the services of a revaluation company to complete the revaluation of all real property in the Township of Millburn; and

**WHEREAS**, the Township of Millburn has prepared a Request for Proposals (RFP) in order to engage the services of one or more such revaluation companies; and

**WHEREAS**, the attached Request for Proposals shall be issued in accordance with the Township’s above-described intent.

**NOW, THEREFORE BE IS RESOLVED** by the Millburn Township Committee, County of Essex, State of New Jersey, as follows:

1. The Township’s staff is hereby authorized to take any and all action necessary or useful to implement the provisions of this Resolution and issue the attached Request for Proposals.

**RESOLUTION 16-067  
APPOINTMENTS TO THE BOARD OF ADJUSTMENT**

**BE IT RESOLVED** by the Millburn Township Committee that Craig Ploetner be appointed to the Regular position on the Board of Adjustment, to the unexpired term of Michael Parlavecchio, with a term expiration of December 31, 2016;

**BE IT FURTHER RESOLVED** that Michael Birnberg be appointed to the Alternate #1 position on the Board of Adjustment with a term expiration of December 31, 2016.

**BE IT FURTHER RESOLVED** that these appointments take place immediately.

**RESOLUTION 16-068  
APPROVE GASOLINE STATION, FUEL PUMP AND TANKS LICENSES**

**BE IT RESOLVED** that a license to operate a gasoline station, fuel pump and tank be issued to the following, upon said applications being complete, and further approved by the appropriate authorities:

Short Hills Fuel  
46 Chatham Road

Sunoco  
500 Millburn Avenue

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RESOLUTION 16-069  
APPROVE PUBLIC EXHIBITION LICENSE

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

WHEREAS, the appropriate departments have conducted their investigations and found nothing to prevent their issuance;

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

Paper Mill Playhouse

RESOLUTION 16-070  
AUTHORIZING THE AWARD OF CONTRACT FOR  
DESIGN, ENGINEERING & SURVEYING SERVICES FOR THE COMPLETE STREETS IMPROVEMENT PLAN  
[ARTERIAL]

WHEREAS, there exists a need in 2016 for the design, engineering, and surveying services for the Complete Streets Improvement Plan for the Township of Millburn, in the County of Essex, New Jersey; and

WHEREAS, Arterial, has been selected for this assistance; and

WHEREAS, funds are available for this purpose; and

WHEREAS, Arterial has provided the Business Entity Disclosure Certification in accordance with N.J.S.A. 19:44A-20.8 and shall be placed on file with this resolution; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED that 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 with Arterial, 105 Grove Street, Suite 7, Montclair, NJ for this professional service.
2. This contract is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because of the qualitative nature of the service provided.
3. Fees for services are authorized as per proposal dated February 26, 2016 and are not to exceed \$118,500.00 for 2016 for this service.
4. A copy of this resolution shall be published in The Item of Millburn Short Hills as required by law, within ten (10) days of its passage.
5. This Resolution shall take effect immediately.

**ORDINANCE/SECOND READING AND CONSIDERATION OF ADOPTION**

**Ordinance 2453-16**

Ms. Burstein brought forth ordinance 2453-16 for consideration of adoption.

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Mayor Bourke declared the public hearing open. Seeing there was no public comment, Ms. Burstein declared the public hearing closed and moved that Ordinance 2453-16 be passed on final reading; the motion was seconded by Ms. Rosenberg.

Roll call vote: All ayes

Ordinance 2453-15

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 date, time and place as may be determined by a majority vote of the Committee.
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.

ORDINANCE/INTRODUCTION

Ordinance 2455-15

Mayor Bourke brought forth Ordinance 2455-15 for introduction. He reviewed the ordinance, explaining that it will allow for financing of the Complete Streets project.

Mayor Bourke moved that the ordinance be taken up and passed on first reading, which was seconded by Mr. Mount. The public hearing for the ordinance is scheduled for March 15, 2016.

Roll Call: All Ayes

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Ordinance 2455-15

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE DOWNTOWN MILLBURN STREETScape AND PEDESTRIAN SAFETY IMPROVEMENTS PROJECT IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$8,200,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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**BE IT ORDAINED** by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey, as follows:

Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to undertake the Downtown Millburn Streetscape and Pedestrian Safety Improvements Project in, by and for the Township consisting of roadway, sidewalk, curb, lighting, traffic signal, traffic calming and other streetscape and pedestrian safety improvements. Said improvements shall include all work, materials and appurtenances necessary and suitable therefore.

Section 2. The sum of \$8,200,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$8,200,000, and (4) \$391,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$7,809,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$1,200,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$391,000, appropriated for down payments on capital improvements or for the capital improvement fund in

budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$391,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$7,809,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$7,809,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said

Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$7,809,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Essex, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

## **NEW BUSINESS**

### **Revaluation**

Mayor Bourke introduced John Lloyd, the township's tax counsel, who was present to provide an overview of the county mandated tax revaluation. Mr. Lloyd presented a PowerPoint presentation

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outlining the process, timeline and what can be expected. He explained the difference between a revaluation and a reassessment. He pointed out that the last reassessment was in 2006 and the last revaluation was done in 2001. He stated that the purpose of the revaluation is to allow for the tax burden to be spread equitably. He indicated that one-third will see their taxes go up, one-third will see them go down and one-third will remain the same. He pointed out that later in the year, property owners will receive letters containing the new assessed value and will have the chance to review and address the information used in the assessment. Mr. Lloyd fielded questions and comments from residents, as well as, clarified information for them.

**PUBLIC DISCUSSION**

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

Ed Mazer, 119 Greenwood Drive, suggested the traffic island be removed during the re-construction of Whittingham Terrace. He pointed out that he thought it would look more suburban if it was greener and had less yellow striping. Mr. Gordon stated he would pass along his recommendation.

Phil Kirsch, resident of Cedar Street, stated that a number of municipalities have asked for an adjudication in the COAH process. He wanted to know if Millburn is doing anything along these lines. Mayor Bourke stated that our planner is currently evaluating this and developing a plan. He complimented the township for the informative presentation on COAH.

**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 Mr. Mount. The meeting was adjourned at 8:25 PM.

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Christine A. Gatti, RMC  
Township Clerk

Approved: June 21, 2016