

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 15, 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. Rosenberg and seconded by Ms. Burstein

Vote: All Ayes

Minutes

Mayor Bourke brought forth the minutes of December 15, 2015. Mr. Tillotson made a motion to approve the minutes, which was seconded by Mr. Mount. Ms. Rosenberg abstained.

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

Reports

Ms. Rosenberg provided an update on SAGE, Youth Art Month, Seniors and the Community Service Committee

Ms. Rosenberg reviewed her experience, along with Mr. Mount, delivering Meals on Wheels to members of the community. She acknowledged Youth Art Month and the work being done by local students. She recently met with the senior citizens and announced an essay contest in

which they can participate. She also met with the Community Service Award Committee and added that they are working on the selection of another recipient.

Mr. Mount reminded the public about the Arboretum Spring event, which is being held on April 2, 2016. He announced that if anyone is interested in purchasing a ticket or making a donation, the information is available on the Arboretum's website.

Ms. Burstein stated that the Environmental Commission met and is looking at the environmental impact of the proposed construction at the Mack Cali site on JFK Parkway.

Mr. Falcon advised that he met last Friday with consultants from Arterial to discuss the Complete Streets bid package and the presentation to the Planning Board next month for the capital project review.

Mr. Serio provided updates regarding Essex County programs.

Public Discussion

Mayor Bourke asked if there were any comments or questions regarding items on the Consent Agenda. Ed Mazer came forward and asked about Resolution 16-075. Mr. Gordon reviewed the resolution and pointed out that it is something inserted into the budget. Mr. Gordon said he would reach out to Mr. Mazer and review it in more detail.

Consent Agenda

Mayor Bourke requested a motion to approve the items on the consent agenda. Mr. Mount made a motion to approve the consent agenda resolutions, which was seconded by Mr. Tillotson.

Roll Call Vote: All Ayes

RESOLUTION 16-072 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 15, 2016, in the following accounts:

General	\$ 526,607.13
Capital Fund	150,534.40
Parking Utility Operating Fund	10,291.12

Dog Fund Trust	1,069.22
Donation Trust Fund	420.89
Escrow Trust Fund	760.00
Forfeiture Funds Trust	637.00
Police Off Duty Trust Fund	20,439.89
Waste Recycling Trust Fund	995.00
PATFA II	1,969.00

**RESOLUTION 16-073
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

NOW, THEREFORE BE IT 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;

BE IT FURTHER RESOLVED, that the following be processed between the 45th and 60th day from the date of judgment;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Michael I. Schneck Trustee for Aueron, Fred M. & Barbara 301 South Livingston Ave Ste 105 Livingston, NJ 07039 Block 4205 Lot 6 130 Fairfield Dr	Tax Appeal 2014 Taxes (\$2,217.60 2015 Taxes (\$4,210.00)	\$6,427.60
Stark & Stark, PC Attn: Marshall T. Kizner 993 Lenox Drive Bldg 2 Box 5315 Princeton, NJ 08543-5315 Block 1401 Lot 31 27 Farley Rd	Tax Appeal 2015 Taxes	\$6,184.49
Spiotti & Esposito PC Attorney Trust Account Attn: James L. Esposito Esq. 271 US Highway 46 #F105-106 Fairfield, NJ 07004-2471 Block 3102 Lot 14 76 Slope Drive	Tax Appeal 2014 Taxes (\$2,427.27) 2015 Taxes (\$2,534.42)	\$4,961.69

RESOLUTION 16-074

AUTHORIZE THE CANCELLATION OF SEWER CHARGE

NOW, THEREFORE BE IT RESOLVED that the Millburn Township Committee authorize the Tax Collector to cancel the sewer charges listed below.

Block	Lot	No. of Units	Reason	Amount
204	1	2	New single family dwelling (formerly 3 units)	\$320.00
1503	19	1	House demolition-partial reconstruct	\$160.00

RESOLUTION 16-075

AUTHORIZE DEDICATION-BY-RIDER FOR DONATION FOR SELF INSURANCE PROGRAM

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:10-1 et seq., provides for receipt of Self Insurance Funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A 40A:4-39 provides that the dedicated revenues anticipated from the Self Insurance Program are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

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

1. The Governing Body hereby requests permission of the Director of Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:10-1 et seq. to establish and operate a Self Insurance Program.
2. The Municipal Clerk of the Township of Millburn is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION 16-076

**AUTHORIZING THE ADVERTISING OF BIDS –
COMPLETE STREETS PROJECTS**

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:

Complete Streets Project

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 16-077

AWARD CONTRACT FOR PARSIL HOUSE EXTERIOR RENOVATIONS

WHEREAS, on January 26, 2016, the Township Clerk received two (2) bid proposals for the Parsil House Exterior Renovations Project, the low two bidders were as follows:

Walkill Group, Inc
PO Box 213
McAfee, NJ 07428
Bid: \$157,000.00

Billy Contracting & Restoration
12 Maple Avenue, Building F
Pine Brook, NJ 07058
Bid: \$160,700.00

WHEREAS, the lowest bidder Walkill Group, Inc complied with the specifications and the Architect, Barton Ross, has 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 Walkill Group, Inc. 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 \$157,000.00.

RESOLUTION 16-078

AUTHORIZE INTERLOCAL SERVICES AGREEMENTS

FOR ANIMAL CONTROL SERVICES WITH THE TOWNSHIP OF MADISON, TOWNSHIP OF CHATHAM, FLORHAM PARK BOROUGH, TOWNSHIP OF BERKELEY HEIGHTS, CITY OF SUMMIT AND THE TOWNSHIP OF LIVINGSTON

WHEREAS, the Township of Madison, Township of Chatham, Florham Park Borough, Township of Berkeley Heights, City of Summit would like to enter into an agreement to be provided with Animal Control Services by the Township of Millburn and Township of Livingston; and

WHEREAS, Millburn has the ability to provide such service and desires to enter into this interlocal agreement with the above listed municipalities to increase services to the public; and

WHEREAS, the Agreement is authorized pursuant to State Law, specifically N.J.S.A. 40A:65-1, et. seq. – the Uniform Shared Services and Consolidation Act;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute an Interlocal Agreement for a period of April 1, 2016 and terminating on March 31, 2018 with the Township of Madison, Township of Chatham, Florham Park Borough, Township of Berkeley Heights and City of Summit.

**RESOLUTION 16-079
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 25 Undercliff Road, Block: 810, Lot: 8 (Permit #395), as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 16-080
RATIFY APPOINTMENT TO THE PLANNING BOARD**

BE IT RESOLVED that the Township Committee confirms the Mayor's appointment of Fred Coombs to the Planning Board, to the unexpired term of Regina Truitt, as the Alternate #2 member with a term expiration of December 31, 2016;

BE IT FURTHER RESOLVED that this appointment is effective immediately.

**RESOLUTION 16-081
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:

Healing the Children

Hartshorn School
Deerfield School

**RESOLUTION 16-082
APPROVE 2016-2017 TAXI/LIVERY LICENSES**

WHEREAS, the following applicant(s) has submitted an application for a Taxicab/Livery License;
and

WHEREAS, the Millburn Police Department has done an investigation and has recommended approval,

NOW, THEREFORE BE IT RESOLVED that a 2016 – 2017 Taxi/Livery License be issued to:

<u>NAME</u>	<u>STATUS</u>
BK Limousine*	Owner and Drivers License
Vantastic Shuttle*	Owner and Drivers License

*Pending approval from Police Department

ORDINANCE/SECOND READING AND CONSIDERATION OF ADOPTION

Ordinance 2454-16

Mr. Mount brought forth Ordinance 2454-16 for consideration of adoption. Mr. Mount briefly reviewed the ordinance.

Mayor Bourke declared the public hearing open. Seeing there was no public comment, Mr. Mount declared the public hearing closed and moved that Ordinance 2454-16 be passed on final reading; the motion was seconded by Ms. Rosenberg.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2454-16
ORDINANCE TO AMEND ARTICLE III CHAPTER 2-6 ENTITLED
“POLICE DEPARTMENT” OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF MILLBURN**

Statement of Purpose: *The purpose of this Ordinance is to amend the existing Code to comply with accreditation criteria over the respective legal responsibility and duties of the Township Business Administrator and Chief of Police in the administration of the Police Department.*

WHEREAS, the creation and operation of the Millburn Township Police Department was established through the enactment of Chapter 2 of the Revised General Ordinances of the Township of Millburn by the Township Committee of the Township of Millburn; and

WHEREAS, a review of the provisions thereof pertaining to the authority and duties of the Business Administrator and the Chief of Police has resulted in a recommendation for the improvement and clarification thereof, especially in connection with Section 2-16.2 and 2-16.3; and

WHEREAS, the Township Business Administrator and the Chief of Police have recommended that new provisions replace those currently set forth in the said Sections of the Revised General Ordinances.

NOW, THEREFORE, 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 2-16.2 is hereby amended in its entirety to read:

The Township Administrator shall be designated as the appropriate authority, as defined and provided in the New Jersey statutes (N.J.S.A. 40A:14-118), for the promulgation of rules and regulations. The Township Administrator shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members. Such rules and regulations shall be styled "Rules and Regulations of the Police Department of the Township of Millburn, New Jersey." The rules may prescribe the duties of the members of the Department more specifically than is herein contained, and may provide such penalties, not inconsistent with law, as may be deemed necessary and expedient for the proper regulation of the Department. All of the rules and regulations made in pursuance hereof shall be in writing and filed in the office of the Township Clerk, and shall be binding on all persons subject to the jurisdiction of the Department after notice thereof. A written or printed copy of such rules shall

be delivered to each member of the Department and copies shall be on file in the headquarters of the Department, and such delivery or availability shall be deemed notice of the adoption and effectiveness thereof to those subject thereto. Such rules shall prescribe the uniforms, badges and insignia to be worn by the Police Officers, and the time and manner of wearing the same, and such other provisions in reference thereto as may be deemed proper. (1967 Code §18-1-2; Ord. No. 7-20-70 § 2)

Section 2. Section 2-16.3 is hereby amended in its entirety to read:

- a. The Chief of Police shall be the executive head of the Department. The Chief shall exercise sole and complete control over the Department, its members and employees, and over its property, subject only to the authority of the Business Administrator, with the approval of the Township Committee. The Chief of Police shall be the head of the

Police Department and shall be directly responsible to the Township Administrator for its efficiency and day-to-day operations. Pursuant to policies established by the Township Administrator, the Chief of Police shall:

1. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its members and officers;
2. Have, exercise and discharge the functions, powers and duties of the Police Department;
3. Prescribe the duties and assignments of all members and officers;
4. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control; and
5. Report at least monthly to the Township Administrator, in such form as shall be prescribed, on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Township Administrator.

The Business Administrator, with the approval of the Township Committee, may designate an acting Chief of Police during any extended period of absence or disability of the Chief of Police.

- b. The duties of the Chief of Police shall be as established by State Statute or as otherwise directed.

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 provided by law.

Ordinance 2455-16

Mayor Bourke brought forth Ordinance 2455-16 for consideration of adoption. Mayor Bourke reviewed the ordinance.

Mayor Bourke declared the public hearing open.

Cary Keller, property owner of The Courtyard, came forward and said he is not here to oppose the bond, but added that he believes it is being done a little out of order. He continued that he supports Complete Streets and feels it has some great elements. He added that he started

looking at reports from past plans and reviewed traffic issues. He commented that Complete Streets does not address the lack of accessibility to the parking deck from lots one and two, thus forcing more traffic onto the streets. He stated that we have some underutilized property in the downtown area and feels more reports need to be done before the work starts. He asked that they not narrow the streets or widen the sidewalks. He suggested a right hand turn lane at Millburn and Main. He added that he wished they would address height and density. Mayor Bourke commented that he appreciates the comments.

Harry Roth, a Main Street business owner and executive member of the DMDA, came forward and stated that the Complete Streets project is long overdue and has been accepted by everyone who has reviewed the plan. He opined that while nothing is perfect, this addresses many of the problems. He thanked the Governing Body for their efforts.

Gennaro Raimo, a business and property owner, commented that people want this project. He added that everyone is very excited and commended the Township Committee for their work.

Mayor Bourke indicated that the project has come a long way and tonight has pushed us another step forward. He commented that details are still being addressed and the township is working on a construction strategy.

Since no other comments or questions were brought forth, Mayor Bourke declared the public hearing closed and moved that Ordinance 2455-16 be passed on final reading; the motion was seconded by Ms. Burstein.

Roll Call Vote: All Ayes

ORDINANCE NO. 2455-16

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

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 therefor.

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.

PUBLIC DISCUSSION

Mr. Gordon addressed Mr. Mazer's question pertaining to Resolution 16-075. He reviewed the need for a dedication by rider.

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 Ms. Rosenberg and seconded by Ms. Burstein. The meeting was adjourned at 8:05 PM.

Christine A. Gatti, RMC
Township Clerk

Approved: July 19, 2016