

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 April 19, 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 Mr. Mount

Vote: All Ayes

Proclamations

Proclamations were presented acknowledging Community Service Awards and Arbor Day.

Reports

Ms. Burstein announced that the library is changing their hours beginning in August. She noted that the library will have longer hours on Saturdays and be closed on Sundays. She said they are working on a three-year strategic plan which will be made public in May.

Mr. Falcon stated that he made a presentation to the Millburn Township Planning Board regarding the proposed Complete Streets project and the board accepted the plan.

Mayor Bourke reported that the issue involving Stop & Shop will be addressed at the Freeholder meeting next Wednesday. He said he will be attending and reaching out to the Freeholders to discuss in advance.

Public Discussion

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

Consent Agenda

Mayor Bourke announced that Resolution #16-104 was being pulled because it is a duplicate of the ordinance and is not required.

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

Roll Call Vote: All ayes

**RESOLUTION 16-099
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 April 19, 2016, in the following accounts:

General	\$ 628,936.12
Capital Fund	164,987.47
Parking Utility Operating Fund	19,018.86
Dog Fund Trust	1,387.69
Donation Trust Fund	4,000.00
Escrow Trust Fund	1,587.00
Police Off Duty Trust Fund	11,346.00
Waste Recycling Trust Fund	1,720.00

RESOLUTION 16-100
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;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Gregory School Fund 179 Eagle Rock Ave West Orange, NJ 07052 Block 206 Lot 15 86 Cypress St	Tax Refund 2016 Taxes erroneous pymt	\$2,764.40
Tax ID No. 22-6002398		

RESOLUTION 16-101
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;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Daniel G. Keough, Trustee for Paul & Emily Sutton 783 Springfield Ave Summit, NJ 07901-2332 Block 2701 Lot 4 21 Fairfield Drive	Tax Appeal 2014 Taxes (\$1,512.00) 2015 Taxes (\$2,631.25)	\$4,143.25
Verizon New Jersey, Inc. c/o Kevin H. Giordano Esq. One Verizon Way-VC54S230 Basking Ridge, NJ 07920 Block 801 Lot 9 386 Millburn Ave	Tax Appeal 2015 Taxes	\$1,052.50
Weinberg, Louis M. & Betty G. c/o Skoloff & Wolfe PC	Tax Appeal 2013 Taxes	\$10,135.36

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293 Eisenhower Pkwy Livingston, NJ 07039 Block 2702 Lot 9 40 Fairfield Drive	(\$2,632.17) 2014 Taxes (\$2,743.78) 2015 Taxes (\$4,759.41)	
Francis, Richard H. & Gislina c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 2402 Lot 9 40 Grosvenor Rd	Tax Appeal 2014 Taxes (\$7,110.43) 2015 Taxes (\$7,424.34)	\$14,534.77
Wilde, Valeria L. & Douglas c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 3103 Lot 2 77 Stewart Rd	Tax Appeal 2013 Taxes (\$2,030.70) 2014 Taxes (\$3,628.80) 2015 Taxes (\$6,072.93)	\$11,732.43
O'Leary, John & Rhonda c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 2102 Lot 5 100 South Terrace	Tax Appeal 2015 Taxes	\$5,449.85
Jacobstein, George M. & Carol c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 2202 lot 7 14 Moraine Place	Tax Appeal 2014 Taxes (\$2,594.59) 2015 Taxes (\$4,287.89)	\$6,882.48
Jeffrey, Marilyn H. c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 3902 Lot 13 30 Saratoga Way	Tax Appeal 2013 Taxes (\$1,083.04) 2014 Taxes (\$1,632.96)	\$2,716.00
Ploetner, Otto H. & Nicoletta c/o Skoloff & Wolfe PC 293 Eisenhower Pkwy Livingston, NJ 07039 Block 5110 Lot 5 7 Arlene Ct	Tax Appeal 2014 Taxes (\$1,469.66) 2015 Taxes (\$3,321.69)	\$4,791.35

**RESOLUTION 16-102
AUTHORIZING ONE YEAR OPTION #1 ON CONTRACT
FOR SUMMER BASEBALL CAMP [SPORTS ACADEMY]**

WHEREAS, the Township of Millburn entered into a contract in 2015 with The Sports Academy, 56 East Willow Avenue, Millburn, NJ 07041, to provide Summer Baseball Camp Services; and

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WHEREAS, the Millburn Township Assistant Recreation Director has recommended exercising the Township’s option by renewal of this contract with the same terms and conditions for one additional year which is the first option year for the contract for 2016; and

WHEREAS, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby authorizes the extension of this contract.

RESOLUTION 16-103
AUTHORIZING THE DESIGNATION OF OFFICIAL MILLBURN TOWNSHIP
ONLINE NEWS SERVICES

WHEREAS, the Township of Millburn has issued a Request for Proposals for Online News Services for the purpose of publicizing the business of the Township and for posting notices and public documents during 2016; and

WHEREAS, on the deadline of March 31, 2016 the Township received one submittal from TAP Millburn/Short Hills entitled “Statement of Qualifications for Online News Service, Township of Millburn”; and

WHEREAS, such Proposal has been reviewed and was found to be responsive to, and in accordance with, the requirements of the Township’s Request for Proposals;

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

- 1. TAP Millburn/Short Hills is hereby designated as an official Online News Service for the purpose of publicizing and/or allowing Township business to be available through an online resource. The Township shall refer to TAP Millburn/Short Hills information, notices, and documents of the sort provided to the designated newspapers.
2. This Resolution shall take effect immediately.

RESOLUTION 16-104
AWARD CONTRACT FOR OPEN AIR CAFÉ – CHARLIE BROWNS - WITHDRAWN

WHEREAS, on March 31, 2016, the Township Clerk received one (1) bid proposal for the Open Air Café Bid, the bid was as follows:

- CB Millburn, LLC (Charlie Brown’s)
1101 Waterloo Road
Edmund, OK 73025
Restaurant Location: 35 Main Street Millburn, NJ
\$500.00 per month – May thru October
Contract Period: 2 year contract with 2 one year options

WHEREAS, the high bidder CB Millburn, LLC (Charlie Brown’s) complied with the specifications as per the Township Attorney and the Township Clerk has recommended that a 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 CB Millburn,

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LLC (Charlie Brown's) 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: \$500.00 per month - May thru October; Contract Period: 2 years with two 1-year options at the discretion of the township.

**RESOLUTION 16-105
AUTHORIZING THE ADVERTISING OF BIDS –
PARKING LOT 3 IMPROVEMENTS**

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:

Parking Lot 3 Improvements

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 16-106
APPOINTMENT TO THE BOARD OF ADJUSTMENT**

BE IT RESOLVED by the Township Committee that Ellen Nimaroff Hirsch be appointed to the Alternate #2 position on the Board of Adjustment with term expiration of December 31, 2016;

BE IT FURTHER RESOLVED that this appointment shall take place immediately.

**RESOLUTION 16-107
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:

- Squirrel and the Bee
- Fiamma Pizza
- Bagels 4 U
- Umi Sushi

**RESOLUTION 16-108
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;

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

Millburn Short Hills Fourth of July Committee
Education Foundation of Millburn
South Mountain PTO
Millburn High School PTO

RESOLUTION 16-109
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:

Table with 2 columns: NAME, STATUS. Row 1: NJ Limo Finder, Livery Owner License

ORDINANCE/SECOND READING AND CONSIDERATION OF ADOPTION

Ordinance 2457-16

Mr. Tillotson brought forth Ordinance 2457-16 for consideration of adoption.

Mayor Bourke declared the public hearing open. Seeing there was no public comment, Mr. Tillotson declared the public hearing closed and moved that Ordinance 2457-16 be passed on final reading; the motion was seconded by Ms. Rosenberg.

Roll Call Vote: All ayes

ORDINANCE NO. 2457-16
ORDINANCE AUTHORIZING
LEASE AGREEMENT BETWEEN THE TOWNSHIP AND CB MILLBURN, LLC

STATEMENT OF PURPOSE: Ordinance to authorize lease for Open-Air Cafe on premises owned by Millburn Township located as part of Lot 28 in Block 1212 on the tax map which is specifically described in Section 15-1-6.1 of the Millburn Township Ordinance Code.

WHEREAS, the public place known as The Courtyard, designated as part of Lot 28 in Block 1212 on the Millburn Township Tax Map, is specifically described in Section 15-1-6.1 of the Millburn Township Ordinance Code; and

WHEREAS, the Township desires to lease for the operation of an Open-Air Cafe and appurtenant facilities on premises owned by the Township of Millburn, situated at the northeasterly corner of the Courtyard, in the Township of Millburn, Essex County, New Jersey, as more particularly described on Schedule A (the "Open Air Café Property"); and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes the Township of Millburn to lease any real property owned by the Township not needed for public use to a private entity pursuant to the statutory procedures set forth at N.J.S.A. 40A:12-14 which require, among other things, that the lease be made to the highest bidder by open public bidding at auction or by submission of sealed bids; and

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WHEREAS, the Open-Air Café Property is not needed for a public use between May and October of each year and the Township advertised to receive sealed bids in order to lease the Open-Air Café Property to a private entity; and

WHEREAS, the Township desires that the term of the lease shall initially be for two six month terms, May 1, 2016 to October 31, 2016 and May 1, 2017 to October 31, 2017, unless sooner terminated as provided by the terms of the Open-Air Café Lease and the Township of Millburn shall have the option, exercisable in its sole discretion, to renew the lease on the same terms for two (2) additional six month terms the first beginning May 1, 2018 to October 31, 2018 (option 1) and the second from May 1, 2019 to October 31, 2019 (option 2) upon giving not less than ninety (90) days' written notice to the Lessee of the Township's exercise of the renewal option; and

WHEREAS, the Township desires that the minimum bid that will be accepted by Millburn Township is \$500.00 a month for 2016, 2017, 2018 and 2019; and

WHEREAS, the Township received one bid from CB Millburn, LLC, having an address of 1101 Waterloo Road, Edmund, Oklahoma, having a restaurant located at 35 Main Street, Millburn, New Jersey.

NOW THEREFORE 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 Committee hereby authorizes the lease of the Open Air Café Property to CB Millburn, LLC, having an address of 1101 Waterloo Road, Edmund, Oklahoma, and having a restaurant located at 35 Main Street, Millburn, New Jersey in accordance with the terms and conditions set forth in the Lease Agreement attached to the bid and the Mayor is hereby authorized and directed to execute said Lease Agreement.

Section 2. This Ordinance shall take effect after final passage and publication in accordance with law.

NEW BUSINESS

Canoe Brook Road Discussion

Mayor Bourke discussed concerns stemming from the Mack-Cali project that is before the Millburn Township Planning Board and the potential for reconnecting Canoe Brook Road. He stated that they are considering proposing an animal shelter at the breakpoint as a way to ensure that the road will not be opened. Mr. Falcon reviewed the regulations regarding the vacation of property. Mr. Gordon added that the township will be getting specs ready. Mr. Mount addressed the concerns some have regarding the residential side of Canoe Brook Road. Mayor Bourke indicated that an ordinance will be put on as new business item at an upcoming meeting. He added that he will propose changing the name of Canoe Brook Road on the mall side. Mr. Falcon said the ordinance is being drafted, but a decision needed to be made on the issue of the road name change.

PUBLIC DISCUSSION

Mayor Bourke asked if there were any questions or comments for the Township Committee.

Judy Rosenthal, resident of 12 Marion, asked if the property for the animal shelter location was being done through eminent domain. Mr. Falcon advised that negotiations have just begun and eminent domain has not been at the table. She also wanted to know who would be paying for the animal shelter and she was informed that Millburn would be paying for it. She expressed concern about noise impacting residents in the area. She was advised that the location is not near any residences, that it borders the country club and the residences.

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A resident came forward and commended the Committee for taking action to make sure that Canoe Brook Road could not be re-opened. She added that the residents have power by expressing their concerns and appreciate that they are heard. She asked if Mack Cali can do anything to stop putting in the animal shelter and she was advised they cannot. She expressed concerns about the condition of the area and Mr. Gordon indicated that there would be sprucing up of that area.

Ms. Rosenthal asked if the shelter would be a no kill shelter, to which Mr. Gordon replied yes. She asked if that could be guaranteed and was advised that none of the policies would be changed.

Mayor Bourke recused Mr. Tillotson and Mr. Mount because they sit on the Planning Board and Ms. Rosenthal wished to discuss the Mack Cali issue. Ms. Rosenthal asked if it would be a mixed used building. Mayor Bourke stated it would be mixed use of a hotel and residential units and added that it would not be mixed with retail. She commented that a lot of people are looking for apartments in Millburn so they can send their children to the schools. She asked if the Committee would consider age restricted housing, as there is not any senior housing in town. She commented that they pay taxes and do not want to add to the school budget. Ms. Rosenthal was advised that this is under the jurisdiction of the Planning Board and the Governing Body has nothing to do with it. Mr. Falcon said the application is open for review and she is welcome to attend the Millburn Township Planning Board meetings. She was advised that the Planning Board is scheduled to meet tomorrow.

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 M. Tillotson and seconded by Ms. Burstein. The meeting was adjourned at 8:15 PM.

Christine A. Gatti, RMC
Township Clerk

Approved: July 19, 2016