

**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 June 7, 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 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

**Proclamation**

Proclamations were presented to members of the Millburn Fire Department, Edgar Echavarria, Joseph Infantini and Christopher Beady, acknowledging their heroic rescue of a young special needs boy who was on the roof of his home.

Another Proclamation was presented recognizing Down the Block, which is a non-profit organization that provides short-term assistance to residents experiencing unexpected financial set-backs.

**Reports**

Ms. Rosenberg stated that the Transoptions Company is a state agency that does traffic analysis for municipalities and they were requested to have access to Hartshorn School and the Middle School. She added that they did a preliminary audit and over the next few weeks will be conducting a study. They will be making suggestions regarding safety at the schools. Mayor Bourke noted that this agency was requested to come in by both the Board of Education and the township so they can work together on the issues.

Mr. Gordon presented a traffic safety commendation for 0 traffic fatalities in 2014.

Ms. Burstein stated the Environmental Commission would like to present a draft ordinance to the Governing Body regarding the ban of toxic synthetic lawn pesticides on township fields and park playgrounds.

Mayor Bourke reported that a notification of a township revaluation went out to property owners. He provided an update on Stop & Shop. He said, at the suggestion of Stop & Shop, the Freeholders were considering to dedicate by fee a strip of land, which means the Millburn ordinance does not apply and would benefit the position of Stop & Shop. He said upon hearing this, he had various conversations with Essex County representatives, including County Executive Joe DiVincenzo, who backs the position of the Millburn residents. He said he was told they are planning to present a resolution to authorize an easement, which means the township ordinances will apply. Since then, he said he received word that

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the Freeholders are receiving pressure from various powerful labor unions to follow through with the dedication by fee because it was about the creation of jobs. He said it was voted against, 7 to 2, on the belief it was not the most expeditious way to create jobs. He has been advised that the Freeholders would not take any action. He said when he looked at the upcoming agenda for the Freeholders next meeting tomorrow night that the issue was, in fact, on the agenda. He said the township will continue to fight this and support authorizing an easement by fee. He said the township will act accordingly. He stated that it is his opinion that the Freeholders are no longer acting on the behalf of their constituents, the residents of Millburn. He indicated that he feels the Freeholders have gotten themselves tangled up in a battle between two supermarkets. Ms. Burstein added that she and Mayor Bourke will be attending the meeting tomorrow and will be making prepared statement on behalf of the township.

**Public Discussion**

Mayor Bourke asked if there were any comments or questions regarding items on the Consent Agenda. There were none.

**Consent Agenda**

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. Burstein.

Roll Call Vote: All ayes

**RESOLUTION 16-139**

**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 June 7, 2016, in the following accounts:

General	\$ 487,649.48
Capital Fund	385,224.06
Parking Utility Operating Fund	826.59
Dog Fund Trust	2,781.27
Donation Trust Fund	1,362.17
Police Off Duty Trust Fund	88,086.00
Waste Recycling Trust Fund	995.00
PATFA II	1,969.00

**RESOLUTION 16-140**

**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 the draw warrants to pay the payees listed below in the specified amounts;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Bunch, Leland III & Kristina M. c/o Skoloff & Wolfe, P.C. 293 Eisenhower Parkway Livingston, NJ 07039 Block 3102 Lot 16 66 Slope Drive	Tax Appeal 2015 Taxes	\$7,401.18
Anthony Melchiorre c/o Skoloff & Wolfe , P.C. 293 Eisenhower Parkway	Tax Appeal 2014 Taxes	\$16,972.70

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Livingston, NJ 07039  
 Block 3301 Lot 4  
 150 Western Drive

Michael I. Schneck	Tax Appeal	\$13,176.97
Trustee for Polli,Rita	2012 Taxes	
301 South Livingston Ave Ste 105	(\$2,643.41)	
Livingston, NJ 07039	2013 Taxes	
Block 1801 Lot 5	(\$2,692.13)	
658-666 Morris Turnpike	2014 Taxes	
	(\$2,806.27)	
	2015 Taxes	
	(\$5,035.16)	

Nugent, Mark J. & Melissa	Tax Appeal	\$10,219.78
c/o Skoloff & Wolfe, P.C.	2015 Taxes	
293 Eisenhower Parkway		
Livingston, NJ 07039		
Block 3304 Lot 9		
60 Twin Oak Rd		

Weiss, Sandra	Tax Appeal	\$17,561.54
c/o Skoloff & Wolfe, P.C.	2014 Taxes	
293 Eisenhower Parkway	(\$6,638.69)	
Livingston, NJ 07039	2015 Taxes	
Block 3103 Lot 11	(\$10,922.85)	
195 Highland Ave		

Jacobus & Associates,LLC	Tax Appeal	\$1,641.90
Trustee for Bhardwaj, Anurag & Ruchi	2015 Taxes	
201 Littleton Rd 1 <sup>st</sup> Floor		
Morris Plains, NJ 07950		
Block 4101 Lot 57		
55 Talbot Court		

**RESOLUTION 16-141  
 REQUESTING APPROVAL OF  
 ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Millburn in the County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$48,815.53, which is now available from the State of New Jersey Solid Waste Administration FY 2016 Clean Communities;

**BE IT FURTHER RESOLVED**, that the like sum of \$48,815.53 is hereby appropriated under the caption State of New Jersey Solid Waste Administration FY 2016 Clean Communities; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey Solid Waste Administration FY 2016 Clean Communities in the amount of \$48,815.53.

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**RESOLUTION 16-142  
REQUESTING APPROVAL OF  
ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Millburn in the County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$150,000.00, which is now available from the County of Essex;

**BE IT FURTHER RESOLVED**, that the like sum of \$150,000.00 is hereby appropriated under the caption Essex County Local Aid – Parsil House; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the Essex County Local Aid – Parsil House in the amount of \$150,000.00.

**RESOLUTION 16-143  
SPECIAL EMERGENCY APPROPRIATION FOR THE 2016 REVALUATION OF TOWNSHIP**

**WHEREAS**, it has been found necessary to make a Special Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by *the 2016 Revaluation*; and,

**WHEREAS**, NJSA 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation to finance the same shall be provided for in the next five succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized;

**NOW, THEREFORE BE IT RESOLVED**, that 2/3<sup>rd</sup> of the full Township Committee members affirmatively concur that in accordance with the provisions of NJS 40A:4-55:

1. A special emergency appropriation is hereby made for *the Revaluation of Township Property* in the total amount of \$525,000.
2. That the special emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$105,000.
3. That the Special Emergency will be funded by funds available from Municipal Fund Balance
4. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

**RESOLUTION 16-144  
AUTHORIZING RENEWAL OF SHARED SERVICES AGREEMENT FOR  
A JOINT MUNICIPAL TAX ASSESSOR**

**WHEREAS**, the Township Committee desires to retain the services of a Tax Assessor holding a Tax Assessor Certificate in accordance with N.J.S.A. 54:1-35.33; and

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**WHEREAS**, the Consolidated and Joint Service Projects Act provides that two or more municipalities are authorized to establish and maintain an Office of Joint Municipal Tax Assessor; and

**WHEREAS**, the Township Committee desires to establish an Office of Joint Municipal Tax Assessor with the Borough of Madison with Ms. Lisa Baratto to serve in that capacity in accordance with N.J.S.A. 40:14B-14;

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

- 1) There is hereby established the Office of Joint Municipal Assessor in collaboration with the Borough of Madison.
- 2) The Mayor is authorized to sign a Shared Services Agreement with the Borough of Madison in a form approved by the Township Attorney and providing:
  - a) Joint Municipal Tax Assessor – Lisa Baratto
  - b) Millburn Township annual share of salary and annual expenses including worker’s compensation insurance, employee contributions to pension, and social security and health benefits shall be 60% share of her annual salary of \$101,376.00.
  - c) Term – four years, but terminable before expiration on ninety days notice.
- 3) This Resolution shall take effect as provided by law and is subject to the enactment of a companion resolution by the Governing Body of the Borough of Madison.
- 4) A copy of this Resolution and the resulting Agreement shall be filed with the Director of the Division of Taxation in the Department of the Treasury and with the Director of the Division of Local Finance in the Department of Community Affairs.

**RESOLUTION 16-145**

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

**WHEREAS**, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of Millburn desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

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

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1. Millburn Township Committee of the Township of Millburn hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2016, through September 30, 2021.
2. The Millburn Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

**RESOLUTION 16-146  
AUTHORIZING ONE YEAR OPTION #1 RECYCLING SERVICE AGREEMENT WITH WM RECYCLE AMERICA, LLC**

**WHEREAS**, the Township of Millburn entered into a contract in 2015 with WM Recycle America, 4600 Port Washington Road, Milwaukee WI, 53212 for the disposal of commingled single stream recyclables; and

**WHEREAS**, the Millburn Township Assistant Administrator 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 effective August 1, 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 16-147  
AWARD CONTRACT FOR PARKING LOT #3 IMPROVEMENTS**

**WHEREAS**, on May 11, 2016, the Township Clerk received nine (9) bid proposals for the Parking Lot #3 Improvements (Chatham Road Commuter Lot), the low three bidders were as follows:

Stanziale Construction  
P.O. Box 2597  
Bloomfield, NJ 07003  
Bid: \$164,633.00

D&L Paving Contractors, Inc.  
675 Franklin Avenue  
Nutley, NJ 07110  
Bid: \$169,661.62

American Asphalt and Milling  
96 Midland Avenue  
Kearny, NJ 07032  
Bid: \$170,192.00

**WHEREAS**, the lowest bidder Stanziale Construction complied with the specifications and the Township Engineer has recommended that the contract be awarded;

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**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 Stanziale Construction 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 \$164,633.00.

3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Millburn Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

**RESOLUTION 16-148  
AWARDING DOT CONTRACT FOR  
GREAT HILLS ROAD – SECTION 3 ROAD IMPROVEMENTS**

**WHEREAS**, on May 11, 2016, the Township received eight (8) bid proposals for the Great Hills Road – Section 3 Road Improvements project, the low three bidders were as follows:

Fischer Contracting, Inc.  
10 Short Hills Lane  
Scotch Plains, NJ 07076  
Bid Amount: \$139,602.00

Stanziale Construction  
P.O. Box 2597  
Bloomfield, NJ 07003  
Bid: \$141,745.10

A.J.M. Contractors  
300 Kuller Road  
Clifton, NJ 07011  
Bid Amount: \$147,970.00

**WHEREAS**, the low bidder Fischer Contracting, Inc. complied with the specifications as per the Township Engineer and he 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 Fischer Contracting, Inc. 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: Bid Amount: \$139,602.00 pending the Department of Transportation’s final approval.

**RESOLUTION 16-149  
RATIFY EMERGENCY APPROPRIATION  
FOR THE REPAIR OF SECTIONS OF THE STORM SEWER PIPE ON GLEN AVENUE**

**WHEREAS**, an emergency situation, which could not have been reasonably foreseen, developed with respect to the failure of a storm sewerage pipe on Glen Avenue on May 23, 2016; and

**WHEREAS**, the failure of the storm sewerage pipe has lead to large sink holes on Glen Avenue;  
and

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**WHEREAS**, the Township Engineer has deemed this to be an emergency due to the potential of a serious safety health hazard; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-6, and regulations promulgated thereto, N.J.A.C. 5:34-6.1, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public, health, safety or welfare requires the immediate performance of services; and

**WHEREAS**, the Township authorized the Township Engineer and CFO to award to contracts to Environmental Grabowski Construction, Inc., of West Orange, NJ in an amount not exceed \$50,000.00; and

**WHEREAS**, the funding of the \$50,000.00 will be raised as part of an existing bond ordinance for small drainage repairs;

**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 Township Committee hereby ratifies the award of an emergency contract for the repairs to the storm sewer on Glen Avenue.
2. Grabowski Constructions, Inc., have been authorized to immediately commence with the work in order to prevent health hazard; and
2. This Resolution shall take effect as provided by law.

**RESOLUTION 16-150**

**DESIGNATE CHAPLAIN TO THE MILLBURN TOWNSHIP FIRE DEPARTMENT**

**BE IT RESOLVED** by the Township Committee of the Township of Millburn in the County of Essex, that Christian Bierne of St. Rose of Lima Roman Catholic Church be appointed and designated as Chaplain to the Fire Department for the year 2016.

**RESOLUTION 16-151**

**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:

- Red Mango
- La Strada
- Basilico
- The Coffee Mill Roasters

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RESOLUTION 16-152  
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:

American Legion Post 140 Guy R. Bosworth

RESOLUTION 16-153  
RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSES FOR 2016-2017

WHEREAS, there have been filed applications for various Alcoholic Beverage Control License Renewals for the year July 1, 2016 to June 30, 2017; and

WHEREAS, the applications appear to be in order and all conditions and requirements have been complied with and no objections have been filed in the Clerk’s Office and the Millburn Township Departments of Police, Health, Fire and the Township Clerk have recommended approval of the issuance of said licenses as applied for;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn, Essex County, that License Renewals for the year July 1, 2016 to June 30, 2017 pursuant to their applications, be issued to:

Legal Sea Foods Inc.	0712-33-015-012
Taub-Co License LLC	0712-33-005-005 – inactive license (pocket)
Benihana National Corp	0712-33-002-003
CB Millburn LLC	0712-33-004-009
Selam, Inc.	0712-44-006-007
Four Star Group, Inc.	0712-44-008-004
T & J Retail Corporation (Unwined)	0712-44-011-012
Kings Super Markets, Inc.	0712-44-012-007
The Cheesecake Factory Restaurant	0712-33-017-003
Short Hills Club	0712-33-018-001
Casa Colombo Civic Association	0712-31-021-001
Racquets Club of Short Hills, NJ	0712-31-023-001
Hilton Hotels Corporation	0712-36-027-002
Guy Bosworth Post 140 American Legion	0712-31-020-001
The Millburn Supper Club	0712-33-007-013

in the Township of Millburn in the County of Essex, New Jersey, and that the Township Clerk be and is hereby authorized to issue and deliver such licenses in accordance with Chapter 3, Section 3-1-11 of the Code of the Township of Millburn, New Jersey.

**Resolution Awarding Complete Streets Project – Phase 1**

Mayor Bourke reviewed the Complete Streets project, the base bid submitted and the alternates. The recommendation of the subcommittee is to accept the base bid with both alternates. The Governing Body discussed the different lighting aspects and various alternatives.

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Mayor Bourke made a motion to approve Resolution 16-154 with the alternates, which was seconded by Ms. Burstein.

Roll Call Vote: All ayes

**RESOLUTION 16-154**

**AWARDING THE “DOWNTOWN MILLBURN COMPLETE STREETS PROJECT – PHASE I” CONTRACT TO FLANAGAN’S CONTRACTING GROUP, INC. IN THE BID AMOUNT OF \$3,807,727.05 FOR THE BASE BID WORK WITH BOTH BID ALTERNATES**

**WHEREAS**, the Township of Millburn (the “Township”) advertised for the receipt of sealed bids for the “Downtown Millburn Complete Streets Project – Phase I”; and

**WHEREAS**, the Township received six (6) sealed bids at 11:00 A.M. on June 2, 2016, at which time the bids were unsealed and publicly announced; and

**WHEREAS**, the aforementioned six bids were from the following companies:

- Flanagan’s Contracting Group, Inc., 90 Old Camplain Road, Hillsborough, NJ (“Flanagan’s”)
- Reivax Contracting Corp., 356 Thomas Street, Newark, NJ (“Reivax”)
- Landtek Construction (d/b/a United Terrain Group”), 875 River Road, Piscataway, NJ (“United Terrain”)
- Berto Construction, Inc., 625 Leesville Avenue, Rahway, NJ (“Berto”)
- Zuccaro, Inc., 64 Commerce Street, Garfield, NJ (“Zuccaro”)
- AJM Contractors, Inc., 300 Kuller Road, Clifton, NJ (“AJM”)

**WHEREAS**, the bid prices are as follows:

Bidder	Base Bid	Base Bid with Alternate Lighting Poles	Base Bid with Light Dimmer Alternate	Base Bid with both Alternates
Flanagan’s	\$3,683,521.55	\$3,659,459.55	\$3,831,789.05	\$3,807,727.05
Reivax	\$3,805,554.49	\$3,918,554.49	\$3,999,254.49	\$4,112,254.49
United Terrain	\$4,137,701.17	\$4,145,974.17	\$4,288,613.67	\$4,296,886.67
Berto	\$4,470,310.47	\$4,492,710.47	\$4,685,710.47	\$4,708,110.47

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Zuccaro	\$4,944,796.00	\$4,946,196.00	No Bid	No Bid
AJM	\$5,236,061.00	\$5,427,061.00	\$5,470,611.00	\$5,661,611.00

**WHEREAS**, the Township desires to award the contract for the “Downtown Millburn Complete Streets Project – Phase I” for the Base Bid with Both Alternates in the amount of \$3,807,727.05 to Flanagan’s Contracting Group, Inc. as the lowest responsible bidder.

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

1. The Township Committee exercises its discretion to waive all immaterial defects, if any, with respect to the bid of Flanagan’s Contracting Group, Inc., received on June 2, 2016.
2. The Township Committee awards the Contract for the “Downtown Millburn Complete Streets Project – Phase I” to Flanagan’s Contracting Group, Inc., having a business addresses of 90 Old Camplain Road, Hillsborough, New Jersey, 08844 as the lowest responsible bidder in the bid amount of \$3,807,727.05, said amount representing the Base Bid with Both Bid Alternates, and the Mayor or such other authorized Township Official is authorized to execute said Contract in the form approved by the Township Attorney and as publicly advertised.
3. The Township’s staff and consultants are hereby authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
4. All bid security, except the security of the three apparent lowest responsible bidders, shall be returned, unless otherwise requested by the bidder, within 10 days after the opening of the bids, Sundays and holidays excepted. Within three days, Sundays and holidays excepted, after the awarding and full execution of the contract and the approval by the Township Attorney of the contractor’s performance bond, the bid security of the remaining unsuccessful bidders shall be returned to them.
5. Funds are available for this Contract and a copy of this Resolution shall be submitted to the Township’s CFO and kept on file in the offices of the Township.

6. This Resolution shall take effect immediately.

**ORDINANCE/INTRODUCTION**

**Ordinance 2460-16**

Mayor Bourke brought forth Ordinance 2460-16 for introduction. He reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Mr. Tillotson. The public hearing for the ordinance is scheduled for June 21, 2016.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2460-16**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,180,000 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 make various public improvements in, by and for said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefore.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that the following grants shall be received by the Township: (A) a \$252,000 grant from the New Jersey Department of Transportation to finance the cost of the improvement of Main Street described in Section 4.B hereof; and (B) a \$36,500 grant from the Essex County Community Development program, pursuant to the Federal Housing and Community Development Act, to finance the cost of the handicapped access (ADA) improvements described in Section 4.C hereof. Said grant funds shall be applied as set forth in Section 12 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

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Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Acquisition of real property, including an existing structure, for municipal purposes. The property to be acquired has a street address of 425 Essex Street and is designated as Block 1207, Lot 3 on the Tax Assessment Map of the Township.

Appropriation and Estimated Cost	\$ 800,000
Down Payment Appropriated	\$ 38,100
Bonds and Notes Authorized	\$ 761,900
Period of Usefulness	40 year

B. Reconstruction of Main Street (from Millburn Avenue south to the Springfield border). It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 330,000
Down Payment Appropriated	\$ 15,715
Bonds and Notes Authorized	\$ 314,285
Period of Usefulness	10 years

C. Undertaking of handicapped-access (ADA) curb ramp improvements at various locations.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,385
Bonds and Notes Authorized	\$ 47,615
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$1,180,000
Aggregate Down Payment Appropriated	\$ 56,200

## Aggregate Amount of Bonds and Notes

Authorized	\$1,123,800
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Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$59,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that moneys exceeding \$56,200, 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 purposes. The sum of \$56,200 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$1,123,800 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 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,123,800 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 9. 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

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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 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 30.33 years computed from the date of said bonds.

Section 11. 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 \$1,123,800 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 12. 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 purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation 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 14. 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.

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Section 15. 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**Ordinance 2461-16**

Mayor Bourke brought forth Ordinance 2461-16 for introduction. He reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Rosenberg. The public hearing for the ordinance is scheduled for June 21, 2016.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2461-16  
CAPITAL ORDINANCE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, NEW JERSEY  
AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND  
FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$1,339,215 AND PROVIDING THAT  
SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE  
TOWNSHIP**

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

Section 1. The Township of Millburn, in the County of Essex, New Jersey (the "Township") is hereby authorized to make the following public improvements and acquisitions in, by and for the Township, including all work, materials and appurtenances necessary and suitable therefore:

- (A) Fire Department  
(i) Undertaking of various renovations and improvements to Fire Headquarters and (ii) acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment.  
Estimated Cost: \$87,215
- (B) General Building Improvements  
Construction of an animal shelter on Township-owned property located on Canoe Brook Road in the vicinity of the Mack-Cali Building parking lot.  
Estimated Cost: \$300,000
- (C) Police Department  
(i) Undertaking of various renovations and improvements to Police Headquarters and (ii) acquisition of various equipment and machinery.  
Estimated Cost: \$250,000
- (D) Recreation

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(i) Undertaking of the following improvements to public property: (a) HVAC improvements at various recreation facilities and (b) replacement of fencing and doors at the Municipal Swimming Pool; and (ii) acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a passenger van.

Estimated Cost: \$72,000

(E) Department of Public Works

Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a log/brush truck.

Estimated Cost: \$180,000

(F) Engineering

Seal coating and/or micro-paving of various roads, as set forth on a list hereby approved and placed on file with the Township Clerk and available for public inspection during normal business hours. Additions to or deletions from said list may be made by resolutions adopted by the Township Committee and placed on file with the Township Clerk.

Estimated Cost: \$140,000

(G) Engineering

Undertaking of curb and drainage improvements at Whittingham Terrace.

Estimated Cost: \$310,000

Section 2. The sum of \$1,339,215 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township. The sum of \$1,339,215 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

Section 3. Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital 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 5. This ordinance shall take effect at the time and in the manner provided by law.

**PUBLIC DISCUSSION**

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

Ed Mazer, resident of Greenwood Drive, stated he noticed a fair amount of the bonding is for Main Street. He questioned why it is not a county road. Mr. Gordon pointed out that it is historical – off hand he could not tell him. Mr. Mazer asked why we do not have them to take it over. Mr. Gordon said we could always ask them. Mr. Tillotson stated he would advise against it. He said the County could then do

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what they wanted to so and we could have another Stop & Shop on our hands. He added that they could raise the speed limit and tonnage limit. Mr. Bourke pointed out that a meeting was held yesterday morning to reach a maintenance agreement with the county.

Phil Kirsch, resident of Cedar Street, asked about the revaluation letter. Mayor Bourke stated that he received his yesterday and Mr. Kirsch said he has not received one yet. Various other members of the Township Committee stated they have not received their letter yet.

David Lax, resident of Locust Avenue, asked about the proposed change on the east end of town to the roundabout at the intersection of Essex and Parkview. He also questioned the proposed back-in angle parking. He requested to discuss the article regarding the accumulated liability for unused vacation and sick time. Mr. McDonald addressed the sick time, stating that the township consistently works on trying to reduce that liability and noted some of the suggestions from Mr. Lax are already being utilized. Mayor Bourke addressed the issue of reverse angle parking noting that the spaces and driving lanes are wider to allow for increased maneuverability. He said the purpose of the roundabout is a calming mechanism and it also allows traffic to flow more efficiently than a traffic light. Mr. Lax said he respectfully disagrees with the conclusion about the roundabout.

**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 8:20 PM.

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Christine A. Gatti, RMC  
Township Clerk

Approved: August 16, 2016