

**February 6, 2018**

**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 Burstein opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, are advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall at 7:30 PM on February 6, 2018.

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

Upon call of the roll, the following Committee members were recorded present: Jackie Benjamin Lieberberg, Cheryl H. Burstein, Jodi L. Rosenberg and Dianne Thall-Eglow.

Absent: Samuel D. Levy

Also present were Business Administrator Alexander McDonald, Township Attorney Joseph Maraziti, Assistant Business Administrator Jimmy Homsy and Township Clerk Christine Gatti.

**Approval of Agenda**

Mayor Burstein asked for a motion to approve the agenda. The motion was offered by Ms. Rosenberg seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes

**Reports**

Ms. Lieberberg spoke about an event being held at the Arboretum on March 7th, where a local author will be present. She announced the launch of the Millburn Township intern program, where the township will be working with a sophomore or junior at Millburn High School to work in town hall on social media projects.

Ms. Thall-Eglow noted the absence of Mr. Levy and a report regarding Recreation. She stated she would like to work on the leash law even though there is no support from the Recreation Commission and also said she wanted to keep the possible issue of using the Par 3 as a field in the public eye.

Ms. Rosenberg stated the DMDA is holding their quarterly meeting on February 13<sup>th</sup> at 6:00PM. She spoke about a competition called Bits and Bytes she attended at the Bauer Center and also announced that the new bookstore opened in town in Friday. She also spoke about events being held on Sunday that celebrate Chinese culture and the Lunar New Year.

Mr. McDonald stated that the township received confirmation from NJ DOT that they will be milling and paving Route 124 beginning late spring or summer. He also gave an update on police traffic enforcement in town.

Mayor Burstein discussed a conference call with the Army Corps of Engineers pertaining to flooding issues. She added that she hopes to have a timeline shortly for the project to assist with this issue.

**Minutes**

Mayor Burstein asked for a motion to approve the minutes of the regular meeting of December 5, 2017, which was offered by Ms. Rosenberg and seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes, except Lieberberg, who abstained

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Mayor Burstein asked for a motion to approve the minutes of the special meeting of December 5, 2017, which was offered by Ms. Rosenberg and seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes, except Lieberberg, who abstained

Mayor Burstein asked for a motion to approve the minutes of the meeting of December 19, 2017, which was offered by Ms. Rosenberg and seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes, except Lieberberg, who abstained

Mayor Burstein asked for a motion to approve the minutes of the special meeting of December 19, 2017, which was offered by Ms. Rosenberg and seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes, except Lieberberg, who abstained

Mayor Burstein acknowledged Mr. Serio, representative from Essex County, who reviewed upcoming events and activities.

**Public Discussion**

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

**Consent Agenda**

Mayor Burstein asked for a motion to approve the items on the consent agenda, with Resolution 18-054 removed, amended and voted on separately due to an incorrect time frame being stated. Mayor Burstein also read a statement regarding Resolution 18-057:

*“On the agenda of tonight’s meeting is a Resolution that authorizes the execution of an Agreement between the Township of Millburn, the State of New Jersey Historic Preservation Office, and the NJDEP. This Agreement will designate Millburn as a “CLG,” or Certified Local Government. The Certification qualifies the Township to annually apply for federal Historic Preservation Fund matching grants available only to CLGs, comment on National Register of Historic Places nominations, and receive priority technical assistance from the Historic Preservation Office. In return, the Township agrees to maintain its Historic Preservation Commission and Ordinance in accordance with the State’s CLG Program Guidelines. During the past year Barton Ross, our HPC Consultant, worked with several contacts at the State of New Jersey to help us move toward this goal, and together with a letter that I was required to submit on behalf of the Township, a CLG application was also submitted and approved. On January 8th I received notification from Jonathan Kinney, the State’s Senior Historic Preservation Specialist, that the NJDEP would recommend Millburn’s acceptance into the Certified Local Government (CLG) Program. This is an exciting step forward towards our historic preservation goals, and a prestigious distinction for Millburn given that only forty-five communities in the State have currently been named CLGs, and Millburn Township will be the first community designated in over five years.”*

Phil Kirsch, of Cedar Street, asked who negotiates the collective bargaining agreement. Mr. McDonald responded that he does. Ms. Rosenberg made a motion to approve the consent agenda as amended with Resolution 18-054 being removed, which was seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 18-044  
APPROVE BILLS PAYABLE**

**RESOLVED** that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated February 6, 2018, in the following accounts:

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General	\$ 974,720.62
Capital Fund	666,237.00
Parking Utility - Capital Fund	5,928.00
Parking Utility - Operating Fund	6,447.77
Donation Trust Fund	365.00
Escrow Trust Fund	4,273.88
Police Off Duty Trust Fund	94,756.00
Waste Recycling Trust	8,387.73
PATFA II	420.00

**RESOLUTION 18-045**  
**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>
Tyagi, Ankur & Sharma, Uvika 102 Cypress St Millburn, NJ 07041 Block 206 Lot 22 102 Cypress St	Tax Appeal 2017 Taxes Added assmt	\$487.20
Marx, Sheila 54 Wittingham Terrace Millburn, NJ 07041 Block 807 Lot 7 54 Wittingham Terrace	Tax Appeal 2017 Taxes Added assmt	\$36.34
Middlemark, Rosalyn 95 Meadowbrook Rd Short Hills, NJ 07078 Block 1704 Lot 3 95 Meadowbrook Rd	Tax Appeal 2017 Taxes Added assmt	\$108.26
508 Millburn Ave LLC 514 Millburn Ave Short Hills, NJ 07078 Block 1708 Lot 9 508 Millburn Ave	Tax Appeal 2017 Taxes Added assmt	\$1,781.76
Sripradha, Ilango & Amit, Mahajan 60 Forest Drive North Short Hills, NJ 07078 Block 2110 Lot 5 60 Forest Drive North	Tax Appeal 2017 Taxes Added assmt	\$217.62
Key, Anthony & Compton, Catherine 15 Wells Lane Short Hills, NJ 07078 Block 2110 Lot 9 15 Wells Lane	Tax Appeal 2017 Taxes Added assmt	\$773.32

**RESOLUTION 18-046**  
**AUTHORIZE THE TRANSFER OF A PREPAYMENT**

**NOW, THEREFORE BE IT RESOLVED** that the Tax Collector be authorized to transfer the following transaction:

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**From:**

<b>Block</b>	<b>Lot</b>	<b>Address</b>	<b>Owner</b>	<b>Amount</b>	<b>Date Paid</b>
603	26	31 Walnut Ave	Andrew Simpson	\$3,641.48	December 26, 2017

**To:**

<b>Block</b>	<b>Lot</b>	<b>Address</b>	<b>Owner</b>
3803	25	201 Parsonage Hill Rd	Andrew Simpson

**RESOLUTION 18-047**  
**AUTHORIZING BOND REDUCTION FOR 233 CANOE BROOK ROAD**

**WHEREAS**, 233 Canoe Brook Associates, LLC (“the Developer”) is currently developing a mixed use development within the Township of Millburn commonly known as the Mack Cali site; and

**WHEREAS**, in accordance with approvals previously received for this application, the applicant has posted certain performance guarantees; and

**WHEREAS**, the Developer has a total existing performance guarantee in the amount of \$4,046,158.09;

**WHEREAS**, by letter dated January 23, 2018, the Township’s Engineer, Martha Callahan, has advised the Township Committee that based on her site visit and review of the status of site improvements made, Ms. Callahan recommends that the performance bond be reduced to \$1,260,300.20 in view of the fact that portions of the bonded improvements have been completed by the Developer; and

**WHEREAS**, the Township Committee wishes to accept the recommendation of the Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED** on this 6<sup>th</sup> day of February 2018, by the Township Committee of the Township of Millburn in the County of Essex, that:

1. The existing performance bond currently being held by the Township is hereby reduced to \$1,260,300.20.
2. The existing performance bond currently being held by the Township is hereby partially released in the amount of \$2,785,857.89.
3. This Resolution shall take effect immediately as provided by law.

**RESOLUTION 18-048**  
**AUTHORIZING BOND REDUCTION FOR 201 PARTNERS, LLC**

**WHEREAS**, 201 Partners, LLC (“the Developer”) is currently developing subdivided lots within the Township of Millburn, located at 201 Old Short Hills Road, Tax Lot 4, Block 2401; and

**WHEREAS**, in accordance with approvals previously received for this application, the applicant has posted certain performance guarantees in the amount of a \$304,880.00 cash bond; and

**WHEREAS**, by letter dated January 23, 2018, the Township Engineer, Martha Callahan, has advised the Township Committee that based on her review of the status of site improvements made, Ms. Callahan recommends that the performance bond be reduced by \$161,807.53 in view of the fact that portions of the work has been completed, inspected, and accepted by the Township; and

**WHEREAS**, the Township Committee wishes to accept the recommendation of the Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED** on this 6<sup>th</sup> day of February 2018, by the Township Committee of the Township of Millburn in the County of Essex, that:

4. The existing performance bond currently being held by the Township is hereby reduced to \$143,072.47.
5. The existing performance bond currently being held by the Township is hereby partially released in the amount of \$161,807.53.
6. This Resolution shall take effect immediately as provided by law.

**RESOLUTION 18-049**  
**AUTHORIZING THE ADVERTISING OF BIDS –**  
**SUMMER BASEBALL CAMP 2018-2020**

**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:

**Summer Baseball Camp 2018-2020**

**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 18-050**  
**AUTHORIZING ONE YEAR OPTION #1 ON CONTRACT**  
**FOR PAR 3 GOLF COURSE MAINTENANCE AND OPERATIONS**  
**[Shearon Environmental Design Company of NJ - Shearon Golf]**

**WHEREAS**, the Township of Millburn entered into a contract in 2015 (Base Bid #2) with Shearon Environmental Design Company of NJ - Shearon Golf, 337 Route 31, Hopewell, NJ 08525, for the Par 3 Golf Course Maintenance and Operations; and

**WHEREAS**, the Millburn Township Recreation Director and Public Works 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 2018 from February 2018 through January 2019; 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 18-051**  
**AUTHORIZING EXECUTION OF CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM AGREEMENT**  
**ON BEHALF OF MILLBURN TOWNSHIP**

**WHEREAS**, Certified Local Government (CLG) status provides communities with the opportunity to enhance the local government's role in historic preservation by formalizing and strengthening the local historic preservation program; and

**WHEREAS**, the Township of Millburn has applied for CLG status by forwarding a letter drafted by its Chief Elected Official, Mayor Cheryl H. Burstein, requesting CLG status; and

**WHEREAS**, in addition to the Mayor's letter, the Township of Millburn has completed and submitted a CLG Application; and

**WHEREAS**, a Certification Agreement executed by the Historic Preservation Office has been returned to the Township of Millburn and requires execution; and

**WHEREAS**, the Township Committee wishes to authorize the execution of the same.

**NOW, THEREFORE, BE IT RESOLVED** on this 6th day of February 2018, by the Township Committee of the Township of Millburn in the County of Essex, that:

1. Mayor Cheryl H. Burstein is hereby authorized to execute three (3) copies of the "Certification Agreement" of the Certified Local Government Program of the State of New Jersey on behalf of Millburn Township.
2. The Millburn Township Clerk is authorized and directed to return all signed copies of the Certification Agreement to the Historic Preservation Office of the State of New Jersey.

**RESOLUTION 18-052**  
**APPROVE COLLECTIVE BARGAINING AGREEMENT**  
*[PBA, Local 34]*

**WHEREAS**, the Township of Millburn has reached a settlement with the Police Benevolent Association [PBA], Local 34, setting forth the terms and conditions of a Collective Bargaining Agreement for the years 2017, 2018 and 2019; and

**WHEREAS**, it is necessary to set forth the terms and conditions of the settlement in a duly authorized Collective Bargaining Agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, in the County of Essex, that the Mayor and the Township Clerk are hereby authorized to execute a proper agreement for the years 2017, 2018 and 2019 between the Township of Millburn and PBA, Local 34.

**RESOLUTION 18-053**  
**APPROVE COLLECTIVE BARGAINING AGREEMENT**  
*[SOA, Local 34A]*

**WHEREAS**, the Township of Millburn has reached a settlement with the Superior Officers Association [SOA], Local 34A, setting forth the terms and conditions of a Collective Bargaining Agreement for the years 2017, 2018 and 2019; and

**WHEREAS**, it is necessary to set forth the terms and conditions of the settlement in a duly authorized Collective Bargaining Agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, in the County of Essex, that the Mayor and the Township Clerk are hereby authorized to execute a proper agreement for the years 2017, 2018 and 2019 between the Township of Millburn and SOA, Local 34A.

**RESOLUTION 18-055**  
**ESTABLISH THE 2018 SEWER USE CHARGE**

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BE IT RESOLVED, by the Township Committee of the Township of Millburn in the County of Essex that the Sewer Use Charge per unit for the calendar year 2018 is hereby determined to be \$166.00;

BE IT FURTHER RESOLVED that the 2018 Sewer Use Charge shall be payable April 1, 2018 with a seven day grace period and that interest shall be charged at the delinquent rate of 8% on the first \$1,500 and 18% on the balance over that;

BE IT FINALLY RESOLVED that the sewer fees billed shall become a lien on each parcel and thus subject to tax sale for prior year delinquencies.

RESOLUTION 18-056
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:

- Connie Dwyer Breast Cancer Foundation
Healing the Children
Paper Mill Playhouse
PTO Deerfield School
St. Rose of Lima HAS
The Valerie Fund
Dominican Nuns of Summit/Rosary Guild
PTO Hartshorn School

RESOLUTION 18-057
RESOLUTION TO CLOSE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

- a.) Current & Potential Litigation – Insurance Coverage Arbitration and Millburn v Bogomilsky and Consolidated Cases
b.) Property Acquisition

2. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

3. This Closed Session will take place immediately after the regular meeting on Tuesday, February 6, 2018.

**Resolution 18-054**

Resolution 18-054 was brought forth as amended to include No Right on Red between 7 AM and 9 AM and 2 PM and 4 PM. Ms. Rosenberg made a motion to approve Resolution 18-054 as amended, which was seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 18-054**  
**SUPPORT TRAFFIC PATTERN PILOT PROGRAM – MAIN STREET & RIDGEWOOD ROAD**

**WHEREAS**, the Township of Millburn desires to pilot a new traffic pattern at the corner of Main Street and Ridgewood Road; and

**WHEREAS**, this new traffic pattern would be a no turn on red designation from Main Street to Ridgewood Road between the hours of 7:00am to 9:00am and 2:00pm to 4:00pm; and

**WHEREAS**, this trial period will last for six (6) months; and

**WHEREAS**, the Township will evaluate the effectiveness of the no turn on red to enhance pedestrian safety, sight lines and traffic flow in the area; and

**WHEREAS**, if a permanent change in regulations are deemed appropriate it will be done by proper legislative action of the Township Committee;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, in the County of Essex, hereby approve the use of traffic pattern pilot program to evaluate various solutions to address current traffic needs and challenges in Millburn Township.

**Resolution 18-058**

Resolution 18-058 was brought forth, with Mr. McDonald explaining that this will fund debt associated with the Complete Streets project. Mr. McDonald reviewed what is included in the debt, noting that our debt service is not impacting the tax rate. Ms. Rosenberg made a motion to approve Resolution 18-058, which was seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 18-058**

**COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF MILLBURN, AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING AN \$8,349,272 BOND ANTICIPATION NOTE, DATED FEBRUARY 2, 2018 AND PAYABLE FEBRUARY 1, 2019, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED**

**WHEREAS**, the Township of Millburn, in the County of Essex, New Jersey (the "Township"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and



**WHEREAS**, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Township, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

**WHEREAS**, the Township intends to issue an \$8,349,272 Bond Anticipation Note, dated February 2, 2018 and payable February 1, 2019 (the "Note"); and

**WHEREAS**, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2018.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2018.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2018 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

### Ordinance – Introduction

#### Ordinance 2492-18

Mayor Burstein brought forth Ordinance 2492-18 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Rosenberg. It was announced that the public hearing for the ordinance is scheduled for March 6, 2018.

Roll Call: Ayes: Burstein, Lieberberg, Rosenberg, Thall-Eglow

Absent: Levy

**ORDINANCE NO. 2492-18**  
**AN ORDINANCE CHANGING THE NAME OF A PORTION OF CANOE BROOK ROAD TO FINERAN WAY IN**  
**MILLBURN TOWNSHIP, NEW JERSEY**

**STATEMENT OF PURPOSE:** *The purpose of this Ordinance is to rename a portion of Canoe Brook Road to “Fineran Way,” with an additional honorarium sign thereunder entitled “Scoutmaster Ken Fineran.”*

**WHEREAS,** the Township of Millburn presently intends to change the name of a portion of Canoe Brook Road to Fineran Way with an Honorarium sign below to read “Scoutmaster Ken Fineran”; and

**WHEREAS,** N.J.S.A. 40:67-1(k), provides that the governing body of a municipality may make, amend, repeal and enforce ordinances to provide for changing the names of streets within such municipality; and

**WHEREAS,** this name change shall affect the length of Canoe Brook Road from the intersection of Route 124 to the vacated portion at the cul-de-sac; and

**WHEREAS,** the Millburn Post Office shall be notified of such change by provision of a copy of this Ordinance; and

**WHEREAS,** the Millburn Police Department and Millburn Fire Department shall likewise be notified of such change by provision of a copy of this Ordinance; and

**WHEREAS,** the State of New Jersey shall be notified so that signage may be changed on State Route 124 reflecting such name change; and

**WHEREAS,** the Township Engineering Department shall be notified of such a change by provision of a copy of this Ordinance in order to enable compliance with Section 15-6.1 of the Revised General Ordinances of the Township of Millburn, which imposes a duty upon the Township Engineer to keep a record of all streets and public roads in the Township.

**WHEREAS,** appropriate signage shall be installed to reflect the street name change.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN** that the following street name is hereby changed as delineated below:

**Section 1.**

The name change of Canoe Brook Road shall affect the portion of the length of Canoe Brook Road beginning at State Route 24, running in an easterly direction along Lot 1 Block 5304, to the westerly Block Limit Line of Lot 26 of Block 5101, as shown on sheets 51 and 53 of the Millburn Township Tax Maps, dated January 2013 and approved by the New Jersey Department of Treasury, Division of Taxation on March 17, 2014, being also generally described as the portion of Canoe Brook Road running in an easterly direction from Route 24 to the westerly edge of the area vacated by Millburn Township Ordinance #2-7 adopted on February 14, 1978.

**Section 2.**

The name of Canoe Brook Road shall become “Fineran Way” with an Honorarium below to read “Scoutmaster Ken Fineran.”

**Section 3.**

The Millburn Post Office shall be notified of such change by provision of a copy of this Ordinance.

**Section 4.**

The Millburn Police Department and Millburn Fire Department shall likewise be notified of such change by provision of a copy of this Ordinance; and

**Section 5.**

The Township Engineering Department shall be notified of such a change by provision of a copy of this Ordinance in order to enable compliance with Section 15-6.1 of the Revised General Ordinances of the Township of Millburn, which imposes a duty upon the Township Engineer to keep a record of all streets and public roads in the Township.

**Section 6.**

The State of New Jersey shall be notified so appropriate signage changes may be made along State Route 124.

**Section 7.**

Appropriate signage shall be installed to reflect the street name change.

**Section 8.**

This Ordinance shall become effective on April 6, 2018, two months after adoption and publication according to law.

**Ordinance 2493-18**

Ms. Rosenberg brought forth Ordinance 2493-18 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Thall-Eglow. It was announced that the public hearing for the ordinance is scheduled for March 6, 2018.

Roll Call:           Ayes: Burstein, Lieberberg, Rosenberg, Thall-Eglow

                          Absent: Levy

**ORDINANCE NO. 2493-18**

**ORDINANCE TO VACATE A PORTION OF AN EXISTING SANITARY SEWER EASEMENT LOCATED AT 65 FALMOUTH STREET, TAX LOT 4, BLOCK 3605 IN THE TOWNSHIP OF MILLBURN, ESSEX COUNTY, NEW JERSEY**

***Statement of Purpose:*** *The purpose of this Ordinance is to vacate a small portion (34.3 square feet) of a sanitary sewer easement running directly underneath the single family home at 65 Falmouth Street, or Tax Lot 4, Block 3605.*

**WHEREAS**, a twenty foot (20') wide sanitary sewer easement exists on Tax Lot 4, Block 3605 in the Township of Millburn, more commonly known as 65 Falmouth Street; and

**WHEREAS**, a certain 34.3 square foot portion of this sanitary sewer easement runs directly under the two-story one-family frame house located at the same address; and

**WHEREAS**, the portion of the easement running directly under the structure has negatively affected the ability of the owners to sell the property; and

**WHEREAS**, the Township has consented to the vacation of the 34.3 square foot portion of that easement running directly under the frame house since vacation of this small portion of the easement does not affect the sanitary sewer line running adjacent to the house nor access to it.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, NEW JERSEY**, as follows:

Section 1. The portion of the existing 20' Sanitary Sewer Easement on Tax Lot 4, Block 3605, as more particularly described in Exhibit A annexed hereto, prepared by Casey & Keller, Inc. and entitled "Description of a portion of an existing sanitary sewer easement to be vacated: 65 Falmouth Street, Tax Lot 4, Block 3605, Township of Millburn, Essex County, New Jersey " and as depicted on Exhibit B annexed hereto, prepared by Casey & Keller and entitled "Easement Vacation Map" is hereby released and vacated.

Section 2. Pursuant to N.J.S.A. 40:67-21, the Township Clerk of the Township of Millburn hereby is authorized and directed to file in the office of the Essex County Register, New Jersey, within sixty (60) days after this ordinance shall take effect, a copy hereof, certified by her under the seal of the Township to be a true copy hereof, together with a copy of the proof of publication hereof, as required by law.

Section 3. This ordinance shall take effect after final passage and publication as provided by law.

**Ordinance 2494-18**

Ms. Thall-Eglow brought forth Ordinance 2494-18 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Rosenberg. It was announced that the public hearing for the ordinance is scheduled for March 6, 2018.

Roll Call: Ayes: Burstein, Lieberberg, Rosenberg, Thall-Eglow

Absent: Levy

**ORDINANCE NO. 2494-18**  
**ORDINANCE AMENDING CHAPTER VII "TRAFFIC"**  
**OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN**

**STATEMENT OF PURPOSE:** *The proposed amendment to the Traffic Ordinance is intended to authorize the installation of an "all way" Stop Signs at the intersections of Rector Street and Spring Street as well as Church Street and Spring Street.*

**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 VII entitled "Traffic" of the Revised General Ordinances of the Township of Millburn is hereby amended as follows:

Section 7-20 – "Stop Intersections" is amended and supplemented to include the following intersection:

<i>Intersection</i>	<i>STOP Sign on:</i>
Spring Street and Rector Street	All way stop
Spring Street and Church Street	All way stop

\*STOP SIGN, Type R1-1 (30"), shall be installed on Spring Street facing northbound and southbound traffic, approaching the intersections of Rector Street and Church Street.

**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.

### New Business

#### Proposed Fire Permit Fees

Mr. McDonald briefly reviewed a proposal from the fire department that would change fire permit fees to put them in line with state fees. He said they are also making recommendations about fireworks, now that they are legal. He said he would obtain additional information regarding the recommendations to the Township Committee.

### Old Business

#### Proposed Regulations for Chickens on Residential Properties

Ms. Rosenberg opened the discussion explaining why she and Ms. Thall-Eglow were tasked with researching regulating the keeping of residential chickens. She said they are recommending that a proposed ordinance contain the following: 3 to 4 chickens per property, no selling of eggs, a coop that shield from predators, permits need to be obtained and a fee should be associated, the consent of neighbors, no slaughtering of chickens, no roosters and an adherence to the noise ordinance. Ms. Thall-Eglow stated that this discussion has stemmed from problems with people having chickens in the Glenwood section where the homes are closer together. She pointed out that they are recommending that the coop should be no closer than 20 feet to any property line. She stated that the people currently owning chickens would be grandfathered in for a period until they can come into compliance with the new ordinance. Ms. Rosenberg and Ms. Thall-Eglow fielded brief questioning and concerns from other members of the Township Committee. Mayor Burstein asked if the Committee wanted to use the recommendations of the sub-committee and have the attorney draft an ordinance that could be changed. Ms. Rosenberg suggested hearing from the public and the discussion may continue at a later meeting.

#### Proposed Development for Chatham/Woodland Road

Mayor Burstein introduced Joseph Maraziti, Esq., of Maraziti and Falcon, noting one of his specialties is land use and redevelopment. She stated that he was going to give a presentation to outline the options available to the Governing Body when dealing with proposed development. Mr. Maraziti pointed out that he was not addressing specifics, but rather generic possibilities and opportunities for the Governing Body concerning land use and what the alternatives are. Mr. Maraziti reviewed the alternatives and options available to the township using a PowerPoint presentation. Mr. Maraziti explained that the possibilities for regulating development at the Chatham and Woodland Roads site include keeping the existing zoning, rezone the area, or determine if the location qualifies as an area in need of rehabilitation. He pointed out that each option carries risks. If the current zoning is kept, a developer can apply for a variance to the existing zoning arguing that the development would bring what the law describes as an inherently beneficial use. If the area is rezoned, the town could be sued for spot zoning, which could benefit a particular developer. He reviewed the possibility that a developer could also file a builder's remedy lawsuit. He said the township could also draft a redevelopment plan, which would allow the municipality to maintain control over what happens in the area. He said deeming the area in need of rehabilitation does not allow the municipality to condemn property or have the developer agree to payment in lieu of taxes. He explained it is important to have a plan and a strategy. He noted

currently there is not an application pending for the site. A discussion ensued about the various options and Mr. Maraziti addressed questions, comments and concerns from the public.

### Public Discussion

Mayor Burstein opened the floor to public comment.

Emily Bulbulia, of 201 Hobart Avenue, said she is not opposed to a 3 or four story building at the Chatam Road site and asked what will happen to property values.

Debra Nevas, 65 Knollwood Road, made and provided the following statement:

*"I would like to address several statements made by the Silverman Group at their January 17, 2017 presentation to you. First, Silverman's planner, Michael Tobia, expressed a lot of ideas about what he would like you to do with our zoning ordinances, all of which would benefit Silverman and few of which would benefit actual residents of the township. He stated his desire to make the Silverman application a variance free one and expressed a wish to not end up with 10 variances after going through all the work of introducing, designing and rezoning this project. Silverman would recommend certain adjustments to Millburn's zoning, he said, to make this work and make it a variance free application. I personally have done construction on two homes in Short Hills and only wish that I could have come to you and made recommendations for certain adjustments to Millburn's zoning ordinances so that I could also have had a variance free application. Mr. Tobia also expressed a desire to have this project embraced by the community. As you can see, by the turnout tonight, as the proposed project currently stands, the community most definitely does not.*

*I was also struck by several statements that Silverman's architect, David Minno, made at the January 2017 presentation. In particular, he stated that he had looked at the grades to see if those residing on Hobart Avenue would be able to see this project from their homes and concluded they would not. Perhaps Mr. Minno does not realize that Chatham Road is downhill from Hobart Avenue. I've provided you with a series of photos; I think they speak for themselves. The first 8 photos show the current view from Hobart over the railroad tracks and down onto Chatham. The one story gas station, two story dentist office and two story SMG building are all clearly visible. There are also 4 photos that demonstrate, through the use of balloons set on strings measured to lengths of 3 and 4 story heights, just how tall these buildings would be if actually constructed.*

*I would also like to express my concern about the impact of this development on the Arboretum, which borders the site. The Arboretum serves as a sanctuary for migratory birds. Mr. Minno described this project as one that would have lots of glass. Studies have shown the mortal danger glass in buildings can pose to migratory birds. The Arboretum is also home to many bats; they roost in bat houses the Arboretum has constructed for them. Artificial lighting from increased development is posing a threat to bat populations worldwide; imagine the impact a dark comer of the Arboretum suddenly lighting up every night when 62 apartment dwellers turn on their lights would have.*

*My opposition to this project is about size and density. As proposed, it is wholly inappropriate for this neighborhood and needs to be significantly re-worked. Mr. Tobia, Silverman's planner, stated that he thought there was a lot of zoning on the site right now that works for Silverman. I'd like to suggest that the two story height limit that currently is a part of the B-3 zoning ordinance for this site continues to be one of the zoning ordinances Silverman is required to work with if they want to proceed with this project."*

James Feely, resident of 46 Crescent Place, asked if Silverman owns all the parcels of land. He also asked about square footage and lot coverage of the proposed project. He asked if the people making the decisions about this and whether or not they have financial connections to the developer.

Peter Van Sant, resident of 322 Taylor Road South, said rehabilitation fast tracks this system and we need to work together not to give it this designation. There is no support of this project. He said the proposal is too big and doesn't fit in the area and he would like to know the thoughts of the Ccommittee. He said it would change the quality of life.

Joe Esposito, resident of 80 Meadowbrook Road, said he loves the Arboretum and bird sanctuary, calling it an oasis. He said this proposal is not wanted and would be a disruption to the area, especially

the wildlife. He said he is all for development and would love to see it turned into a library or something for the children.

Ann Levinson, resident of 3 Thackery Drive, said everyone needs to be aware that there may be a conflict of interest and the law firm for which Mayor Burstein works deals with large commercial builders and lists construction law as part of the practice. She asked the Mayor to recognize the conflict and to recuse herself from meetings with the Silverman group that pertain to Chatham Road. She asked for any other member who has a conflict to recuse themselves as well. Mr. Maraziti noted that there is a very clear line drawn according to ethics law and he said that facts that he is aware of do not indicate that the line has been crossed. Mayor Burstein noted for the record that her firm does not have the Silverman Group as a client.

Greg Blackburn, resident of 11 Inwood Road, expressed concern for the construction process, noting the narrow roads and said no matter what happens at the site there needs to be oversight by the town and standards set with strict adherence.

Phil Kirsch, resident of 93 Cedar Street, made and provided the following statement:

*“Twice last year I spoke to the possibility of the Township Committee going on record regarding the behavior of our president, apart from policy. As a second year begins, I want to bring to your attention once again the continuing divisiveness and dishonesty of the current chief executive.*

*Since taking office President Trump has continually and personally attacked our federal judges and courts, the FBI, the Department of Justice, senators, generals, activists, and our allies around the world. He has done this when they commit one common sin: to disagree with him, or oppose him in any way. He has likewise attacked and threatened print and other media, calling them “the enemy of the American people,” simply because they have dared to disagree with, contradict, or correct him. Not with logic or argument or even respect, but simply because they contest his actions, opinions, or misstatements, they are labeled as unpatriotic or “enemies.”*

*Even more often the president has simply made things up, one after the other. That millions of people voted illegally in California; that he had the largest inauguration turnout or biggest electoral victory; that he saved money on military projects that were already determined before he took office, and on and on right up until his lie that last Tuesday’s State of the Union address was watched by “the highest number in history.”*

*Our president is always elected by a minority of the entire population to represent the entirety of that population, to each other and to the world on our behalf. We the people have differences, but we are one nation bound by common institutions and basic beliefs; we are not perfect, but we try to treat each other with honesty and respect. We deserve a president who is worthy of our character and our aspirations, and it is our responsibility to demand that in our top representative, not to accept anything less.*

*I therefore ask the committee once again to condemn this president’s continuing behavior in a resolution citing specific instances like those I have mentioned here tonight, and not to assent to it in silence.”*

Bebe Shear, resident of 101 Oakview Terrace, asked the Committee for their vision for this Chatham Road property. Mayor Burstein said that no one is aiming at anything at his point. She said the question is what are we going to do at this point and it is a conversation that the Committee has to have. She said this will be done in public and in concert with what the public wants. Ms. Shear stated the public only wants two stories, but she does not believe that is the goal of the Committee. Mayor Burstein said they are there to represent the township as a whole and come up with the best plan for the township as whole. Mayor Burstein added that nothing will be perfect and they will never make everyone happy.

Gary Butter, resident of Baltusrol Way, came forward and said it sounds like rehabilitation is best for the developer and builders remedy is something that we should be fearful of and feels it need to be studied more. He thinks we should be reluctant to succumb to what may be idle threats.

**February 6, 2018**  
**Millburn Township Committee Meeting Minutes**

David Cosgrove, resident of 99 Oakview Terrace, asked if anyone has been in communication with the developer and he was advised no, there has not been any contact.

Keri Straussberg, resident of Undercliff Terrace, thanked the Committee for bringing in Mr. Maraziti tonight. She asked for advocacy and transparency in this process, which is opposed by the community.

Ms. Thall-Eglow suggested that someone representing the Arboretum come to a meeting to give their opinion regarding the project and the possible impact on the Arboretum.

Sam Reckford, resident of 28 Ridge Terrace, said there are zoning rules for a reason and we shouldn't be cowed by builders since a high density project is out of step with the zoning.

Susan Steinberg, resident, asked if they still have something on the Silverman website reflecting a four story building and Mayor Burstein said they have been directed to take it down.

Debra Nevas, resident, asked about the status of a B3 density ordinance. She specifically asked for a density ordinance for the B3 district.

An unidentified resident said she lives in the historic district and had to jump through hoops when doing renovations to her home. She asked if the Historic Commission has weighed in on this since she will be looking directly at it from the historic district. Mayor Burstein said they do not have jurisdiction since it is not in the historic district.

Cary Heller, resident of 56 Byron Road, came forward and asked for the accounting he requested at a previous meeting regarding the Complete Streets project. Mr. McDonald said he did not have the exact figures at this point and advised that he would let him know when they are available. Mr. Heller said he wanted the numbers publicly disclosed. He stated that he would like to know what is left from the bonded amount. He demanded to know why the invoiced amounts are not being provided because it is an easy question. He said there is a \$3.4 million dollar bond out there with no plan or a place to spend it and it should not be spent without due diligence and advised that the Committee repeal that \$3.4 million bond.

Not seeing additional comments, the public discussion was closed.

**Adjournment**

Mayor Burstein asked if anyone has any remaining comments or questions. Receiving none, she called for a motion to adjourn the meeting which was offered by Ms. Rosenberg and seconded by Ms. Thall-Eglow. Vote: All Ayes. The meeting was adjourned at 10:45 PM.

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Christine A. Gatti, RMC  
Township Clerk

Approved: April 17, 2018