

February 20, 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 20, 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, Samuel D. Levy, Jodi L. Rosenberg and Dianne Thall- Eglow.

Also present were Business Administrator Alexander McDonald, Township Attorney Christopher Falcon, 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 and seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes

Proclamation

A Proclamation was presented to Opportunity Project in recognition of Brain Injury Awareness Month.

Presentation

Mr. McDonald stated he wanted to speak informally about the 2018 municipal budget before the formal introduction scheduled for the March 6th meeting. With the assistance of a PowerPoint presentation, Finance Officer Jason Gabloff and Mr. McDonald reviewed the budget, noting a 0% increase in the municipal portion of the taxes. It was announced that the budget would be introduced on March 6, 2018 and the public hearing and adoption were scheduled for April 17, 2018. Mr. Gabloff and Mr. McDonald addressed comments and questions from the Governing Body.

Reports

Mr. Levy reported on the Recreation Commission meeting. He said he would like to address the relaxing of the dog leash rules, which had been raised at a prior meeting. He stated that the commission decided not to relax the rule, primarily because of the assumption that many people will not pick up after their dogs. He said it is under the purview of the Township Committee if they choose to change that. He noted that this discussion took place at a meeting in December, prior to his joining the board, and the information he was providing was taken from the minutes of that meeting. He stated that they also discussed their goals and objectives and did a self evaluation. He announced that camp registration and spring and summer program registration is also open. He indicated that batting cages have been gifted by the Millburn Youth Baseball Association to the Recreation Department and should be available for use this spring.

Ms. Lieberberg pointed out that she attended a meeting at the Arboretum and announced a gala they will be holding at the Turtle Back Zoo on May 12th from 6 – 10 PM. She stated that Joint Fields met and will continue to address the lack of fields in the township and continue to explore various possibilities. There will be planting in June at the field next to Washington School and replacement of safety netting at the high school.

Ms. Rosenberg attended the DMDA board meeting and advised that they will be presenting their budget. She said the DMDA Special Improvement District budget can be presented since they voted on it at their January meeting. She pointed out a meeting she attended and possible grant funding for the

bridge where you come into town. She stated that she spoke with a resident about school residency issues and the possibility of an ordinance that would address this issue not just from a Board of Education position, but also from a township enforcement position. Mr. Levy said there would be constitutional violations in an ordinance of that nature and the school board has authorities who deal with that issue. He pointed out that this is a function of the school board. Mayor Burstein concurred. Mr. Falcon said this issue had been raised years ago and the township elected not to get involved since the school board already has a process in place. Due to his experience on the school board, Mr. Levy fielded questions from the Township Committee regarding the issue. He reiterated that this is in the purview of the Board of Education.

Ms. Thall-Eglow announced that the Environmental Commission met and discussed the as built survey ordinance, which is still in the process of being finalized. She said it is unclear if the ordinance is intended for new or existing homes and that is what they are waiting for clarification on. She pointed out that the energy aggregation is on schedule, with Maplewood as the lead agency. She said they also had a guest speaker from GASP, who spoke about the health and environmental dangers of vaping.

Mr. McDonald commented on the PTOC meeting and spoke about a grant for Safe Routes to Schools which would assist with addressing issues the bridge by the middle school. He said he would like to have a resolution regarding this for March 6th in order to support the grant application. At the request of Ms. Thall-Eglow, he pointed out that he has looked into live streaming of Committee meetings and he is soliciting quotes that he will share with the Committee. He followed up on the request for Complete Streets numbers, stating they are now posted on the website under the Complete Streets initiative.

Mayor Burstein pointed out that she received a letter from the Army Corps of Engineers stating they have decided to do a dam analysis for the Orange Reservoir, which was requested by the Rahway River Coalition. She said she has written letters to our representative to thank them for their support on this matter. She said she has also signed her support to Mayors Against Illegal Guns.

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. Ms. Rosenberg made a motion to approve the consent agenda, which was seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes

**RESOLUTION 18-061
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 20, 2018, in the following accounts:

General	\$ 460,409.39
Capital Fund	261,569.56
Parking Utility - Operating Fund	7,502.93
Dog Fund Trust	798.60
Escrow Trust Fund	3,726.50
Police Off Duty Trust Fund	738.00
Waste Recycling Trust	522.92

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**RESOLUTION 18-062
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>
Dovenmuehle Mortgage Inc 1206 St Charles Rd. Elgin, IL 60120 Block 1605 Lot 14 21 Great Oak Drive	Tax Refund 2018 Taxes Duplicate Pymt	\$ 12,643.08

**RESOLUTION 18-063
AUTHORIZE TRANSFER OF FUNDS**

BE IT RESOLVED that the Township Chief Financial Officer be and is hereby authorized and directed to make the following transfers between 2017 Reserve Budget Appropriations:

DEPARTMENT	ACCOUNT NAME	TYPE	AMOUNT	
			IN	OUT
MUNICIPAL CLERK	SALARY & WAGES	S&W	\$ 3,500.00	
ADMINISTRATION	SALARY & WAGES	S&W		\$ 3,500.00
LEGAL SERVICES	SALARY & WAGES	S&W	\$ 75,000.00	
ASSESSMENT	PROF SERVICES	OE		\$ 15,000.00
COMPROLLER	PROF SERVICES	OE		\$ 15,000.00
TAX COLLECTOR	SALARY & WAGES	S&W		\$ 20,000.00
TAX COLLECTOR	POSTAGE	OE		\$ 8,000.00
ADMINISTRATION	SALARY & WAGES	S&W		\$ 17,000.00
POLICE	SALARY & WAGES	S&W	\$ 150,000.00	
GROUP INSURANCE	GROUP INSURANCE	OE		\$ 150,000.00
RESERVE FOR ACCUM ABSENCES	RESERVE FOR ACCUM ABSENCES	OE	\$ 300,000.00	
LANDFILLS	SANITARY LANDFILL	OE		\$ 100,000.00
LANDFILLS	TYPE 13 CONTAINERS	OE		\$ 50,000.00
LANDFILLS	TYPE 13 WASTE	OE		\$ 50,000.00
MUNICIPAL COURT	SALARY & WAGES	S&W		\$ 50,000.00
GROUP INSURANCE	GROUP INSURANCE	OE		\$ 50,000.00
RESERVE FOR LITIGATION TRUST	RESERVE FOR LITIGATION TRUST	OE	\$ 200,000.00	
NATURAL GAS	NATURAL GAS	OE		\$ 50,000.00
STREET LIGHTS	STREET LIGHTS	OE		\$ 50,000.00

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GASOLINE	GASOLINE	OE	\$ 50,000.00
ROADS	REPAIR & MAINT	OE	\$ 50,000.00
RESERVE FOR EPL/POL TRUST	RESERVE FOR EPL/POL TRUST	OE	\$ 300,000.00
GROUP INSURANCE	GROUP INSURANCE	OE	\$ 300,000.00
			\$1,028,500.00
			\$1,028,500.00

RESOLUTION 18-064
SUPPORT FROM MILLBURN TOWNSHIP COMMITTEE AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Millburn Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Millburn Township is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Millburn Township Committee has determined that Millburn Township should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Township Committee of Millburn Township, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant.

RESOLUTION 18-065
AUTHORIZING TRC ENVIRONMENTAL CORPORATION TO PERFORM CONTINUED REMEDIATION SERVICES TO ADDRESS ENVIRONMENTAL CONTAMINATION AT THE FORMER EXXON STATION LOCATED ON ESSEX AND MAIN STREETS, BLOCK 701, LOT 6, AND TO AUTHORIZE THE TRANSITION OF LSRP SERVICES

WHEREAS, by Resolution No. 13-129, the Township of Millburn (the "Township") authorized the award of a contract to TRC Environmental Corporation ("TRC") to provide the Township with Licensed Site Remediation Professional ("LSRP") services for the remediation of the Former Exxon Service Station, located at the corner of Essex and Main Streets, Block 701, Lot 6 (the "Site" or the "Former Exxon Station Project"); and

WHEREAS, TRC has provided the Township with such LSRP services at the Site and in furtherance of same, TRC has conducted various environmental investigation activities pursuant to the proposals dated April 10, 2013, January 13, 2014, and March 30, 2015, each of which was authorized by Resolution of the Township Committee; and

WHEREAS, TRC has submitted a proposal entitled "Letter Agreement for Environmental and LSRP Services" ("Proposal") dated December 19, 2017, a copy of which is attached hereto as Exhibit A, setting forth the below-described recommended scope of work together with an estimate for same; and

WHEREAS, TRC has noted that the Township intends to continue to comply with the State of New Jersey Department of Environmental Protection's public notification requirements and in order to do so, TRC proposes to conduct a supplemental mailing of certified letters to each owner of real property and any tenants thereon within 200 feet of the Site boundary ("Public Notification"); and

WHEREAS, in addition to satisfying Public Notification requirements, TRC proposes conducting additional groundwater sampling, in order to continue evaluating the efficacy of the pilot program utilizing Enhanced Anaerobic Bioremediation and the Monitored Natural Attenuation (MNA) approach for groundwater remediation ("Groundwater Sampling"); and

WHEREAS, the current LSRP, Mohammad Zaman, is no longer employed by TRC, and as such the Township intends to retain Jeffrey Powley of TRC as the new LSRP ("LSRP Transition"); and

WHEREAS, the Township desires to execute the TRC Proposal attached hereto in order that TRC may continue to address the environmental contamination at the Site and complete, *inter alia*, the Public Notification, Groundwater Sampling and LSRP Transition.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn:

1. The Township Committee does hereby authorize TRC to perform the tasks set forth in the Proposal dated December 19, 2017 which are estimated to cost up to \$37,800.00.

2. The Mayor or her designee is authorized to execute an amendment to the existing contract between the Township and TRC in the form of the Proposal, which is deemed acceptable by the Township's Attorney and which shall be on file and available for public inspection in the Office of the Township Clerk following execution of same.

3. Township staff and/or counsel are authorized and directed to undertake any tasks necessary to effectuate the purposes of this Resolution, including the LSRP Transition.

4. TRC shall be paid from funds appropriated for these purposes in accordance with the duly adopted budget of the Township.

5. The Township Clerk is in receipt of a Certification that such funds are available.

6. The Township Clerk is authorized and directed to cause a copy of this Resolution to be published in the official newspaper of the Township within ten (10) days of the date hereof.

7. This Resolution shall take effect immediately.

RESOLUTION 18-066
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:

Millburn High School PTO

DMDA 2018 Budget Introduction

Mayor Burstein brought forth resolution 18-067. She asked for a motion to approve, which was made by Ms. Rosenberg and seconded by Mr. Levy.

Roll Call Vote: All Ayes

RESOLUTION 18-067
INTRODUCE, APPROVE & SET PUBLIC HEARING
2018 DOWNTOWN MILLBURN DEVELOPMENT ALLIANCE BUDGET

The following is submitted as the Downtown Millburn Development Alliance Budget, for the Downtown Millburn Special District, Essex County, for the year beginning January 1, 2018 and ending December 31, 2018.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Downtown Millburn Development Alliance Budget for the year 2018;

BE IT RESOLVED that said budget be published in the Item of Millburn and Short Hills in the issue of March 1, 2018.

Notice is hereby given that the following budget was approved by the Township Committee of the Township of Millburn, County of Essex, on February 20, 2018.

A hearing on the budget will be held at Millburn Town Hall on March 20, 2018 at 7:30 p.m. at which time and place taxpayers and all persons having an interest therein shall be given an opportunity to present objections.

GENERAL REVENUES

SID Assessment	\$206,876.00
Sponsorship & Grants	
Clean Communities Grant	9,000.00
Events	
Farmers Market	9,850.00
Sidewalk Sale/Millburn Live	2,459.00
Snowflake Parade	10,500.00
Interest	75.00
TOTAL REVENUES	\$238,760.00

GENERAL APPROPRIATIONS & EXPENSES

Program Services

Special Events

Farmers Market	4,000.00
Shop Small	3,000.00
Snowflake Parade	10,500.00

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New Event TBD	3,000.00
Pre-School Trick or Treat	250.00
Sidewalk Sale/Millburn Live	15,000.00
Event Staff	<u>25,600.00</u>
Total Special Events	61,350.00
Visual Improvements	
American Flags/Maintenance	500.00
Holiday Lighting/Decorating	4,000.00
DMDA Plant Purchase/Planting/Watering	1,477.00
Sidewalk Sweeping/Maintenance	<u>11,400.00</u>
Total Visual Improvements	17,377.00
Marketing	
Social Media/Website Mgmt.	4,800.00
Instagram	3,900.00
General Advertisement	6,000.00
Constant Contact/Mail Chimp	720.00
Dues & Subscriptions	325.00
Marketing Staff	<u>79,000.00</u>
Total Marketing	94,745.00
<i>Support Services</i>	
Administrative Expenses	
P/T Administrative Staff	7,500.00
Parking Permits	990.00
Payroll Taxes	10,600.00
Workers Compensation	<u>800.00</u>
Total Admin Exp.	19,890.00
<i>General Operating Expenses</i>	
Rent	13,200.00
Insurance	
Liability	3,400.00
Office Supplies	2,500.00
IT Support	1,500.00

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MSH Chamber of Commerce Event	198.00
Postage	300.00
Phone/Internet/Fax	2,200.00
Professional Services	
Accounting/Auditing	3,000.00
Legal Fees	14,000.00
Payroll Services	2,600.00
Board Administration	<u>2,500.00</u>
Total Operating Expenses	45,398.00
TOTAL EXPENSES	\$238,760.00

President of the DMDA, DJ Priore was present to provide an overview of the DMDA’s budget for 2018 using a PowerPoint presentation. Mr. Priore reviewed proposed total expenses, comparisons, events and marketing. He pointed out that the organization would like to continue to build and improve. He also provided the profit loss sheet. Mr. Priore fielded questions and comments from the Township Committee regarding the proposed budget and future goals and objectives were also discussed.

Ordinance – Introduction

Ordinance 2495-18

Mr. Levy brought forth Ordinance 2495-18 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. It was announced that public hearing for the ordinance is scheduled for March 20, 2018.

Roll Call Vote: All Ayes

ORDINANCE NO. 2495-18

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF SELF-CONTAINED BREATHING APPARATUS EQUIPMENT FOR THE USE OF THE FIRE DEPARTMENT IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$310,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to acquire new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment for the use of the Fire Department in, by and for the Township. The cost of the improvement includes all work, materials, appurtenances and equipment necessary and suitable therefore.

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Section 2. The sum of \$310,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that a grant from the Federal Emergency Management Agency (FEMA) in the amount of \$231,000 shall be received by the Township to finance the cost of the improvement described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 10 hereof. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$310,000, and (4) \$23,100 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$286,900, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$5,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$23,100, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$23,100 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$286,900 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$286,900 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued

pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$286,900 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township 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 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

New Business

No new business was presented.

Old Business

1.) Flexible Parking

Mayor Burstein announced that a survey is being sent to residents and people associated with the township with regard to flexible parking. She stated that one survey per adult will be accepted. She said the purpose of this survey is to obtain some information as to what the township and merchants would like to see happen or not with the parking along Millburn Avenue. Mayor Burstein pointed out that the survey is available online. Ms. Lieberberg noted that the survey is for residents, visitors, merchants, landlords and bordering communities. Mayor Burstein said she did not think people from outside the community would participate. Ms. Lieberberg and Ms. Thall-Eglow said they want to reach out to bring people from neighboring communities back. Mayor Burstein said she thinks it should be limited to the Millburn community. She noted that property owners and merchants can be out of towners. Ms. Lieberberg said if we could get a larger body of shoppers from neighboring areas that could provide some helpful data. Mr. Levy asked how people from out of town would be solicited to participate in the survey. Ms. Lieberberg responded it would be word of mouth. She indicated that it would also be helpful if we could hear from merchants that are no longer in town. Ms. Rosenberg asked if addresses would be on the surveys, the data could be segregated and interpreted that way. Ms. Thall-Eglow asked if hard copies could be left in businesses. Mr. McDonald said it is a public survey and there is nothing to preclude their participation and it is the most efficient way to obtain and tabulate the information. Mr.

Levy asked what is to prevent someone from filling out the survey multiple times using different identifying information. He said the one vote, one person, is not enforceable and will likely be abused. Mayor Burstein said that may be, but we still need to try to get some information. Mr. Levy said that the information received will be inaccurate. Ms. Lieberberg and Mayor Burstein agreed that the information should be collected and then the Committee may decide what to do with it.

2.) Proposed Regulations for Regulations for Chickens on Residential Properties

Ms. Thall-Eglow opened the discussion by stating a draft ordinance has been created and she and Ms. Rosenberg reviewed some the regulations to be included: No free roaming chickens, no male chickens, coops prohibited within 20 feet of a property line or building and must conform to size regulations, permits required, no slaughtering poultry, and a four chicken limit. The Township Committee discussed the size and dimensions of the coop, numbers of chickens and the amount, type of violations and method by which the town could revoke their permit. Mr. Levy raised concerns regarding enforcement and he and Mr. Falcon reviewed the legality of removing the chickens if the regulations were repeatedly violated or there were health violations. Mr. Levy questioned whether or not chickens need to roam, since the ordinance would prohibit them from being able to do so. Ms. Rosenberg stated that is beyond what the township is willing to allow.

Public Discussion

Mayor Burstein opened the floor to public comment.

Cassandra Fishkin, owner of Casita at 321 Millburn Avenue and Executive Member of the DMDA, came forward and stated she was the only member who voted no on the DMDA budget that is being presented. She expressed a number of concerns with the budget and the way in which was presented. She said she requested an actual copy of the 2017 budget but it was not produced. After reviewing her concerns, she asked the Township Committee to take a strong look at the budget before them. She noted that the budget was presented to the Executive Committee about ten minutes before being voted on.

Nancy Stone, owner of Nancy and David Fine Jewels, as well as, a township resident, said she is disturbed by the DMDA budget that was presented. She added that she has asked questions of the DMDA by e-mail and does not receive a response. She suggested the Township Committee take a very close look at their budget. She said she thinks Mr. Priore has a conflict of interest and that the misappropriation of salaries being buried in the budget needs to be addressed. She questioned their legal fees, bookkeeping and said the group is not supervised.

Meryl Lee Reisebeck, resident of 91 Whittingham Terrace, questioned the employment contract for the Executive Director of the DMDA and whether or not it can be voided. She questioned the qualifications of the Director. She asked that things be looked at closely. She commented on the flexible parking survey and said Mr. Levy has a point about the validity of the data, but does support the collection of the data as long as it is not the sole factor in making a decision.

Richard Futter, owner of 333 Millburn Avenue, said the way the budget was presented makes it difficult to compare it to previous years. He would like to compare the 2017 line items compared to the proposed budget. He questioned who drafted the contract for the Executive Director. He suggested expanding talking to merchants beyond those directly in front of the flexible parking.

Sarit Catz, township resident, came forward and stated that she agrees with Mr. Levy in that the survey will be of very little value because of the way in which it is being conducted. She indicated that a survey should be comprehensive and there are other issues that also need to be addressed. She reviewed her opinion of the Complete Streets project and questioned how much payment is still outstanding. She said the township needs to get a true sense of what people want.

Jim Weill, resident of 209 Sagamore Road, stated he is a long time resident and DMDA founding member who has been very involved and promoted many township activities. He stated that votes on

the DMDA budget should not be personal and the DMDA needs some direction from their board. He said their by laws are outdated and are currently being reviewed.

Cary Heller, resident of 56 Byron Road, said he thinks the flexible parking survey should be done by a professional and stated that the Committee is approaching it incorrectly. He said the 2017 income expense report should be reviewed for the DMDA. He stated that the DMDA bylaws need to be adhered to. He said regarding Complete streets, he would like a full accounting and income expense report presented and not just be referred to the website. Messrs. Heller and McDonald reviewed expenses and figures for the project. Mr. Heller said there does not seem to be money left in appropriation and in the budget for the Complete Streets project. He commented that we need to have professionals look at this and present options to the township.

Judy Rosenthal, resident of 12 Marion Avenue, asked that County Executive Mr. DiVincenzo be invited to a township meeting to discuss the Essex County budget with residents. She said Millburn contributes proportionally more per person than other towns in Essex County and should have a say. She stated that she would like to see the paving in the reservation cease. She indicated that the paving is contributing to area flooding. She asked if the township's budget is on the website and Mr. McDonald said it would be posted on the website after introduction. She also asked for the status of the work on Glen Avenue and for a definition of breathing apparatus. She also expressed appreciation for the process behind the chicken ordinance.

Sherry Cronin, Executive Director for the Downtown Westfield Corporation, came forward to speak regarding running a downtown area. She spoke about various aspects of being the director for a downtown organization and stated it is an extremely difficult job. She said there is a lot to admire about Millburn's downtown and the way in which it is run. She said the Millburn DMDA is not being run with much money and more should be set aside to benefit the downtown.

Ms. Catz came forward again and asked about the content of the information regarding the Complete Streets project on the website, stating that all costs associated with it should be posted so people can know the full cost of the project, not just Phase I. Mr. Falcon stated that that disputed claims will not be included. Ms. Thall-Eglow questioned an outstanding invoice, which Mr. McDonald said could be provided to her.

Meryl Lee Reisebeck, resident of 91 Whittingham Terrace, said it was her understanding that a work order is negotiated front and does not understand why it was negotiated after. Mr. Falcon pointed out that it is because the contractor feels he was requested to do things above and beyond what was originally contracted.

Maureen Marcketta, resident of 214 Passaic Avenue, stated Millburn was a great town, but business is being lost because people don't want come to town because of the traffic. She pointed out that she hopes it can be reversed. She feels the bump outs and flex parking are not good for the downtown.

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 Mr. Levy and seconded by Ms. Lieberberg. Vote: All Ayes. The meeting was adjourned at 10:05 PM.

Christine A. Gatti, RMC
Township Clerk

Approved: May 15, 2018