

March 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 March 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, Jodi L. Rosenberg, and Dianne Thall- Eglow. Samuel D. Levy was absent.

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 except Levy (absent)

Proclamation

A Proclamation was presented in recognition of the Community Service Award.

Minutes

Mayor Burstein asked for a motion to approve the minutes of the regular meeting of January 16, 2018, which was offered by Ms. Eglow and seconded by Ms. Rosenberg.

Roll Call Vote: All Ayes, except Levy (absent)

Mayor Burstein asked for a motion to approve the minutes of the special meeting of January 16, 2018, which was offered by Ms. Eglow and seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes, except Levy (absent)

Reports

George Serio, Essex County representative, gave an overview of upcoming County activities and plans for the next impending storm, noting that the County facilities were hit hard by the last storm.

Rob Walton, area manager for JCP&L, reviewed storm preparations. Mr. Walton and the Township Committee discussed assessment and restoration processes. He also discussed their tree trimming program as prevention for outages.

Kathy Stein, of Hobart Avenue, thanked JCP&L for their efforts and the tree trimming cycle. She noted that some of the branches run through the wires.

Judy Rosenthal, of 12 Marion Avenue, asked with worsening storms due to climate change, will JCP&L consider burying the wires? Mr. Walton said they researched it after Superstorm Sandy and came to find the cost is staggering at approximately 4 million dollars per mile.

Bob Kopek , of 15 the Crescent, thanked Mr. Walton for JCP&L being more communicative and noted that this was the 5th power outage in 4 years. He said JCP&L needs to prioritize risk. He said the BPU need to be held to account. He said burying is expensive, but they need to be proactive. Mr. Walton said the microgrids are being reviewed for municipalities and they have also increased their tree trimming standard.

Sarit Catz, of Fairfield Drive asked if there is a way to notify people in advance if the power is going to be shut off purposefully as part of restoration efforts. Mr. Walton said they will work on doing a better job of communicating planned outages.

Deborah Nevis stated there needs to be better communication about schools and whether or not they are open due to power issues. Mr. Walton stated that the school has a representative and they should be in close contact.

Ms. Rosenberg noted that March is Meals on Wheels month and they are always looking for volunteers. Ms. Thall-Eglow said the Environmental Commission is still working on the as built survey presentation and are working with the Township Engineer. She also gave a brief update regarding energy aggregation.

Mr. McDonald gave updates on the energy aggregation program. He also discussed the next winter storm on the way. He asked that people stay off the roads if necessary. He said the township will be communicating as much as possible.

Mr. Falcon stated that the Stop and Shop case was dismissed after 24 years and there are no appeals.

Mayor Burstein announced that the Library is conducting a fundraiser for the children's room and they are also currently conducting a book sale. She thanked everyone for their cooperation and help during Winter Storm Quinn. She also announced an event on April 27th , Battle of the Badges, which is a cook-off at the Millburn Fire Department that is a fundraiser to benefit Opportunity Project.

Public Discussion

Mayor Burstein reviewed the agenda items. She then asked if there were any comments or questions regarding items on the Consent Agenda. Ms. Thall-Eglow questioned item 18-082, stating Rocktoberfest was a huge success previously and questions the need for day drinking at an outdoor festival geared towards families and is raising money for schools, where people then get in their car and drive home. Ms. Burstein said it is sponsored by the Ed Foundation. She said she will allow this to be addressed by a representative from the Ed Foundation when the discussion is open to the public. Ms. Eglow also questioned the resolution regarding gasoline station and tanks license, wondering if they are replacing something. Ms. Gatti noted this is an annual license required by the township and is simply a renewal.

Kerry Straussberg, of 20 Undercliff Terrace, came forward to address Ms. Thall-Eglow's Rocktoberfest question. She said it is a town event for all ages and she said they are providing incentives that will interest all ages. She said there is a small contained beer garden in addition to many other events. She said it was a great success last year and there weren't any issues. Mayor Burstein suggested that the resolution be removed from the Consent Agenda and voted on separately.

Mayor Burstein asked if there were any other questions regarding the Consent Agenda. Sarit Catz came forward and inquired about resolution 18-083. Mr. McDonald replied that the

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schools and the township are making a joint effort to repair the pedestrian bridge at the middle school and the sidewalks at the Washington School. He said the township is taking the lead in the application but the school is still a partner.

Jennifer Duckworth, of 82 Linden Street, thanked Ms. Rosenberg and Mr. McDonald for their support of Safe Streets to School and their various events. She noted Walk to School Day is May 9th. She thanked everyone for their support.

Consent Agenda

Mayor Burstein asked for a motion to approve the items on the consent agenda, noting the removal of 18-082. Ms. Rosenberg made a motion to approve the consent agenda, which was seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes, except Levy, who was absent

Mayor Burstein brought forth resolution 18-082 for consideration. Ms. Rosenberg did not see a problem with it, stating that people should behave responsibly in this circumstance, just as they would if they were going out to a bar for an evening. Ms. Lieberberg stated she would like to see a safe driving mechanism included, such as Uber or a taxi service. Ms. Lieberberg said she was not ready to vote on it tonight. Mayor Burstein said they would postpone voting until another meeting, where there was a full committee and the Ed Foundation would address some of Ms. Thall-Eglow’s concerns.

**RESOLUTION 18-078
APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated March 20, 2018, in the following accounts:

General	\$ 350,694.91
Capital Fund	4,352.40
Parking Utility - Operating Fund	4,409.93
Dog Fund Trust	329.56
Donation Trust Fund	3,315.00
Escrow Trust Fund	4,773.00
Police Off Duty Trust Fund	98,038.00
SUI Trust	144.04

**RESOLUTION 18-079
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>
Gelber, Carol c/o Zipp, Tannenbaum, & Caccavelli LLC(trustee) 280 Raritan Center Parkway Edison, NJ 08837 Block 3704 Lot 46 300 Hartshorn Dr.	Tax Appeal 2016 taxes	\$10,554.60
Kronthal, Jeffrey & Leah (Fam Trust)	Tax Appeal	\$10,514.24

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c/o Skoloff & Wolfe P.C. 293 Eisenhower Parkway Livingston, NJ 07039 Block 3903 Lot 22 150 Hartshorn Dr.	2017 taxes	
CitiMortgage Inc. P.O. Box 23689 Rochester, NY 14692 Block 3903 Lot 9.01 89 Far Brook Dr.	Tax Refund 2018 taxes Duplicate pymt	\$12,522.10
Corelogic c/o Centralized Refunds P.O. Box 9202 Coppell, TX 75019 Block 3301 Lot 9 21 Cambridge Dr. Fifth Third Bank c/o Corelogic 95 Methodist Hill Dr. ste. 100 Rochester, NY 14623 Block 304 Lot 18 212 Sagamore Rd.	Tax Refund 2018 taxes Duplicate pymt	\$8,199.35
CitiMortgage Inc. P.O. Box 23689 Rochester, NY 14692 Block 5109 Lot 16 48 Browning Rd.	Tax Refund 2018 taxes Duplicate pymt	\$5,922.97
CoreLogic Tax Collection Services, LLC P.O. Box 9205 Coppell, TX 75019 - 9214 Block 3104 Lot 13 60 Stewart Rd.	Tax Refund 2018 taxes Duplicate pymt	\$7,854.14
Wells Fargo Real Estate Taxing Services 1 Home Campus Des Moines, IA 50328 Block 3304 Lot 3 32 Twin Oak Rd	Tax Refund 2018 taxes Duplicate pymt	\$12,804.55
Wells Fargo Real Estate Taxing Services 1 Home Campus Des Moines, IA 50328 Block 906 Lot 6 112 Greenwood Dr.	Tax Refund 2018 taxes Duplicate pymt	\$9,861.40
Quicken Loans Inc 635 Woodward Ave Detroit, MI 48226 Block 904 Lot 5 954 Ridgewood Rd.	Tax Refund 2018 taxes Duplicate pymt	\$3,394.16
		\$3,470.26

**RESOLUTION 18-080
AWARD CONTRACT FOR 2018 BASEBALL CAMP
(One year contract with two (2) one (1) year renewal options)**

WHEREAS, on February 27, 2018, the Township Clerk received one (1) bid proposal for the 2018 Baseball Camp, as follows:

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The Sports Academy
56 East Willow Avenue
Millburn, NJ 07041

Bid Amounts: 2018 Camp Session #1 - \$375.00, Camp Session #2 - \$395.00
(Option #1) 2019 Camp Session #1 - \$375.00, Camp Session #2 - \$395.00
(Option #2) 2020 Camp Session #1 - \$395.00, Camp Session #2 - \$395.00

WHEREAS, the bidder, The Sports Academy, complied with the camp specifications and the Assistant Superintendent of Recreation 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 The Sports Academy on a form approved by the Township Attorney. Pursuant to the proposal, the amount of the fees set forth in the contract shall be as detailed above.

RESOLUTION 18-081

AUTHORIZING EXECUTION OF MAINTENANCE AND USE AGREEMENT BY AND BETWEEN TOWNSHIP OF MILLBURN, BOARD OF RECREATION COMMISSIONERS, MILLBURN TOWNSHIP RECREATION DEPARTMENT AND MILLBURN SHORT HILLS YOUTH BASEBALL

WHEREAS, it is anticipated that the new renovations to the existing batting cage area at Gero Park, which include a pole barn structure with LED lighting and concrete curb will be completed within the next thirty days by Millburn Short Hills Youth Baseball (“MSHYB”); and

WHEREAS, a Maintenance and Use Agreement has been drafted to address safety, maintenance and upkeep of this new batting cage facility and the donation of the batting cage facility to the Township prior to any use of the facility; and

WHEREAS, the Maintenance and Use Agreement provides that MSHYB will donate the batting cage facility after all Building Department and Recreation Department approvals and prior to use of the facility; and

WHEREAS, the Maintenance and Use Agreement requires, *inter alia*, that MSHYB maintain and be responsible for all contents and items used at the new batting cage facility, including lighting, netting, slab, flooring, gutters, roofing, structure and litter control; and

WHEREAS, the Maintenance and Use Agreement requires the Township of Millburn to include the pole barn structure in its inventory of insured properties registered with its insurance carrier and the Millburn Township Recreation Department to provide secondary accident insurance for Recreation Department approved baseball and softball cage activities for MSHYB and Millburn Township Recreation Department certified NYSCA coaches and registered team players; and

WHEREAS, the Maintenance and Use Agreement requires the Township to provide for garbage cans near the facility and for the removal of garbage; and

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WHEREAS, the Maintenance and Use Agreement provides that MSHYB will reimburse the Township for electricity costs associated with any lights or outlets at the batting cage on an annual basis; and

WHEREAS, the Maintenance and Use Agreement includes numerous safety provisions and requirements as set forth in said Agreement.

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

1. Upon receipt of the executed Maintenance and Use Agreement by the Millburn Recreation Department, the Millburn Board of Recreation Commissioners, and the Millburn Short Hills Youth Baseball, in substantially the form attached hereto, the Mayor is authorized to execute said Maintenance and Use Agreement.
2. Upon execution of the Maintenance and Use Agreement by the Mayor, the Township’s staff is 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 the Maintenance and Use Agreement and this Resolution.
3. This Resolution shall take effect immediately.

RESOLUTION 18-082
~~**AUTHORIZING BEER AND WINE AND PARKING OF VEHICLES**~~
~~**IN TAYLOR PARK FOR ROCKTOBERFEST EVENT**~~

WITHDRAWN at 3/20/18 Committee meeting

~~WHEREAS, the Education Foundation of Millburn Short Hills annually holds a Rocktoberfest event and their goal is to bring the community together and raise funding for Millburn Township district schools by committing to provide innovative and progressive tools and programs for district students and faculty, which are outside of school budgets; and~~

~~WHEREAS, the organizers of Rocktoberfest have made a request of the Township to allow the sale of beer and wine and the parking of vehicles in Taylor Park located at 100 Main Street, Millburn, at the Rocktoberfest event; and~~

~~WHEREAS, the Millburn Recreation Commission has recommended that the Township Committee take action to approve the sale of beer and wine and the parking of vehicles in Taylor Park for the Rocktoberfest event; and~~

~~NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that:~~

- ~~1. Permission is hereby granted to the Education Foundation of Millburn Short Hills, a 501 (C) (3), to allow the sale of beer and wine and the parking of vehicles for the Rocktoberfest event in Taylor Park located at 100 Main Street, Millburn, scheduled for September 29, 2018 (rain date: October 13, 2018); and~~
- ~~2. The sale of beer and wine at the Rocktoberfest event shall only be on September 29, 2018 (rain date: October 13, 2018) between the hours of 12:30PM and 7:00PM; and~~
- ~~3. The sale of beer and wine and the parking of vehicles in Taylor Park for the Rocktoberfest event is contingent upon the organizers of the event complying with all requirements of the State of New Jersey Division of Alcoholic Beverage Control, Millburn Police, Fire, Health Administration, Recreation Departments and the Recreation Commission.~~

RESOLUTION 18-083
SUPPORT SUBMISSION OF APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION (SAFE ROUTES TO SCHOOL OR TRANSPORTATION ALTERNATIVES) PROGRAM

WHEREAS, the Township of Millburn is applying for funding, with the cooperation of the Millburn Board of Education, to conduct renovations to the pedestrian bridge along the school route to the Millburn Township Middle School and addressing the safety, connectivity and width of sidewalks surrounding the 5th grade Washington school within Millburn Township; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for school children and residents; and

WHEREAS, maintenance of the facility, once constructed, will continue to be assumed by the Millburn Board of Education in the case of the pedestrian bridge, with the exception of (1) local

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ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Millburn that it hereby supports the submission of a grant application for the Safe Routes to School Program or Transportation Alternatives Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Administrator and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

RESOLUTION 18-084
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:

- Alzheimer's Association
St. Barnabas Medical Center
Florham Park PTO
Millburn High School PTO

RESOLUTION 18-085
APPROVE GASOLINE STATION, FUEL PUMP AND TANKS LICENSE

BE IT RESOLVED that a license to operate a gasoline station, fuel pump and tank be issued to the following, upon said applications being complete, and further approved by the appropriate authorities:

- Short Hills Fuel
46 Chatham Road

RESOLUTION 18-086
APPROVE 2018-2019 TAXI/LIVERY LICENSE

WHEREAS, the following applicant(s) has submitted an application for a Taxicab/Livery License; providing all required documentation and the appropriate fees;

NOW, THEREFORE BE IT RESOLVED that a 2018 – 2019 Taxi/Livery License be issued to:

Table with 2 columns: NAME, STATUS. Row 1: Vantastic Shuttle, Livery Owner and Driver

DMDA 2018 Budget Hearing

Mayor Burstein asked for a motion for resolution 18-087. Ms. Rosenberg made the motion which was seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes, except Levy, who was absent

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RESOLUTION 18-087

RESOLUTION TO READ BY TITLE –

2018 DOWNTOWN MILLBURN DEVELOPMENT ALLIANCE

WHEREAS, pursuant to NJSA 40:56-84, the Downtown Millburn Development Alliance 2018 Budget, as advertised, may be read by its title at the public hearing, if a complete copy of the approved budget, as advertised, shall be posted, in a public place where public notices are customarily posted in the Town Hall of the Township, and is made available to each person requesting the same, during that week and during the public hearing; and

WHEREAS, the Township Committee of the Township of Millburn hereby determines that the above conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the 2018 Downtown Millburn Development Alliance Budget shall not be read in full, but by its title only.

Mayor Burstein opened the public hearing.

DJ Priore, President of the DMDA, discussed additional information regarding actual that were provided to the committee, per their request. Ms. Eglow wanted to know why their budget request has not been adjusted, since ¼ of the year is over. A discussion ensued regarding the budget and issues with the staff, including the exit and settlement agreement of the Executive Director. Mr. Priore stated that many of the details of this agreement could not be discussed, as they are confidential. Ms. Eglow stated she could not, in good faith, vote on the budget without knowing the details. Mayor Burstein clarified that the DMDA Executive Board voted on this, to which Mr. Priore responded affirmatively. Mayor Burstein asked if the budget was reduced by 25%, could they have enough to operate. Mr. Priore said that would not be feasible. Mr. Priore and Mayor Burstein discussed the hiring of a new Executive Director. He addressed concerns from the committee members regarding programming. He said the dilemma is there is only so much that can be done if there is no budget. The committee discussed the timing of the budget being presented and various aspects of the presented budget, with Mr. Priore addressing their questions.

Sarit Catz came forward and said the reviewed budget seems out of balance with what the organization is supposed to do. She said more should go into marketing and less into administration.

Richard Wasserman came forward and said he is disappointed with the DMDA and their lack of marketing. He said he does not see much value for the money being spent. He suggested hiring a PR firm for \$100,00 and reconsider how the organization is put together or eliminate it.

Cassie Fishkin, owner of Casita at 321 Millburn Avenue, stated she is an Executive Committee and Board member of the DMDA. She said she was one of the people pushing for change at the DMDA because of mismanagement. She addressed an number of concerns raised earlier, noting that without the budget being passed, there will not be any events. She said the organization should work in concert with the Chamber. She said they want to rewrite the bylaws and restructure from within. She said there are ways to make up shortcomings in the budget and make up for the settlement. She said if things are run properly, spending can be reduced and reallocated. She said she would like to see it run as a business.

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Ann Levinson, of 3 Thackery Drive, said money is allocated for the activities in the regular budget. Mayor Burstein and Mr. McDonald explained that these are not allocated for in the municipal budget, just the DMDA budget.

Mayor Burstein closed the public hearing and brought forth resolution 18-088. Ms. Rosenberg made a motion, which was seconded by Mayor Burstein and suggested they have a discussion. Mayor Burstein said she agrees with Cassie, noting that there are issues that need to be fixed, but without a budget there is no DMDA, no SID and no events. She said with the work being discussed, she feels it can be a vibrant organization in the future.

Ms. Lieberberg said she supports the DMDA organization, but is concerned and frustrated with the lack of marketing a programming. She said she does not see any kind of specifics pertaining to events and money allocation and she has a real problem with that.

Ms. Eglow said she thinks the DMDA knows they are under the microscope for the first time in a couple of years but we need to be responsible with the funds being handed over. She said she would like to reset the clock and have a new budget handed over. She said she has many reservations that have not been addressed.

Ms. Rosenberg said she is currently the liaison and there is no dispute is that things were not as they should have been. She noted this is in part due to some apathy from the members. She said to criticize what happened in the past serves no purpose. She reviewed the purpose of their mission. She said without funding they cannot move forward. She said she will support them in following their mission. She said it is her position that they should be funded tonight.

Mayor Burstein requested a roll call vote.

Roll Call: Ayes: Rosenberg, Burstein
 Nays: Lieberberg, Thall-Eglow
 Absent: Levy

**RESOLUTION 18-088
 RESOLUTION TO ADOPT 2018 BUDGET
 DOWNTOWN MILLBURN DEVELOPMENT ALLIANCE (SID)**

BE IT RESOLVED by the Township Committee of the Township of Millburn, County of Essex that the 2018 Downtown Millburn Development Alliance (Special Improvement District) Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums herein set forth as appropriations, and authorization of the amount of \$238,760.00 for DMDA purposes.

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	35,750.00
Visual Improvements	17,377.00
Marketing	15,745.00

Support Services

Administrative Expenses	124,490.00
General Operating Expenses	45,398.00

TOTAL EXPENSES **\$238,760.00**

Mayor Burstein noted that the DMDA is not funded. Ms. Rosenberg asked Mr. Falcon to explain the legality of this failed vote. He explained that the organization cannot be funded and an amended budget would need to be presented and needs to follow the timeline required by law, which would not be until May. The committee discussed whether or not the budget could be carried. Mr. Falcon suggested reintroducing tonight. A discussion ensued as to whether or not that could be done. Ms. Rosenberg made a motion to re-open the public hearing, which was seconded by Mayor Burstein.

Mayor Burstein asked for a roll call vote.

Roll Call: All Ayes, except Mr. Levy who was absent

Alyssa Sutton, 75 Mountainview Road, came forward and said she sits on the Farmers Market committee. She said without a budget, there will not be a Farmers Market. She said without a budget, everything is at a standstill. She said this could hurt the town even more.

Cassandra Fishkin, owner of Casita at 321 Millburn Avenue, came forward. She said they have been looking at these issues since last spring and they were ignored. She said now they are stuck and need the money. She said the current President needs to go and a change of leadership would be a positive thing. She said they have put forth a lot of effort to turn things around. She asked the committee to reconsider.

DJ Priore, President of the DMDA, came forward and said he felt they did a good job outlining the plans they have going forward for this year. He said he understands that they want more concrete information, but without money that will not be possible. It would be a disservice to postpone this further. He asked that they reconsider. Ms. Rosenberg asked if any member of the DMDA, the people who are assed in the SID, opposed any items in the budget. Mr. Priore responded no.

Debra Nevis, of 65 Knollwood Road, asked if the budget can be approved partially, just to hold them over. She was advised it could not because it is done by a tax assessment.

Mary Lee Reisbeck, of 91 Whittingham Terrace said she has been concerned about the DMDA and echoed what Cassie said regarding leadership in the organization. She asked that the DMDA be funded, with the stipulation that the leadership changes and the documentation being asked for is provided by the next meeting. She said she is confident that there will be improvements in the future.

Mayor Burstein noted that the Township Committee cannot remove the leadership of the DMDA, that is for the DMDA board to do. Ms. Rosenberg noted that the process is in their bylaws and the Township Committee cannot remove someone; the DMDA board must engage in the process.

Phil Kirsch, of 93 Cedar Street, came forward and stated he attended one DMDA meeting. He said the meeting was chaotic and he agrees the leadership should be changed. He stated he thinks Cassandra Fishkin should be the leader. He said Ms. Eglow and Ms. Lieberberg have great questions regarding this ordinance. He suggested they take a leap of faith and approve the budget, noting that this year may be rocky, but with new leadership he is hopeful that things will change.

Mayor Burstein asked if there were any additional public comments. Hearing none and seeing none, so she declared the public hearing closed.

Mr. Falcon was asked for his opinion as to what can happen now. He said if there is a change in numbers, it would need to be reintroduced. He said the process was already followed and the budget was voted down. He said if they want to go through the whole process again, they can do that. Ms. Lieberberg said she does not object to the numbers, she objects to the content and would like greater clarification. She said her question is, is there a mechanism to assure this governing body that with the new leadership that they will be moving forward with some kind of programming that will be enumerated. A brief discussion took place regarding how to handle the situation, with Mr. Falcon noting that the budget would have to be reintroduced if the committee feels they do not have all the information they need to make a decision. Ms. Rosenberg made a motion to reopen the public hearing, which was seconded by Mayor Burstein.

Jamie Serruto, of 77 Jefferson Avenue in Short Hills, said his opinion is that they must pass the budget because that is the only way for the organization and plans to move forward. He said if they don't have any money, there is no way for them to make the plans the members of the committee want provided.

Nancy Stone, owner of Nancy and David Fine Jewels, asked for the committee to show good faith and allow the organization to be salvaged by passing the budget.

Ms. Lieberberg asked Cassandra Fishkin to provide a calendar of events in a couple of weeks, an estimated cost of events, and coordinators. Ms. Fishkin said absolutely and she would also get the chairs to provide reports. She said she will be involved in a number of areas going forward, including part of the search committee for the new director. Ms. Fishkin answered a number of other questions regarding information that would be provided from the DMDA. She implored the Township Committee to pass the DMDA budget tonight.

Cary Heller, came forward and stated the audit that is required by law still has not been submitted. He said he does not see the budget going forward tonight because of formalities. He said the DMDA needs to be defunded for the first quarter, which would nullify the contract of the former director. He noted the DMDA has still not submitted a balance sheet. He disputed the timing of the budget submission. He said the DMDA needs to be reconstituted and stay in existence. He said the Millburn Courtyard would front money for the Farmers Market if needed. He inquired how the property owners would go about getting their tax dollars back. Mr. Heller and Ms. Rosenberg discussed what is and is not possible if the budget is not funded. Ms. Rosenberg suggested Mr. Heller join and be an active executive board member of the DMDA. He also said the DMDA board has been compromised in terms of leadership.

Ed Mazer, of Greenwood Drive, suggested reopening the budget process, noting that not having a budget will hurt the town and merchants. He asked that the budget be reconsidered and the

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DMDA be put on a tight leash. He also asked that the next budget be submitted by September 15th, as stated by ordinance.

Mayor Burstein closed the public hearing. She asked if there was a motion. Mr. Falcon said, if there is a motion to reconsider the resolution , he will have to make sure to get in touch with the state attorney general and be sure that this is a valid exercise. Mayor Burstein made a motion to reconsider resolution 18-088, which was seconded by Ms. Eglow.

Roll Call : All Ayes, except Mr. Levy, who was absent

SPECIAL RESOLUTION – 2018 SID HEARING

Mayor Burstein asked if anyone had questions regarding resolution 18-089. Seeing none, Mayor Burstein brought forth resolution 18-089 and asked for a motion to approve, which was offered by Ms. Rosenberg and seconded by Ms. Eglow.

RESOLUTION 18-089

ADOPT 2018 SPECIAL IMPROVEMENT DISTRICT ASSESSMENT ROLL

WHEREAS, the Township Committee of the Township of Millburn on May 19, 1992 adopted an ordinance entitled, "AN ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT WITHIN THE TOWNSHIP OF MILLBURN AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION." (Ordinance No. 12-92); and

WHEREAS, in accordance with the provisions of said ordinance, on March 20, 2018, the Township Committee, by a majority of its full membership, did adopt the 2018 Downtown Municipal Development Alliance Special Improvement District Budget, effective for the year January 1, 2018 to December 31, 2018; and

WHEREAS, the Township Tax Assessor, on February 23, 2018, prepared and filed in the Office of the Township Clerk, a 2018 Special Improvement District Assessment Roll, setting forth separately the amounts to be specially assessed against the separately benefited and assessable properties in said District; and

WHEREAS, the Township Committee caused the Assessment Roll to be set down for public hearing and consideration by this Committee at its regular meeting on March 20, 2018 at 7:30 p.m. or as soon thereafter as the matter could be heard, and the Township Clerk has caused notice of said hearing to be published and to be given to all property owners interested and affected thereby in accordance with the ordinance; and

WHEREAS, on March 20, 2018, at the time and place designated for special hearing the special assessments in said Assessment Roll, as prepared by the Township Tax Assessor were duly considered and all interested persons wishing to be heard thereon were heard by the Township Committee; and

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

The special assessments set forth in the 2018 Downtown Municipal Development Alliance Special Improvement District Assessment Roll of the Township Assessor, in accordance with the following schedule, are hereby approved:

<u>PROPERTY ADDRESS</u>	<u>BLOCK</u> <u>LOT</u>	AMOUNT PREPARED <u>BY ASSESSOR</u>	AMOUNT APPROVED <u>BY COMMITTEE</u>
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187 Millburn Avenue	0305	001	\$22,081.73	\$22,081.73
179 Millburn Avenue	0312	013	\$2,279.86	\$2,279.86
177 Millburn Avenue	0312	014	\$419.43	\$419.43
175 Millburn Avenue	0312	015	\$401.94	\$401.94
8 Main Street	0701	002	\$663.08	\$663.08
12 Main Street	0701	003	\$457.42	\$457.42
14 Main Street	0701	004	\$582.30	\$582.30
20 Main Street	0701	005	\$1,024.74	\$1,024.74
34 Main Street	0702	001	\$355.46	\$355.46
36 Main Street	0702	002	\$296.21	\$296.21
38 Main Street	0702	003	\$651.15	\$651.15
40 Main Street	0702	004	\$1,015.30	\$1,015.30
42 Main Street	0702	005	\$1,867.14	\$1,867.14
341 Millburn Avenue	0702	006	\$1,337.93	\$1,337.93
335 Millburn Avenue	0702	008	\$1,254.99	\$825.00
333 Millburn Avenue	0702	009	\$379.33	\$366.30
329 Millburn Avenue	0702	010	\$290.51	\$290.51
327-1/2 Millburn Avenue	0702	011	\$711.26	\$711.26
327 Millburn Avenue	0702	012	\$574.31	\$574.31
321 Millburn Avenue	0702	013	\$2,661.67	\$2,661.67
319 Millburn Avenue	0702	014	\$2,054.36	\$2,054.36
315 Millburn Avenue	0702	015	\$2,473.57	\$2,473.57
100 Essex Street	0702	016	\$2,891.35	\$3,103.76
170 Essex Street	0702	017	\$2,011.35	\$2,011.35
184 Essex Street	0702	018	\$3,017.30	\$2,907.30
196 Essex Street	0702	019	\$606.65	\$606.65
150 Essex Street	0702	020	\$3,777.29	\$3,777.29
72 Essex Street	0703	001	\$1,466.30	\$1,466.30
311 Millburn Avenue	0703	002	\$621.51	\$621.51
309 Millburn Avenue	0703	003	\$329.50	\$329.50
307 Millburn Avenue	0703	004	\$353.32	\$353.32
305 Millburn Avenue	0703	005	\$364.05	\$364.04
301 Millburn Avenue	0703	006	\$823.79	\$823.79
44 Essex Street	0703	009	\$624.58	\$624.58
70 Essex Street	0703	010	\$2,299.00	\$2,299.00
46 Essex Street	0703	011	\$451.00	\$451.00
303 Millburn Avenue	0703	012	\$878.79	\$878.79
12 Holmes Street	0704	001	\$894.08	\$894.08
281 Millburn Avenue	0704	002	\$1,487.75	\$1,487.75
279 Millburn Avenue	0704	003	\$2,240.04	\$2,240.04
275 Millburn Avenue	0704	004	\$1,341.67	\$1,341.67
271 Millburn Avenue	0704	005	\$956.67	\$956.67
269 Millburn Avenue	0704	006	\$804.65	\$804.65
265 Millburn Avenue	0704	007	\$5,484.60	\$5,484.60
32 Essex Street	0704	008	\$380.05	\$380.05
249 Millburn Avenue	0705	001	\$8,812.98	\$8,812.98
227 Millburn Avenue	0705	002	\$21,092.17	\$21,092.17
223 Millburn Avenue	0705	003	\$1,080.75	\$1,080.75
215-219 Millburn Avenue	0705	004	\$2,888.38	\$2,888.38
45 Essex Street Rear	0705	025	\$1,141.80	\$1,141.80
55 Essex Street	0705	026	\$2,608.32	\$2,608.32
45 Essex Street	0705	027	\$3,889.16	\$3,889.16
29 Essex Street	0705	028	\$154.22	\$154.22
348 Millburn Avenue	0801	001	\$2,090.00	\$2,090.00
350 Millburn Avenue	0801	002	\$2,118.27	\$1,886.50

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356 Millburn Avenue	0801	003	\$1,783.87	\$1,783.87
358 Millburn Avenue	0801	004	\$1,570.69	\$1,570.69
374 Millburn Avenue	0801	005	\$8,681.86	\$8,681.86
378 Millburn Avenue	0801	006	\$477.64	\$477.64
380 Millburn Avenue	0801	007	\$267.19	\$267.19
382 Millburn Avenue	0801	008	\$1,430.88	\$1,430.88
386 Millburn Avenue	0801	009	\$2,616.46	\$2,616.46
75 Main Street	0801	012	\$7,288.71	\$7,288.71
59 Main Street	0801	015	\$1,542.31	\$1,542.31
55 Main Street	0801	016	\$1,554.74	\$1,554.74
4 Taylor Street	0802	002	\$1,106.85	\$1,106.85
109 Main Street	0802	027	\$188.76	\$188.76
105 Main Street	0802	028	\$592.90	\$592.90
95 Main Street	0802	031	\$224.46	\$224.45
93 Main Street	0802	032	\$983.29	\$935.00
304 Millburn Avenue	0804	007	\$693.48	\$693.48
306 Millburn Avenue	0804	008	\$562.94	\$562.94
308 Millburn Avenue	0804	009	\$1,148.73	\$1,148.73
318 Millburn Avenue	0804	011	\$1,438.14	\$1,438.14
320 Millburn Avenue	0804	012	\$789.80	\$789.80
322-324 Millburn Avenue	0804	013	\$849.24	\$849.24
330 Millburn Avenue	0804	015	\$1,203.22	\$1,203.22
340 Millburn Avenue	0804	016	\$2,635.49	\$2,635.49
64 Main Street	0804	017	\$2,109.47	\$2,109.47
290 Millburn Avenue	0805	001	\$4,808.87	\$4,808.87
264 Millburn Avenue	0810	021	\$255.26	\$255.26
175 Main Street	0902	001	\$1,238.60	\$1,238.60
221 Main Street	0903	022	\$337.37	\$337.37
150 Main Street	0904	008	\$945.34	\$945.34
156 Main Street	0904	009	\$355.41	\$208.89
160 Main Street	0904	010	\$632.28	\$632.28
194 Main Street	0906	024	\$944.46	\$944.46
1 East Willow Street	0906	028	\$6,027.56	\$6,027.56
231 Main Street	1001	024	\$242.11	\$242.11
238 Main Street	1004	010	\$904.97	\$904.97
425 Essex Street	1207	003	\$850.63	\$850.63
421 Essex Street	1207	004	\$483.34	\$483.34
407 Essex Street	1207	005	\$377.08	\$377.08
335 Essex Street	1207	010	\$198.42	\$198.42
291 Essex Street	1207	011	\$460.10	\$460.10
281 Essex Street	1207	012	\$458.64	\$458.64
271 Essex Street	1207	013	\$661.98	\$661.98
257 Essex Street	1207	014	\$633.71	\$633.71
27 Main Street	1207	016	\$1,645.27	\$1,227.93
397 Millburn Avenue	1211	001	\$3,363.69	\$3,363.69
393 Millburn Avenue	1211	002	\$274.14	\$274.14
391 Millburn Avenue	1211	003	\$883.41	\$837.32
389-1/2 Millburn Avenue	1211	004	\$619.63	\$619.63
156 Spring Street	1211	006	\$605.66	\$605.66
387 Millburn Avenue	1212	001	\$759.51	\$759.51
363 Millburn Avenue	1212	005	\$750.97	\$750.97
357 Millburn Avenue	1212	006	\$365.43	\$365.43
355 Millburn Avenue	1212	007	\$484.18	\$484.18
353 Millburn Avenue	1212	008	\$226.64	\$226.64
351 Millburn Avenue	1212	009	\$1,366.31	\$1,366.31

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343 Millburn Avenue	1212	010	\$5,671.27	\$5,671.27
41 Main Street	1212	011	\$385.23	\$385.23
35 Main Street	1212	012	\$2,195.49	\$2,195.49
266 Essex Street	1212	015	\$668.69	\$668.69
276 Essex Street	1212	016	\$491.70	\$491.70
286 Essex Street	1212	017	\$248.57	\$248.57
368 Essex Street	1212	024	\$500.72	\$500.72

2. The amount of said special assessments shall be due and payable in two installments. The first installment of the Special Improvement District Tax is due to the township by March 1, 2018 with an extension of the grace period to May 1, 2018 and the second installment is due on or before September 1, 2018 with a seven day grace period for 2018 and shall draw interest imposed upon arrearages of taxes in said Township and shall be collected as provided by law.

3. A duplicate copy of said approved Assessment roll, duly certified by the Township Clerk, be delivered to the Essex County Tax Board and the Millburn Tax Collector, together with a copy of this resolution.

4. The Tax Collector shall forthwith proceed to collect the amounts due on the approved Assessment Roll according to law.

5. This resolution shall take effect immediately.

Roll Call: All Ayes, except Mr. Levy, who was absent

Mayor Burstein suggested a ten minute recess, with the meeting reconvening at 10:10 PM.

ORDINANCE/SECOND READING AND CONSIDERATION OF ADOPTION

Ordinance 2495-18

Mayor Burstein brought forth and reviewed Ordinance 2495-18 for consideration of adoption. Mayor Burstein declared the public hearing open. Seeing there weren't any public comments, Mayor Burstein declared the public hearing closed. Mayor Burstein made a motion to approve Ordinance 2495-18 on final reading and the motion was seconded by Ms. Rosenberg.

Roll Call: All Ayes , except Levy, who was absent

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.

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.

Ordinance 2496-18

Mayor Burstein brought forth and reviewed Ordinance 2496-18 for consideration of adoption. Mayor Burstein declared the public hearing open. Judy Rosenthal, of 12 Marion Avenue, came forward and spoke about the proposed salary ordinance, expressing concern about the impact

on taxes. She asked that the ordinance not be approved because she feels it is too much. Mr. McDonald said the salaries are a result of bargaining unit negotiations and include give backs. Ms. Rosenthal noted that the salaries also do not reflect overtime. She also asked about givebacks and benefits, which were outlined by Mr. McDonald. She asked that a hard look be taken when salaries are re-negotiated after 2019, stating that the salaries are outrageous. Ms. Eglow asked if all of the positions listed in the ordinance are filled. Mr. McDonald noted they are not, but they are positions that could potentially be filled. Ms. Lieberberg suggested looking closely at positions and whether or not they need to be filled. Mr. McDonald noted that there was a zero percent increase in the budget as a result of the negotiations, even with the salary increase. Sarit Catz came forward and asked if Mr. McDonald is the only one involved in the negotiations and if he lives in town. She also asked if the town is legally obligated to fill the listed positions. She made the suggestion of using buyouts to eliminate positions. Regina Truitt, of Hartshorn Drive, asked if Mr. McDonald negotiating the salary was statutorily required. Mr. McDonald reviewed the process, noting that the committee is aware of the process as it is talking place. Ms. Truitt suggested that they be involved in the next round of negotiations. Seeing there weren't any additional public comments, Mayor Burstein declared the public hearing closed. Mayor Burstein made a motion to approve Ordinance 2496-18 on final reading and the motion was seconded by Ms. Rosenberg.

Roll Call: All Ayes , except Levy, who was absent

***NOTE:** Salary Ordinance 2428-14 is attached to the minutes in full as adopted.

Ordinance 2497-18

Ms. Lieberberg brought forth and reviewed Ordinance 2497-18 for consideration of adoption. Mayor Burstein declared the public hearing open. Judy Rosenthal, of Marion Avenue, asked why the percent exceeds the 2% cap. Mr. McDonald explained the parameters provided by the state, which this year is 3 ½ %, which allows for flexibility in the budget if something unexpected comes up, such as a tax appeal from the mall. Mr. McDonald explained the municipal budget tool, which gives the municipality maximum flexibility. Seeing there weren't any additional public comments, Mayor Burstein declared the public hearing closed. Ms. Lieberberg made a motion to approve Ordinance 2497-18 on final reading and the motion was seconded by Ms. Rosenberg.

Roll Call: All Ayes , except Levy, who was absent

ORDINANCE NO. 2497-18

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

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WHEREAS, the Township Committee of the Township of Millburn in the County of Essex finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, is estimated to be \$1,521,998.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Millburn, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Millburn shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased up to 3.5%, amounting to \$1,521,998.17 and that the CY 2018 municipal budget for the Township of Millburn be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance – Introduction

Ordinance 2498-18

Ms. Rosenberg brought forth Ordinance 2498-18 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Eglow. The public hearing for the ordinance is scheduled for April 17, 2018.

Roll Call: All Ayes, except Levy, who was absent

ORDINANCE NO. 2498-18

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE “LOADING ZONE
ORDINANCE” OF THE TOWNSHIP OF MILLBURN**

STATEMENT OF PURPOSE: *The purpose of this amendment to the Loading Zone ordinance is to designate specific areas for commercial vehicles to park and be able to actively load or unload goods for area businesses, and assist commercial vehicles with finding easy access to parking and prevent parking that will impede the flow of traffic on roadways.*

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WHEREAS, the Township of Millburn desires to assist local businesses in obtaining goods through the use of commercial vehicles by offering easy access to loading zones without impeding the flow of traffic on roadways.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Ordinance 7-24 Loading Zone of Chapter VII on Traffic of the Revised General Ordinances of the Township of Millburn is hereby amended in its entirety to read as follows:

7-24 LOADING ZONE.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in these locations, during the times indicated, other than a commercially registered vehicle that is actively loading or unloading goods related to area businesses.

<i>Name of Street/Parking Lot</i>	<i>Time</i>	<i>Side</i>	<i>Location</i>
Lot 5	All	South	Along the southerly curb line, perpendicular to the Essex St entrance/exit, as indicated by signage designating the zone.

Section 2. This ordinance shall take effect after final passage and publication as provided by law.

Ordinance 2499-18

Ms. Eglow brought forth Ordinance 2499-18 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. The public hearing for the ordinance is scheduled for April 17, 2018.

Roll Call: All Ayes, except Levy, who was absent

ORDINANCE NO. 2499-18

AN ORDINANCE TO AMEND AND SUPPLEMENT THE “TIME LIMIT PARKING,” “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS,” AND “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS” ORDINANCES OF THE TOWNSHIP OF MILLBURN

STATEMENT OF PURPOSE: *This ordinance is being proposed to address multiple parking issues within the Washington Section of the Township. These changes were decided among the Washington/South Mountain Ad-Hoc Committee. Factors that were taken into consideration were: width of the roadways, traffic volumes, traffic patterns, locations of driveways, the Washington School, the Millburn High School, and sight lines. There was also a conflict of times regarding parking prohibited on certain street, without taking into consideration peak traffic times. The proposal addressed the times to be uniform throughout the Washington Section. Changes were also made to correct conflicts that currently are listed within the ordinances.*

WHEREAS, the Township of Millburn desires to promote the safe and orderly flow of traffic and resolve parking issues in the Washington Section of the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Ordinance 7-11.1 Time Limit Parking of Chapter VII on Traffic of the Revised General Ordinances of the Township of Millburn is hereby amended and supplemented to read as follows:

- a. The following provisions concerning Blaine Street, and Church Street of Ordinance 7-11.1 are hereby revised to read as follows:

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<i>Street</i>	<i>Side</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Location</i>
Blaine Street	Westerly	2 Hours	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	Entire length
Church Street	Southerly	2 Hours	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	Entire length

b. The following provisions concerning Rector Street and Spring Street of Ordinance 7-11.1 are hereby removed in their entirety as follows:

<i>Street</i>	<i>Side</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Location</i>
Rector Street	South	2 Hours	7:00 a.m. - 5:00 p.m.	From Spring Street to Main Street
Spring Street	Both	2 Hours	7:00 a.m. - 5:00 p.m.	From Taylor Street to Millburn Avenue to Willow Street to Main Street

c. The following provisions concerning Spring Street of Ordinance 7-11.1 are hereby added as follows:

<i>Street</i>	<i>Side</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Location</i>
Spring Street	Southerly	2 Hours	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	From Willow Street to Main Street

Section 2. Ordinance 7-13 Parking Prohibited at All Times on Certain Streets of Chapter VII on Traffic of the Revised General Ordinances of the Township of Millburn is hereby amended and supplemented to read as follows:

a. The following provisions concerning Spring Street and Willow Street of Ordinance 7-13 are hereby revised to read as follows:

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>

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Spring Street	c. Easterly	From Millburn Avenue to Willow Street
Willow Street	Westerly	From its intersection with Spring Street southerly to the point where Willow Street runs in an easterly direction
	Northerly	For a distance of 100 feet westerly from Main Street
	Southerly	For a distance of 100 feet westerly from Main Street

Section 3. Ordinance 7-14 Parking Prohibited During Certain Hours on Certain Streets of Chapter VII on Traffic of the Revised General Ordinances of the Township of Millburn is hereby amended and supplemented to read as follows:

- a. The following provisions concerning Spring Street and Willow Street of Ordinance 7-14 are hereby revised to read as follows:

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Location</i>
Spring Street	Westerly	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	From Millburn Avenue to Willow Street
	Northerly	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	From Willow Street to Main Street
Willow Street	Easterly	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	From Spring Street, southerly to the point where Willow Street runs in an easterly direction
	Southerly	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	From where Willow Street runs in a northerly direction to Main Street

- b. The following provisions concerning Church Street, Rector Street, and Meeker Street of Ordinance 7-14 are hereby added as follows:

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Location</i>
Church Street	Northerly	7:00 a.m. - 5:00 p.m.; Monday to Friday, except holidays	Entire length
Meeker Place	Northerly	7:00 a.m. - 5:00 p.m.; Monday to Friday, Except Holidays	From Willow Street to Main Street
Rector Street	Southerly	7:00 a.m. - 5:00 p.m.; Monday to Friday, except holidays	Entire length

Section 4. This ordinance shall take effect after final passage and publication as provided by law.

New Business

No one presented new business.

Old Business

Proposed Development Chatham/Woodland Road

Mayor Burstein spoke about the various options available for proposed development. She said there are various directions in which the township can go. They are: 1) No changes to the present zoning, 2) Rezone the area, 3) Determine if the area is in need of rehabilitation, or 4) determine if the area qualifies as an area in need of redevelopment. She said she understands that the neighbors want things to remain the same, but having no affordable housing puts us behind. She said the township does not want to have all control taken out of our hands and it has been suggested that an area in need of rehabilitation study be done. Mayor Burstein explained the R-3 zone at the request of Ms. Eglow. Mayor Burstein and Mr. Falcon discussed designation as an area in need of rehabilitation would override the current zoning and allows the township to have more control over a plan for the area and what will be allowed. The committee discussed the possibility and repercussions of a builders remedy lawsuit, as well as, the benefits of filing an affordable housing plan. Mr. Falcon noted that if the township takes proactive steps, it will put us in the best possible position with Silverman.

Bebe Shear, of 101 Oakview Terrace, said she is horrified by the misinformation. She reviews the protections through zoning and asked the township not to be tricked into designating an area in need of rehabilitation. She said one way or the other the town is going to court and we will be appointed a special master.

Judy Rosenthal, of 12 Marion Avenue, asked if the area is in a flood zone, which it is not. She expressed concern with adding units that will add children into the school system. She proposed being proactive and zone for senior affordable housing.

Debra Nevis, of 65 Knollwood Road, came forward and voiced opposition to the options presented and said the township should rely in its zoning. She said if there are negotiations, she would like to see neighbors participate and play a role.

Lynne Ranieri, of Oakview Terrace, said she was a member of the Historic Preservation Commission for 15 years. She said the master plan and ordinances are the voices of the township. She encouraged the use of the tools to fight the developer.

David Cosgrove, of 99 Oakview Terrace, said the belief that the area in need of anything does not give the township control. He said once they head down this road, they cannot turn back. He asked that zoning be left the way it is.

Regina Truitt, of Hartshorn Drive, expressed the opinion that she would like to see this go before the Zoning Board.

Bebe Shear came forward again and reviewed her opposition to what is being proposed and said it is completely unsuitable for the site. She said a reasonable project is needed.

Kerry Straussberg, of 20 Undercliff Terrace, said she agrees with many of the concerns, but understands the position of the Township Committee. She noted there are other areas of town that are able to be redeveloped. She said this is a NJ housing issue. She asked how many affordable units are needed to be in compliance in conjunction with the market rate unit. Mayor Burstein said a definitive number has not been given, but the number being discussed at this point is 1,000 units of affordable housing, but clearly there is not space in town for that.

Bebe Shear came forward again and spoke about the numbers based on the vacant land adjustment. She asked that they start negotiating with Silverman, keep it in the 2 story parameters, and not throw away zoning to the area in need of rehabilitation.

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Cary Heller, of 56 Byron Road, asked why the town would not rezone while doing the master plan. He said a builder's remedy suit could take two to three years. He said if a plan is filed and accepted, the builders remedy suit is not valid. He also presented questions regarding stream encroachment and land coverage.

Jim Feely, of 46 Crescent Place, said it would be nice if the public had more of an opportunity to participate and it is unfortunate that they don't get to be heard. He said he would like to see the town rely on current zoning and he would like to see this for to the Board of Adjustment. He said he would like the developer to have to fight for every inch.

A resident from Highland Avenue whose name was not audible came forward and suggested having a specific public hearing just on this topic.

The committee engaged in a discussion as to how to proceed. Mayor Burstein stated she would reach out to the developer again to see if they are willing to discuss the project, even though they said previously that they did not want to discuss unless a process is in place.

Mayor Burstein asked if anyone had any other old business. Ms. Eglow noted that 1,000 people have responded to the flexible parking survey.

Public Discussion

Mayor Burstein opened the floor to public comment. 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. Lieberberg. The meeting was adjourned at 12:05 AM.

Christine A. Gatti, RMC
Township Clerk

Approved: