

April 3, 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 April 3, 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. Thall-Eglow and seconded by Mr. Levy.

Roll Call Vote: All Ayes

Proclamation

Proclamations were presented recognizing the Celebration of Family Meal Week during Alcohol Awareness Month and Distracted Driving Crackdown.

Reports

George Serio, Essex County Representative, reported on activities being sponsored by the County.

Ms. Rosenberg said the DMDA met and they are moving forward in their leadership with Cassandra Fishkin as the new president. She also reported on a meeting she attended for Safe Routes to Schools.

Mayor Burstein stated that she and Ms. Thall-Eglow met with the Silverman group. She said they are aware of the community's feelings about maintaining the current zoning. She said that they do not wish to negotiate to reduce the number of units and stated they are likely going to file a lawsuit. She announced that there are currently vacancies on the Planning and Zoning Boards and encouraged people to submit a volunteer interest form. She also encouraged people to support the Paper Mill Playhouse by going to see *The Sting*.

Public Discussion

Mayor Burstein asked if there were any comments or questions regarding items on the Consent Agenda. Ms. Thall-Eglow asked for clarification of resolution 18-095. Mr. McDonald explained it is for milling and paving of the roadway. Geraldine Silverman asked for clarification of resolution 18-093. Mayor Burstein explained that sewer charges are being removed from one

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property that is being converted from a two family to a one family and therefore only being required to have one sewer charge. She said on the other one there was a subdivision and the original lot was still being charged in addition to the two newly subdivided lots.

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. Thall-Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 18-091
APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated April 3, 2018, in the following accounts:

General	\$ 843,220.91
Capital Fund	31,975.75
Parking Utility - Operating Fund	37,030.37
Dog Fund Trust	132.75
Donation Trust Fund	365.00
Escrow Trust Fund	4,224.00
Police Off Duty Trust Fund	49,383.00
Waste Recycling Trust	2,040.40
PATFA II	560.00

**RESOLUTION 18-092
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>
Norweg , Matthias & Anna c/o Skoloff & Wolfe P.C. 293 Eisenhower Parkway Livingston, NJ 07039 Block 3104 Lot 12 62 Stewart Rd	Tax Appeal 2017 taxes	\$2,410.94
Corelogic c/o Specialized loan Servicing Attn: Refunds Dept 3001 Hackberry Rd. Irving, TX 65063 Block 2104 Lot 8 101 Knollwood Rd	Tax Refund 2018 taxes Duplicate pymt	\$15,091.15
Wells Fargo Home Mortgage 1 Home Campus MAC F2302-04D Des Moines, IA 50328 Block 1606 Lot 12 66 Great Oak Drive	Tax Refund 2018 taxes Duplicate pymt	\$4,220.55
Wells Fargo Home Mortgage	Tax Refund	\$4,606.60

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<p>1 Home Campus MAC F2302-04D Des Moines, IA 50328 Block 1401 Lot 3 28 Park Rd CitiMortgage, Inc P.O. Box 23689 Rochester, NY 14692 Block 5001 Lot 1 12 Arlene Court</p>	<p>2018 taxes Duplicate pymt</p>	<p></p>
<p>Corelogic Tax Collection Service LLC P.O. Box 9205 Coppell, TX 75019-9214 Block 5104 Lot 2 41 Wordsworth Rd.</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$8,115.83</p>
<p>Corelogic Tax Collection Services LLC P.O. Box 9205 Coppell, TX 75019-9214 Block 1901 Lot 12 5 Dogwood Dr.</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$5,932.71</p>
<p>Wells Fargo Home Mortgage 1 Home Campus MAC F2302-04D Des Moines, IA 50328 Block 106 Lot 18 90 Mountain Ave</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$5,603.74</p>
<p>TD Bank Attn: Escrow Dept: Philip Wall 32 Chestnut St Lewiston, ME 04240 Block 3204 Lot 12 16 Falmouth St</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$5,960.09</p>
<p>Wells Fargo Home Mortgage 1 Home Campus MAC X2302-04D Des Moines, IA 50328 Block 1207 Lot 36 62 Whitney Rd</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$12,373.03</p>
<p>CitiMortgage Inc P.O. Box 23689 Rochester, NY 14692 Block 3604 Lot 20 36 Spenser Dr</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$5,776.81</p>
<p>Dovenmuehle Mortgage Inc 1206 St. Charles Rd. Elgin, IL 60120 Block 4903 Lot 9 4 Westview Rd</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$9,142.20</p>
<p>Wells Fargo Home Mortgage 1 Home Campus MAC F2302-03H Des Moines, IA 50328 Block 2503 Lot 26 78 Farley Rd</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$10,868.28</p>
<p></p>	<p></p>	<p>\$14,983.96</p>

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Wells Fargo Home Mortgage 1 Home Campus Des Moines, IA 50328 Block 903 Lot 2 12 Meeker Place	Tax Refund 2018 taxes Duplicate pymt	\$2,247.16
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Corelogic Tax Collection Services, LLC P.O. Box 9205 Coppell, TX 75019-9214 Block 312 Lot 38 8 Edgewood Terrace	Tax Refund 2018 taxes Duplicate pymt	\$2,948.86
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Corelogic Tax Collection Services, LLC P.O. Box 9205 Coppell, TX 75019-9214 Block 1904 Lot 38 23 Wellington Ave	Tax Refund 2018 taxes Duplicate pymt	\$5,263.63
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**RESOLUTION 18-093
AUTHORIZING THE CANCELLATION OF SEWER CHARGE**

NOW, THEREFORE BE IT RESOLVED that the Millburn Township Committee authorize the Tax Collector to cancel the sewer charges listed below.

Block	Lot	Location	No. of Units	Reason	Amount
1101	26	418 Millburn Ave	1	Conversion from two family to single family dwelling	166.00
2001	2	288 Hobart Ave	1	Mother lot of subdivision	166.00
2401	4	20 Old Short Hills Rd	1	Mother lot of subdivision	166.00

**RESOLUTION 18-094
AUTHORIZING ONE YEAR OPTION #1 ON CONTRACT
FOR OPEN AIR CAFÉ TO CB MILLBURN, LLC**

WHEREAS, the Township of Millburn entered into a contract in 2016 with CB Millburn, LLC, 14504 Hertz Quail Springs Pkwy, Oklahoma City, OK 73134, and having a restaurant at 35 Main Street, Millburn, NJ 07041 for Open Air Café at the Courtyard owned by the Township of Millburn located as part of Lot 28 and Block 1212 on the tax map and specifically described in Section 15-1-6.1 of the Millburn Township Ordinance Code; and

WHEREAS, the Millburn Township Business Administrator has recommended exercising the Township’s option by renewal of this contract with the same terms and conditions for one additional year which is the first option year for the contract for 2018 from May 1, 2018 through October 31, 2018;

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

**RESOLUTION 18-095
AUTHORIZING THE ADVERTISING OF BIDS –
NJ DOT ROAD IMPROVEMENTS PROJECT FOR WILLOW/BLEEKER**

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

NJ DOT Road Improvements Project for East Willow and Bleeker Street

BE IT FURTHER RESOLVED that the sealed proposals will be opened and read in public at Town Hall, Millburn, New Jersey at a date and time to be determined and in the event no bids are received at that time, then authorization to re-advertise is hereby directed.

**RESOLUTION 18-096
AUTHORIZING THE ADVERTISING OF BIDS –
BARRIER FREE ACCESS AT MILLBURN TOWNSHIP PUBLIC LIBRARY**

BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that the Township Clerk be and is hereby authorized and directed to advertise, as required by law, in the ITEM, a newspaper published in said Township, an Invitation to Bidders for sealed proposals to be received by the Township Clerk of the Township of Millburn in the County of Essex, New Jersey, for:

Barrier Free Access at Millburn Township Public Library

BE IT FURTHER RESOLVED that the sealed proposals will be opened and read in public at Town Hall, Millburn, New Jersey at a date and time to be determined and in the event no bids are received at that time, then authorization to re-advertise is hereby directed.

**RESOLUTION 18-097
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
South Mountain PTO
Glenwood School PTO

Resolutions

Resolution 18-098 – Authorize Sales of Beer and Wine at Taylor Park for the Ed Foundation’s Rocktoberfest.

Nicole Ripter, who is on the Board of Trustees for the Ed Foundation and Chairperson of the Rocktoberfest event. She spoke about the success in past years with the event. She said people have been responsible regarding the beer garden in previous years. Ms. Thall-Eglow said she feels she has concerns about drinking at an event for families and to raise funds for the schools. Ms. Ripter noted that they will have one exit and entrance, which allows for monitoring and police are on site in case of any issues. Ms. Thall-Eglow also questioned the waiver of fees for use of picnic tables and was advised that it is done as a courtesy due to the nature of the organization. Mayor Burstein asked if there were any questions from the audience. Ms. Silverman came forward again and asked what the responsibility of the town is if someone gets into an accident, since the town is sponsoring the event. It was clarified that the town is not sponsoring, just reviewing the permits for the event. A discussion ensued about the potential liability for the town. Mayor Burstein asked for a motion to approve this resolution, which was made by Ms. Rosenberg and seconded by Mr. Levy.

Roll Call: All Ayes

RESOLUTION 18-098
AUTHORIZING BEER AND WINE AND PARKING OF VEHICLES
IN TAYLOR PARK FOR ROCKTOBERFEST EVENT

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 18-099 – Authorize Change order No. 5 to the Contract with Bowman Consulting Group. LTD

Mayor Burstein asked if anyone had questions regarding this resolution. Ms. Eglow asked if this was regarding the Wells Fargo portion. Mr. McDonald responded affirmatively, noting that this is billing from October to the current date and for the closeout of Bowman's work. Ms. Rosenberg asked if this included meetings with Bowman as well and he responded it did. Ms. Thall-Eglow asked for a breakout of the Wells Fargo portion and Mr. McDonald said he could but did not have the numbers in front of him. Ms. Lieberberg asked if there are any other bills from Bowman and Mr. McDonald said they may be one other for work to determine how the punch list items would be finished. He said this work is included in this change order and if the funds are not needed for the finish work it would be cancelled.

Sarit Catz, of 11 Fairfield Drive, asked if this is just for the consulting and not the actual work. Mr. McDonald responded yes. She also asked if we pay bills normally when we don't have the invoice. Mr. McDonald said we are not paying them just yet, we are authorizing the allocation of the funding. Mayor Burstein suggested approving just the amount that we have bills for and approve the anticipated amount at a later time. Mayor Burstein asked for a motion to amend resolution 18-099 to reflect the amount of the change order to \$30,000. Mr. Levy made the motion, which was seconded by Ms. Rosenberg.

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

RESOLUTION 18-099
AUTHORIZING CHANGE ORDER NO. 5 TO THE
CONTRACT WITH BOWMAN CONSULTING GROUP, LTD.

WHEREAS, a purchase order was prepared in the name of BOWMAN CONSULTING GROUP, LTD., located 54 Horsehill Road, Cedar Knolls, NJ 07927 under a locally bid contract for Millburn Township Streetscape Phase 1 (Complete Streets).

WHEREAS, it is necessary to adjust the contract as follows;

Change Order #	Description	Amount	Net Amount of Contract
5	Additional work that includes the following: <ul style="list-style-type: none"> • Negotiate change orders, pay applications, RFI, punch list, close out, field change requests • Project close out and punch list • Jobsite meetings 	\$45,000.00 \$30,000.00	\$314,014.03 \$299,014.03

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

1. The procedures for this Change Order are in compliance with the Local Public Contract law as per the Chief Financial Officer.
2. Change Order Number 5 as described in the preamble is hereby approved.

The change order shall be charged to C-04-55-885-001-901. The Chief Financial Officer has determined that a Certification of Available Funds is necessary and made part of this Resolution.

New Business

Mayor Burstein introduced the discussion regarding the flexible parking survey. She noted that there were 1,217 respondents. 6% of the respondents were merchants, 14% were visitors to town and 79% were residents. 19 % approved keeping it as is and 81% disapproved of keeping it as it is. 74% approved of removing the flex parking and 26% disapproved of keeping the flex parking. 20% approved of modifying existing spaces and 80 % disapproved modifying existing spaces. 19% approved pushing the bollards out and 81% disapproved. She said this was one piece of the information they are considering. She said the rest they will be looking at as a committee and deciding what, if anything, to do. The construction costs and scope of the construction will also be considered. Mayor Burstein reviewed the costs of various options. Ms. Eglow said that the comments indicate clearly that people would like to remove the flex parking and return to traditional parking. She said she would like to see the results and comments made public. She believes this is the route to a return to normalcy. Ms. Rosenberg asked the engineers if returning the parking to traditional parking would increase the traffic flow. She also inquired about the option of removing the 23 spots, but offering valet behind the movie theatre, since people seem unhappy with the parking on Millburn Avenue in general. Mayor Burstein said she sees the survey as statistically insignificant and thinks replacing the parking is a waste of money. Ms. Lieberberg said she agrees with Ms. Eglow about removing the parking. She said she thinks the spots are necessary and there is not enough parking in the lots. She said flex parking needs to be removed and returned to curb parking. Mr. Levy said the survey is flawed and statistically irrelevant. He said he is supportive of doing something with the flexible parking, including considering removal. Ms. Thall-Eglow said that she believes

previous committee members were voted out because they were the pioneers of this. She said the election in November spoke to how the residents feel about Complete Streets. Mr. Levy disagreed about election results as a referendum on Complete Streets. Ms. Rosenberg said she agrees with Mr. Levy regarding the election. She said she voted for Complete Streets, but now wishes the parking could go back to the way it was with the wave of a wand. She said that is not the case because to do so, it will cause some disruptions. She says she has concerns for merchants and parking. She said she is not against fixing the parking but would like to do it in the least interruptive way.

Mayor Burstein asked Mr. McDonald to discuss the topic of a temporary food license fee. He said this was raised at the last Board of Health meeting regarding vendors from out of town that bring food to town for events. He said local businesses already pay a fee for their inspection being in town, but outside vendors are not charged a fee at this point. He discussed fees that other towns charge. He said the fee would be nominal, in the range of \$25.00 - \$50.00.

Mayor Burstein brought forth the discussion regarding the Ridgewood Road proposed parking ordinance. She said it was raised by a resident and was discussed a little bit at the ad hoc meeting. She said the ordinance would impact parking on the southerly side of Ridgewood Road between Main Street and Whittingham Terrace. She said currently people working in town are parking there all day, which is problematic for residents. Ms. Thall-Eglow noted that the residents don't want an all-out ban, just time restrictions.

Mayor Burstein brought for the discussion regarding new development bond legislation, which is bonds that are required for new development projects in municipalities. Mr. Falcon said it is legislation that will require municipalities to obtain a bond from developers for certain types of projects. He said it is geared more towards public improvement projects as opposed to private ones. Mr. Falcon said adjustments would need to be made to the township code in order to adhere to these new policies.

Public Discussion

Mayor Burstein opened the floor to public comment.

Geraldine Silverman, of 23 Audubon Court, came forward and commented regarding the numbers of people who voted and how that reflects on the flexible parking.

Alyssa Sutton, of 75 Mountainview Road, commented on the flexible parking survey and expressed her dislike of the flexible parking.

Jean Cosgrove, of 99 Oakview Terrace, asked if the bumpouts will remain at the corners. She was advised the bumpouts will remain. She said she did not take the survey, but thinks the flexible parking is difficult to maneuver. She also asked about redevelopment area bonds and if that applies to the ordinance change discussed earlier. Mr. Falcon clarified that this is a different type of bond.

Janet Pizar, of 186 Main Street, came forward and discussed the complexity of the Complete Streets project.

Lynne Ranieri, of 94 Oakview Terrace, said she walks everyday through town. She said she is grateful for the bumpouts. She said she doesn't know if the issue is the flex parking or the single lane of traffic. She said as a taxpayer, she is frustrated with the idea of taxes being used

to do, then un-do the flexible parking and said she would like a more conservative approach taken to addressing the issues.

Janet Pizar came forward again and spoke of the variables contributing to the congestion in town. She said we cannot blame everything on the Complete Streets project. She said before any expensive action is taken to remove the flex parking, we should do research in other communities.

Tara Prupis, of 206 Millburn Avenue, came forward and spoke about the new leadership of the DMDA board and thanked the committee for funding the DMDA. She also spoke about the 1st indoor market being held in The Courtyard. She spoke about an e-mail she had sent the committee previously regarding having a conversation about the flexible parking. She said she would like to see different opportunities for people to discuss their opinions.

Cassandra Fishkin, of 321 Millburn Avenue/Casita Mexican, pointed out that civic engagement is at an all-time low. She commented that the parking as it is now is a permanent thing and that construction would be temporary and cause a meaningful improvement. She said as a merchant she could plan around the construction. She said people need to see that it is easy and convenient to get around Millburn.

Phil Kirsch, of 93 Cedar Street, agrees that it would be best to move slowly when it comes to any changes to the current street project. He said he doesn't like the extremism of some of the comments that the project as a whole is terrible. He said it amounts to hysteria. He said there are many things to consider and that Complete Streets has many positive aspects. He also asked if the committee could comment on a previous closed session regarding East Willow Street negotiations. Mr. Falcon said it cannot be discussed at this time, except to say that the township is considering purchasing parcels of land at that location.

Cary Heller, of 56 Byron Road and 343 Millburn Avenue, came forward and commented negatively regarding the survey. He said he would like to see a true ad hoc committee formed. He said Complete Streets was a great concept, but executed poorly. He discussed the financial aspects of the project and said it is time to move forward. He commented on the corner at Main Street and the left hand turn at the corner of Essex. He asked that could be considered to be changed back.

Sarit Catz, of 11 Fairfield Drive, agrees that there are a lot of elements to Complete Streets and that it is complicated. She stated it has been detrimental to the town. She thinks there need to be discussions and research done to fix the problem and how to do it right. She said she lives in the Deerfield section and everyone is concerned about the downtown. She said she would like to move forward in a positive direction.

Carl Mink, of Millburn Camera at 41 Main Street, said he would like to see the removal of flex parking be considered and removed.

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. Thall-Eglow and seconded by Ms. Rosenberg. The meeting was adjourned at 9:05 PM.

Christine A. Gatti, RMC
Township Clerk

Approved: