

September 17, 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 September 17, 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, Samuel D. Levy, Jodi L. Rosenberg and Dianne Thall-Eglow. Cheryl H. Burstein arrived at 7:08 PM.

Also present were Business Administrator Alexander McDonald, Township Attorney Brent Carney, Assistant Business Administrator Jimmy Homsy and Assistant Township Clerk Megan Patrick.

Approval of Agenda

Deputy Mayor Rosenberg asked for a motion to approve the agenda. The motion was offered by Mr. Levy and seconded by Ms. Eglow.

Roll Call Vote: All Ayes

Absent: Mayor Burstein (arrived at 7:08 PM)

Minutes

Deputy Mayor Rosenberg asked for a motion to approve the minutes of the regular meeting of June 19, 2018, which was offered by Mr. Levy and seconded by Ms. Lieberberg.

Roll Call Vote: All Ayes

Absent: Mayor Burstein (arrived at 7:08 PM)

Reports

Ms. Thall-Eglow indicated that the Environmental Commission discussed the playing fields being sprayed with pesticides and voiced their concerns about young people being exposed to the chemicals. She suggested forming an ad hoc committee. She also spoke about the Commission's discussion about banning plastics in town. She noted that the Environmental Commission is also offering input on the Master Plan.

Ms. Lieberberg stated that the ad hoc committee for the relocation of the public works yard met and continues its due diligence. She said they will be meeting again on October 18th.

Ms. Rosenberg advised that she met with the Senior Citizen Advisory Board last week and noted that a Grandparents Day event is taking place in Taylor Park this Sunday. She said the DMDA's Millburn Live is taking place this Friday between 5PM and 8PM. She also reported that the Millburn Street Fair is this weekend and she is sponsoring a shredding truck.

Mr. Levy stated that the Recreation Commission is meeting on September 12th. He reported that Gero Park courts are being resurfaced and the court at Slayton Field is being relined for pickle ball. Mr. Levy announced that a bench was donated to the Par 3 course by the family of Wells Ferdinand and that a little library has been installed at the Taylor Street entrance to Taylor Park. He stated that the pool has 34,000 visits, approximately the same amount as last year. He said the Dr. Stem event sold out in seven minutes and a new class will be added shortly. He also reported that a new freshman field is being examined for the youth baseball league and at the high school there is some thought on refurbishing the fields to add a new field so four teams can practice.

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Mr. McDonald reported that removal of the tape from the flexible parking spaces is in process. He said the town will be trying water based and thermo paint to see which works best. He advised that New Jersey American Water will begin work on Old Short Hills Road on Parsonage Hill Road on September 24th.

Mayor Burstein said she spoke the chair people of the Planning Board and Board of Adjustment regarding live streaming. She said they are going to discuss with their board members and get back to her. She suggested the Environmental Commission work with the Joint Fields Committee regarding the pesticide issue raised by Ms. Thall-Eglow.

Public Discussion

Mayor Burstein asked if there were any comments or questions regarding items on the Consent Agenda. None were presented.

Consent Agenda

Mayor Burstein asked for a motion to approve the items on the consent agenda. Ms. Lieberberg made a motion to approve the consent agenda which was seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 18-214
RESOLUTION TO APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby is authorized to accept for payment and pay bills or items as they appear on Schedule dated September 17, 2018, in the following accounts:

General	\$ 378,317.56
Parking Utility - Operating Fund	646.00
Dog Fund Trust	167.40
Donation Trust Fund	680.00
Escrow Trust Fund	2,259.75
Police Off Duty Trust Fund	122,744.00
Waste Recycling Trust	11,374.52

**RESOLUTION 18-215
RESOLUTION TO 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>
Jacobus & Associates LLC and Kirchenbaum, Jeffrey & Elit 201 Littleton Rd 1 st Floor Morris Plains, NJ 07950 Block 3302 Lot 4 30 Hemlock Road	Tax Appeal 2015 taxes	\$2,363.92
Jacobus & Associates LLC and Saber, Alan & Dalia 201 Littleton Rd 1 st Floor Morris Plains, NJ 07950 Block 5005 Lot 19 326 White Oak Ridge Road	Tax Appeal 2016 taxes	\$1,507.80

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<p>Citimortgage Inc Attn: Carl Jasper 14700 Citicorp Drive Dept. 1009 Hagerstown, MD 21742 Block 2111 Lot 6 15 Wyndham Rd</p>	<p>Tax Refund 2018 taxes Duplicate pymt</p>	<p>\$7,307.55</p>
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<p>Michael & Jill Solomon and Budd Lerner P.C. 150 John F. Kennedy Pkwy Short Hills, NJ 07078 Block 2801 Lot 12 9 West Beechcroft Rd</p>	<p>Tax Appeal 2017 taxes</p>	<p>\$1,870.85</p>
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BE IT FURTHER RESOLVED that the following tax appeals be processed between the 45th and 60th day from the date of judgment;

<p>Jacobus & Associates LLC and Kirchenbaum, Jeffrey & Elit 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 3302 Lot 4 30 Hemlock Road</p>	<p>Tax Appeal 2016 taxes</p>	<p>\$2,418.94</p>
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<p>Jacobus & Associates LLC and Rao, Naveen & Anita 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 4903 Lot 53 411 Long Hill Drive</p>	<p>Tax Appeal 2016 taxes (\$3,231.00) 2017 taxes (\$2,056.45)</p>	<p>\$5,287.45</p>
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<p>Jacobus & Associates LLC and Shah, Manish C & Yashica M 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 4205 Lot 14 65 Dorison Drive</p>	<p>Tax Appeal 2015 taxes (\$1,934.50) 2016 taxes (\$1,979.53) 2017 taxes (\$1,856.00)</p>	<p>\$5,770.03</p>
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<p>Jacobus & Associates LLC and Davies, Steven Naunto & Monique 201 Littleton Rd 1st Floor Morris Plains, NJ 07950 Block 3604 Lot 19 40 Spenser Drive</p>	<p>Tax Appeal 2017 taxes</p>	<p>\$3,563.52</p>
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RESOLUTION 18-216

AFFIRM THE TOWNSHIP OF MILLBURN’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Township of Millburn to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Township of Millburn has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Millburn Township Committee that:

Section 1: No official, employee, appointee or volunteer of the Township by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the Township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Millburn Township Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Millburn Township Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Millburn Township Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Millburn Township Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

RESOLUTION 18-217

RESOLUTION AUTHORIZING ENTERING INTO A JOINT PURCHASING AND USE AGREEMENT WITH THE TOWNSHIP OF SPRINGFIELD FOR THE SHARED USE OF A TRUCK MAINLINE INSPECTION SYSTEM FOR THE PURPOSE OF SEWER SYSTEM INPSECTIONS

WHEREAS, Township of Millburn ("Millburn") and Township of Springfield ("Springfield") each have need for a piece of equipment commonly known as a Truck Mainline Inspections System ("the truck") a mobile unit with camera to be used by the Parties for sewer system inspection purposes; and

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WHEREAS, pursuant to N.J.S.A. 40A:11-10 and 40A:11-11 two (2) or more municipalities (or other contracting units) are authorized to enter into a Joint Purchasing Agreement for the purchase of equipment; and

WHEREAS, sharing the purchase expense and ongoing cost for the joint acquisition and use of the Truck by Millburn and Springfield is expected to effect substantial economies of scale for each municipality; and

WHEREAS, it is the desire of all parties to enter into an agreement for said purpose, for which Millburn shall be designated as the Lead Agency responsible for procuring the Truck and for which the parties will be equally (50%) responsible for the purchase expense and ongoing costs relating to upkeep, and shall have equal shared use, of the Truck; and

WHEREAS, it is anticipated that the Truck is to be acquired by Millburn through a cooperative purchasing or pricing system under N.J.S.A. 40A:11-11 or 40A:11-12, with Millburn's share of the cost of purchase cost not anticipated to exceed \$109,000

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length
2. The Township Committee here by authorized the execution of a Joint Purchasing Agreement pursuant to N.J.S.A. 40A:11-10 and 40A:11-11 with the Township of Springfield, and Millburn being the lead agency, in substantially the form of agreement as is attached hereto.
3. The Township of Millburn Municipal Clerk is hereby directed to submit a copy of this adopted resolution, along with the executed Agreement, to the Township of Springfield.
4. The resolution shall take effect immediately.

Ordinance/Second Reading and Consideration of Adoption

Ordinance 2509-18

Ms. Rosenberg brought forth and reviewed Ordinance 2509-18 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. Ms. Rosenberg made a motion to approve and adopt Ordinance 2509-18 on final reading and the motion was seconded by Ms. Thall-Eglow.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2509-18
AN ORDINANCE OF THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX,
STATE OF NEW JERSEY, AMENDING ARTICLE V OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF MILLBURN**

STATEMENT OF PURPOSE: *The purpose of this ordinance is to provide appropriate standards and regulations for the keeping of chickens for noncommercial purposes within the suburban residential environment of Millburn Township. The ordinance establishes standards and limitations so as to avoid adverse impacts on neighboring properties and residents, and to provide for the health and safety of the chickens.*

WHEREAS, the concept of local sustainability has fostered an interest in backyard food production; and

WHEREAS, Millburn residents maintain chickens as pets; and

WHEREAS, municipalities have been considering how to compatibly integrate the keeping of backyard chickens into suburban residential settings; and

WHEREAS, Millburn Township officials are informed that not more than four chickens are sufficient to meet the needs of an average family's egg consumption and/or desires to have chickens as pets; and

WHEREAS, Millburn Township is largely built out and of a density such that special attention to how chickens can be integrated successfully into residential neighborhoods is required; and

WHEREAS, the Centers for Disease Control and Protection has issued guidance on safety measures related to the keeping of backyard chickens and the potential for illnesses from contact with live poultry, which can be addressed through regulations fostering the proper maintenance of coops and enclosures as well as the confinement of chickens so as to prevent roaming or movement of chickens to areas where they might come into contact with neighboring owners or others; and

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. Article V entitled "Animal Control" shall be amended and supplemented by the adoption of a new Section 5-10 entitled "Keeping of Chickens, Permit Required" to read as follows:

Section 5-10 – Keeping of Chickens, Permit Required

(a) Definitions:

- i. For the purpose of this ordinance, a chicken (*Gallus Domesticus*) refers only to a female chicken.
- ii. Coop – the covered house, structure or room that is required in order to provide chickens with shelter from the weather and with a roosting area protected from predators. No Coop shall exceed six (6) feet in height.
- iii. Chicken Enclosure – means a fenced area that is attached to a Coop in order to provide an outside exercise area for the chickens free from predators, and of a size no greater than forty (40) square feet, with a fence not in excess of 6 (six) feet in height, but sufficiently constructed to prevent entrance by predators.
- iv. Repeat Violation – shall mean the violation of a provision of this ordinance or of the Revised General Ordinances, pertaining to the requirements of the keeping of chickens, by a person who has been found two previous times, through a code enforcement proceeding or any other administrative, quasi-judicial or judicial process, to have violated, or who has admitted violating, any provision within three years prior to the current violation.

(b) Permit

Any person who keeps chickens in the Township of Millburn shall obtain a permit from the Township prior to acquiring the chickens. The issuance of permits shall be limited to one (1) per residential property. Any person who, at the time of the effective date of this ordinance, is currently keeping chickens at a residential property within the Township shall apply for a permit within sixty (60) days. Application shall be made to the Health Officer and the fee for the permit shall be one hundred dollars (\$100.00). A separate inspection fee shall be charged at the time of application in the amount of sixty-five dollars (\$65.00). The Application shall include a survey and a drawing or diagram depicting the placement and dimensions of the Coop and Chicken Enclosure.

In the event that a Permit Application by any person who is currently keeping chickens is denied, such person shall be obliged to remove any such chickens, coops and enclosures within 30 days of such denial. Any such person shall have the right to immediately file a conforming application so as to obtain a permit,

in which case it shall not be necessary for them to comply with the removal requirements above set forth.

The permit shall be obtained annually in the month of December from the Health Officer for a permit commencing on the ensuing January 1st. Failure to obtain an annual renewal permit shall result in a penalty of twenty-five dollars (\$25.00) for each chicken, which shall be collected as a surcharge to the permit fee hereinabove required. In the event that a permit application is made after January for a new commencement of the keeping of chickens at a property, the fee shall be prorated to December 31st of that year.

Permits expire and become invalid on December 31st of each year. A person who wishes to continue keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

Upon a Repeat Violation, any permit issued shall be revoked. The holder of a revoked permit is ineligible from applying for or attaining a new permit for a period of 2 (two) years from the date of revocation. Upon the revocation of any permit, the permit holder shall be obliged to remove chickens, Coop and Chicken Enclosure immediately thereafter.

(c) Private Restrictions

Notwithstanding the issuance of a permit by the Township, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(d) Requirements

A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

- i. Shall have received a permit required under Subsection (b) of this section.
- ii Shall keep no more than four (4) chickens.
- iii Shall keep chickens only on a property, the principal use of which is as a single-family dwelling.
- iv Shall keep no rooster.
- v Shall not slaughter any chickens.
- vi Shall provide the chickens with a Chicken Enclosure as defined in Section 5-10(a)(iii) and the chickens must be kept in the Coop or Chicken Enclosure at all times. No chickens shall be allowed to free range or be otherwise located outside of the Coop and Chicken Enclosure areas. The Coop and Chicken Enclosure are subject to all provisions of the Development Regulations and Zoning Ordinance of the Township, as well as all building, plumbing and electric permitting requirements, except to the extent addressed by the provisions of this Subsection (d).
- vii Shall not keep chickens in any location on the property other than in the backyard. For purposes of this ordinance, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.

- viii No part of a Coop or Chicken Enclosure shall be closer than twenty (20) feet to any property line of an adjacent property.
- ix Shall provide a Coop and Chicken Enclosure for the keeping of chickens which shall be so constructed and repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of, the enclosure. No part of a Coop or Chicken Enclosure shall not be located closer than twenty (20) feet to the residential structure on the property. Coops shall be ventilated and in a clean and sanitary condition at all times.
- x Shall protect feed and other items associated with the keeping of chickens that might attract or become infested with or infected by rats, mice, or other rodents through the use of rat-proof containers so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them. All food for immediate consumption shall be placed in a suitable feeding trough or similar container and all other food shall be stored in rat-proof containers at all times. No poultry feed shall be scattered about any premises.
- xi. For purposes of this ordinance, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points.
- xii Nothing herein shall be construed to abrogate the provisions of Chapter III, Section 3-7 in general, and specifically with respect to the keeping of any bird which by "frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity". (Section 3-7.2(a))
- xiii The selling of eggs by any person keeping chickens pursuant to this ordinance is prohibited.
- xiv Any dead chicken must be double bagged and placed in the garbage.
- xv Violations

If any of the requirements of this ordinance are not complied with:

- a) the Township Health Officer, Code Enforcement Officer or Animal Control Officer may revoke any permit granted under this ordinance and/or initiate prosecution for a violation pursuant to Section 5-7 "Penalty for Violation", and/or Section 1-5 "General Penalty", as applicable; and/or
- b) any person residing within the Township may initiate prosecution for a violation pursuant to Section 5-7 "Penalty for Violation", and/or Section 1-5 "General Penalty", as applicable; and/or
- c) the Township shall also have the right to commence litigation in a court of competent jurisdiction.

(e) Permit Examination

A person who has been issued a permit for the keeping of chickens pursuant to this Ordinance shall submit it for examination upon demand by any enforcement officer listed in Subsection (f) below.

(f) The Township Health Officer, Code Enforcement Officer or Animal Control Officer shall have authority to discern compliance with this Ordinance and the authority to direct compliance with this Ordinance with regard to requiring certain facilities or activities by chicken owners to ensure that neighbors of those who keep chickens are not unreasonably subjected to noise, rodents, predators, or other violations of the provisions of this Ordinance.

Section 2. The provisions of this ordinance are severable and the invalidity of any phase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

Ordinance /Introduction

Ordinance 2511-18

Mr. Levy brought forth Ordinance 2511-18 for introduction. He reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Rosenberg. The public hearing for the ordinance is scheduled for October 2, 2018.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2511-18
ORDINANCE AMENDING ORDINANCE 12-92, CREATING
A SPECIAL IMPROVEMENT DISTRICT WITHIN THE
TOWNSHIP, TO INCLUDE CERTAIN PROPERTY ENUMERATED IN
SECTION 3 THEREOF**

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. Section 3 of “An Ordinance Creating a Special Improvement District Within the Township of Millburn and Designating a District Management Corporation”, is hereby amended to include the following:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
1211	5	389 Millburn Avenue <i>(Change from exempt to mixed use commercial)</i>
805	2	296 Millburn Avenue <i>(Change from vacant land to mixed use commercial)</i>
1207	15	251 Essex Street <i>(Change from vacant land to commercial)</i>

Section 2. This ordinance shall take effect after final passage and publication in accordance with law.

Ordinance 2512-18

Ms. Thall-Eglow brought forth Ordinance 2512-18 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 October 2, 2018.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2512-18
ORDINANCE AUTHORIZING
ASSIGNMENT OF OPEN-AIR CAFÉ PROPERTY LEASE AGREEMENT BETWEEN THE TOWNSHIP AND CB
MILLBURN, LLC TO JGIL MILLBURN, LLC**

Statement of purpose: *The purpose of this Ordinance is to authorize the assignment of the current lease dated April 19, 2016 of an outdoor patio area owned by the Township, between CB Millburn, LLC (Charlie Brown’s) and the Township to a new owner JGIL Millburn, LLC*

WHEREAS, the Township of Millburn contracted with CB Millburn, LLC, a New Jersey limited liability company having the address 14504 Hertz Quail Springs Parkway, Oklahoma City, OK 73134, on April 19, 2016 for the lease of a public place known as The Courtyard, designated as part of Lot 28 in

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Block 1212 on the Millburn Township Tax Map (“Open-Air Café Property”), for two six-months terms beginning on May 1 and ending on October 31 of 2016 and 2017 (“Lease Agreement” or “Lease”); and

WHEREAS, the Township of Millburn exercised Option 1 of the Lease Agreement, which extended the term of the lease for the 2018 season, from May 1, 2018 to October 31, 2018, as memorialized in Resolution 18-094 dated April 3, 2018; and

WHEREAS, the Township of Millburn may yet exercise Option 2 of the Lease Agreement which would extend the term of the Lease for the 2019 season from May 1, 2019 to October 31, 2019; and

WHEREAS, in a separate Asset Purchase Agreement by and between CB Millburn, LLC and JGIL Millburn, LLC, a New Jersey limited liability company having the address 8700 State Line Road., Suite 100, Leawood Kansas 6626, dated April 23, 2018, JGIL Millburn, LLC purchased from CB Millburn, LLC certain assets including an assignment of CB Millburn, LLC’s rights, title, and interest in the Lease; and

WHEREAS, Section 8.01 of the Lease Agreement permits CB Millburn, LLC, as Lessee, to assign all its rights and interest in the Lease to a third party with the consent of the Township; and

WHEREAS, CB Millburn, LLC wishes to assign all its rights and interest in the Lease to JGIL Millburn, LLC; and

WHEREAS, JGIL Millburn, LLC wishes to assume all of CB Millburn, LLC’s responsibilities and obligations under the Lease; and

WHEREAS, the terms of the proposed Assignment, Assumption and Consent Agreement to be signed by the Township, CB Millburn, LLC, and JGIL Millburn, LLC, conforms to the requirements of the Lease Agreement; and

WHEREAS, the Township of Millburn would benefit from the continued receipt of rent from the Open-Air Café Property at a rate of \$500.00 per month.

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 Committee hereby authorizes the assignment of the Lease Agreement from CB Millburn, LLC, Lessee and Assignor, to JGIL Millburn, LLC, Assignee, and the Mayor is hereby authorized to execute the Assignment, Assumption and Consent Agreement.

Section 2. The Effective Date of the Assignment, Assumption and Consent Agreement is contingent upon the closing of the asset purchase transaction of Assignor and Assignee and receipt by the Assignee of all necessary and required governmental approvals for the transfer of the Liquor License.

Section 3. This Ordinance shall take effect after final passage and publication in accordance with law.

New Business

Ms. Rosenberg spoke regarding the stalemate regarding the Complete Streets project. She suggested a process called placemaking and asked the other members of the Committee consider taking part in it in order to come to a decision regarding the direction in which the town is headed. A brief discussion ensued regarding the concept and Ms. Rosenberg asked the Committee to consider and let her know if they were interested and she could get the process started.

Old Business

Mr. McDonald revisited the discussion regarding electronic signs. The discussion focused on possible locations, cost, student involvement in the aesthetic, and possible grant funding. Mayor Burstein asked if there was a consensus to move forward with this project and all members agreed.

Public Discussion

Mayor Burstein opened the floor to public comment.

Judy Rosenthal, of 12 Marion Drive, spoke about a recent West Orange Planning Board meeting where further expansion of the Turtle Back Zoo was discussed. She spoke about the impact the expansion would have on storm water runoff. She said she is looking for township support in opposing expansion of the zoo. She suggested a joint resolution between West Orange and Millburn be considered.

Alyssa Sutton, of 57 Mountainview Road, came forward and spoke about the DPW workers removing the striping from the flexible parking. She questioned the cost of this and the reason it is being done. She also questioned the removal of the light from in front of La Strada and commented on tilted, missing and damaged bollards. She also expressed her unhappiness that only two members of the Township Committee attended the opening of the new shul and chabbad.

Brett Cohn, of Wyndham Road, expressed concern for public safety at the intersection of Hobart and Highland. He said the improvements are nice, but do not address the problem and suggested a 4-way stop as a solution.

Ed Mazer, of Greenwood Drive, suggested that the township's sign ordinance be revised to accommodate the installation of the electric sign.

Lily Lee, of Wells Lane, followed up on Mr. Cohn's statement regarding the intersection of Hobart and Highland. She said she does not advocate a 4-way stop because it would create cut through traffic on Wells Lane, but thinks speed bumps would help.

Bob Rice, of Wyndham Road, came forward and spoke about the Hobart and Highland intersection. He noted many children walk through the area to get to the schools in the area. He supports a 4-way stop and noted it is hard for people to see coming down the hill.

David Cosgrove, of 99 Oakview Terrace, asked for an update on mediation. Mr. Carney advised that information is considered confidential and cannot supply any update at this time.

Bebe Shear, of 101 Oakview Terrace, asked about the process and if there is a settlement what would happen. Mr. Carney explained the process. She asked if residents will be informed before a settlement is made. Mr. Carney stated that information would be supplied at the fairness hearing. Mr. Carney pointed out that the Township Committee would have to publicly pass a resolution before a settlement is complete. The Committee discussed whether or not the resolution would contain the settlement document. Mr. Carney said yes, it would.

Mayor Burstein asked if anyone else wished to make a 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 Mr. Levy and seconded by Ms. Thall-Eglow. Vote: All Ayes. The meeting was adjourned at 8:30 PM.

Megan Patrick
Assistant Township Clerk

Approved: December 4, 2018