

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 Thall-Eglow 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 January 15, 2019.

Mayor Thall-Eglow 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, Tara B. Prupis, and Dianne Thall-Eglow. Samuel L. 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 Thall-Eglow asked for a motion to approve the agenda. The motion was offered by Ms. Burstein and seconded by Ms. Lieberberg.

Vote: All Ayes, except Levy, who was absent

Minutes

Mayor Thall-Eglow asked for a motion to approve the October 2, 2018 regular meeting minutes. The motion was made by Ms. Burstein and seconded by Ms. Lieberberg.

Vote: All Ayes, except Levy, who was absent

Reports

Ms. Lieberberg attended the PTOC conference meeting yesterday, noting that the group consists of all the past and present presidents of our school district. She stated that they will be running a program at 7:00 PM on January 29th at the Library, run by MMAC, and they will be discussing medicinal and recreational marijuana from the schools' perspective and also how to discuss marijuana with your children.

Mr. McDonald reported that as of 12/31 the DMDA dissolved and they dissolved with a certificate of dissolution that included giving 50% of the remaining funds to the Millburn Chamber of Commerce and the Millburn Township Beautification League, which is in accordance with their bylaws and on the advice of their professionals.

Mayor Thall-Eglow provided an update on the recent hit and run in the township. She stated that the Millburn Police Department and the Essex County Prosecutors Office is investigating the matter. She asked anyone with information to please get in touch with the authorities. She pointed out that the Environmental Commission met last week and reviewed their plans for the upcoming year. She said she met today with the Joint 911 Dispatch and everything is running smoothly there.

Mr. Serio, Essex County Representative, provided a brief report on Essex County events.

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Public Comment

Ed Mazer, of Greenwood Drive, inquired about a traffic study done by the township in 2018 for the intersection of Hobart Gap Road, Hobart Avenue and White Oak Ridge Road. He said the study recommended the installation of a light at the intersection. He asked for the status of getting a traffic light installed. Mr. McDonald advised a letter was sent to the County and our engineering departments are working together to resolve the issue. Mr. Mazer asked if there is a time table and Mr. McDonald stated there is not a time table but residents will be kept informed of progress.

Phil Kirsch, of 93 Cedar Street, said he saw a notice to vendors for RFPs and inquired about the process, which was explained by Mr. McDonald.

Patricia Lister, of 11 Benson Court, spoke about Ordinance 2518-18, stating it does not go far enough. She played a video illustrating noise from the construction site on her street and asked why there is not a requirement for temporary power to a construction site so generators do not have to be used. She added that markers should be on the property and a survey should be required. She said there is an issue with tree removal and there was damage to her property when a tree was removed from the construction site. She reiterated that there needs to be more regulation in the ordinance. She indicated that the construction at this location is an ongoing problem.

Lynne Ranieri, of Oakview Terrace, said the intersection at Ridgewood Road and Millburn Avenue scares her. She said the light does not face the pedestrian and you can't see when it says to walk.

Jamie Serruto, of 77 Jefferson Avenue, pointed out that at the intersection of Millburn Avenue and Short Hills Avenue the sidewalks are bare and very dangerous. He indicated that the crosswalk was a standard one with two lines and he would like to see them work to improve the crosswalk to make it safer. He said he would like to see all the crosswalks near schools improved. He suggested that lighting in town be improved, particularly around Chatham Road. He said he would like to see more modern equipment for the lighting. Mayor Thall-Eglow said there have been conversations recently regarding the points made on lighting and Mr. Serruto can count on seeing changes. Mr. McDonald stated that there has been communication with the County regarding the crosswalks but it is difficult to address in the winter months, but have committed to improving the crosswalks as soon as the weather permits.

Susan Blackburn, of 11 Inwood Road, came forward and said she was struck by a car several years ago at Millburn and Main. She stated that she has had difficulty crossing by the train station and said she predicted what happened near Woodland Road. She indicated that if the new building is put in that area and the population increases it will make a dangerous situation worse. She said we need strict police enforcement and police presence, especially near the train stations. Mr. McDonald and Ms. Blackburn discussed signage and police presence and enforcement at the train station. Mayor Thall-Eglow stated that bollards to light the way have been purchased until the lighting needs are addressed. She pointed out that measures are being pursued but things need to be done properly. Ms. Blackburn said she thinks the tragedy could have been averted if police cars were at the train station because people continue to speed through the crosswalk.

Mayor Thall-Eglow asked there were any other public comments. Seeing none, she continued with the meeting.

Public Comment – Consent Agenda

Mayor Thall-Eglow asked if there were any comments or questions regarding items on the Consent Agenda. Seeing none, she brought forth the consent agenda.

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Consent Agenda

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

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

RESOLUTION 19-035

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 January 15, 2019, in the following accounts:

General	\$ 1,444,994.48
Capital Fund	69,318.97
Parking Utility - Operating Fund	8,372.61
Dog Fund Trust	445.50
Donation Trust Fund	4,225.00
Police Off Duty Trust	53,988.00
Waste Recycling Trust	413.24
PATFA II	755.00

RESOLUTION 19-036

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;

BE IT FURTHER RESOLVED that the following tax appeals be processed between the 45th and 60th day from the date of judgment;

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Irwin & Heinze P.A. and Max B. & Debra Lebersfeld 383 Main Street Ste. 101 Chatham, NJ 07928 Block 3304 Lot 30 44 North Road	Tax Appeal 2017 taxes (\$4,220.54) 2018 taxes (\$6,227.15)	\$10,447.69
Jennifer R. Jacobus Trustee and Donald Werner 201 Littleton Road 1 st Floor Morris Plains, NJ 07950 Block 2111 Lot 30 187 Hobart Ave	Tax Appeal 2018 taxes	\$3,189.65
Michael A. Vespasiano Attorney Trust Account and Anthony G & Melissa S. Blumberg 331 Main Street Chatham, NJ 07928 Block 2405 Lot 9 34 Delbarton Drive	Tax Appeal 2013 taxes (\$5,908.37) 2014 taxes (\$6,158.88) 2015 taxes (\$10,640.78) 2016 taxes (\$10,888.47)	\$33,596.50
Michael A. Vespasiano Attorney Trust Account and Scott E. Lasky and Shelly Carey	Tax Appeal 2018 taxes	\$11,261.74

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331 Main Street
 Chatham, NJ 07928
 Block 2305 Lot 4
 24 Jefferson Ave

Michael A. Vespasiano Attorney Trust Account and Glenn & Susan Langberg 331 Main Street Chatham, NJ 07928 Block 1403 Lot 3 50 Farley Road	Tax Appeal 2017 taxes (\$495.55) 2018 taxes (\$7,640.33)	\$8,135.88
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Jennifer R. Jacobus Trustee and Roy E. & Delores Wright 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 2603 Lot 13 135 Fairfield Drive	Tax Appeal 2016 taxes (\$1,077.00) 2017 taxes (\$7,934.40)	\$9,011.40
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Jennifer R. Jacobus Trustee and Charles J. III & M. J. Taylor Reisler 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 1604 Lot 37 27 The Crescent	Tax Appeal 2018 taxes	\$1,544.42
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Jennifer R. Jacobus Trustee and Barbara Fulop 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 3902 Lot 23 3 Shawnee Road	Tax Appeal 2016 taxes	\$1,083.46
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Lasser Hochman, LLC Trust Account and GNR Property LLC 75 Eisenhower Pkwy Ste. 120 Roseland, NJ 07068 Block 804 Lot 17 64 Main Street	Tax Appeal 2017 taxes (\$3,112.51) 2018 taxes (\$3,665.15)	\$6,777.66
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Jennifer R. Jacobus Trustee and Donald Werner 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 1402 Lot 5 35 Woodcrest Ave	Tax Appeal 2018 taxes	\$1,375.15
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Jennifer R. Jacobus Trustee and Donald Werner 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 4705 Lot 19 27 Great Hills Terrace	Tax Appeal 2018 taxes	\$1,099.36
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Lasser Hochman, LLC Trust Account and Allied Medical Center 75 Eisenhower Pkwy Ste. 120 Roseland, NJ 07068 Block 409 Lot 11 106-116 Millburn Ave	Tax Appeal 2017 taxes (\$1,856.00) 2018 taxes (\$3,804.00)	\$5,660.00
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Jennifer R. Jacobus Trustee and	Tax Appeal	\$2,347.07
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Rajnish & Kirti Sinha 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 3803 Lot 5 19 Seminole Way	2018 taxes	
Jennifer R. Jacobus Trustee and Gloria Noval 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 4205 Lot 15 444 Old Short Hills Road	Tax Appeal 2017 taxes (\$4,079.49) 2018 taxes (\$4,180.60)	\$8,260.09
Michael A. Vespasiano Attorney Trust Account and David B. & Mary Ann B. Wyshner 331 Main Street Chatham, NJ 07928 Block 3103 Lot 8 93 Stewart Road	Tax Appeal 2015 taxes (\$12,962.59) 2016 taxes (\$13,264.33) 2017 taxes (\$9,428.48) 2018 taxes (\$15,368.16)	\$51,023.56
Jennifer R. Jacobus Trustee and Bin Weng & Mei Sun 201 Littleton Road 1 st FL. Morris Plains, NJ 07950 Block 4602 Lot 10 44 Rippling Brook Drive	Tax Appeal 2018 taxes	\$1,759.35
Irwin & Heinze P.A. and Jared & Carrie M. Nussbaum 383 Main Street Ste. 101 Chatham, NJ 07928 Block 3304 Lot 12 15 Slope Drive	Tax Appeal 2018 taxes	\$5,835.34
Irwin & Heinze P.A. and Amit & Meghna Jain 383 Main Street Ste. 101 Chatham, NJ 07928 Block 4802 Lot 11 39 Westview Road	Tax Appeal 2017 taxes (\$4,417.28) 2018 taxes (\$4,526.76)	\$8,944.04

**RESOLUTION 19-037
AUTHORIZING ADVERTISEMENT OF BIDS -
EXTERIOR MASONRY RESTORATION – SHORT HILLS TRAIN STATION**

BE IT RESOLVED by the Township Committee 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:

Exterior Masonry Restoration – Short Hills Train Station

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.

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**RESOLUTION 19-038
AUTHORIZING ADVERTISEMENT OF BIDS -
MOWING OF LARGE TURF AREAS**

BE IT RESOLVED by the Township Committee 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:

Mowing of Large Turf Areas

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 19-039
AUTHORIZING ONE YEAR OPTION #1 ON CONTRACT
FOR BUS SERVICE FOR SUMMER CAMPS [BELAIR TRANSPORT INC.]**

WHEREAS, the Township of Millburn entered into a contract in 2018 with Belair Transport Inc., 641 Tremont Avenue Orange, NJ 07050, to provide Bus Service for Summer Camps; and

WHEREAS, the Recreation Supervisor has recommended exercising the Township's option by renewal of this contract with the same terms and conditions for one additional year which is first option year for the contract (January 1, 2019 through December 31, 2019); and

WHEREAS, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

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

**RESOLUTION 19-040
AUTHORIZING ONE YEAR OPTION #2 ON CONTRACT
FOR PAR 3 GOLF COURSE MAINTENANCE AND OPERATIONS
[Shearon Environmental Design Company of NJ - Shearon Golf]**

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

WHEREAS, the Millburn Township Recreation Director and Public Works Director have recommended exercising the Township's option by renewal of this contract with the same terms and conditions for one additional year which is the final option year for the contract for 2019 from February 2019 through January 2020; and

WHEREAS, the Township reserves the right to terminate this contract at any time, providing the contractor is given thirty (30) days written notice;

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

RESOLUTION 19-041

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**AUTHORIZING EXECUTION OF GRANT AGREEMENT WITH THE ESSEX COUNTY MUNICIPAL ALLIANCE
(COUNTY OF ESSEX OFFICE OF ALCOHOLISM,
DRUG ABUSE AND ADDICTION SERVICES)**

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Millburn in the County of Essex State of New Jersey, hereby authorizes the Business Administrator to execute the Municipal Alliance Grant Agreement with the County of Essex for the prevention, education and intervention of alcohol/drug abuse for citizens in the entire community in accordance with the approved Strategic Plan which shall begin July 1, 2019 through June 30, 2020.

**RESOLUTION 19-042
AUTHORIZING RELEASE OF PERFORMANCE BOND FOR 201 PARTNERS, LLC**

WHEREAS, 201 Partners, LLC (“the Developer”) has completed development of the subdivided lots within the Township of Millburn, located at 1 Cora Way and 3 Cora Way (Block 2401, Lots 4.01 and 4.02, respectively); and

WHEREAS, both the public and private site improvements have been completed, inspected, and accepted by the Township; and

WHEREAS, the Developer is entitled to release of the existing performance bond pending Township receipt of a maintenance bond posted for the public improvements (road, curbs, sewers) equivalent to 15% of the value of said improvements, for a period of two years; and

WHEREAS, the existing performance guarantee currently being held by the Township is \$143,072.47; and

WHEREAS, the amount of the maintenance bond has been determined to be \$11,454.00 and the Developer wishes to post this as a cash bond; and

WHEREAS, by letter dated January 8, 2019, the Township Engineer, Martha Callahan, has advised the Township Committee that based on her review of the status of the site improvements made, she recommends that the existing remaining performance bond be released, pending receipt of a maintenance bond; and

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

NOW, THEREFORE, BE IT RESOLVED on this 15th day of January 2019, by the Township Committee of the Township of Millburn in the County of Essex, that:

1. The existing performance bond currently being held by the Township shall be released, minus the amount of the maintenance bond.
2. Upon release of the amount of \$131,618.47 to the Developer, the performance bond shall be considered released and the maintenance bond shall be considered posted.
3. This Resolution shall take effect immediately as provided by law.

**RESOLUTION 19-043
AUTHORIZE APPLICATION FOR 2019
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, certain Federal Funding will potentially be available for Essex County under Title I of the Housing and Community Development Act of 1974 as amended and supplemented, which Act is commonly known and referred to as the Community Development Block Grant Program; and

WHEREAS, the Township of Millburn is a member of the Essex County Community Development Block Grant Consortium; and

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WHEREAS, the Township of Millburn has the need and the desire for assistance under the Community Development Block Grant Program in order to provide barrier free access to the New Jersey Transit platform at the Short Hills Train Station, which qualifies for the assistance under the Act and Program as aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn that the Township is hereby authorized to make application for the 2019 Program Year funding to construct barrier free access to the Short Hills Train Station.

**RESOLUTION 19-044
APPROVE RAFFLE LICENSES**

WHEREAS, the following have submitted applications to the Township Clerk to conduct a raffle, providing all required identification and the appropriate fees; and

WHEREAS, the Police Department has conducted an investigation of those conducting such raffles and has found nothing to prevent their issuance.

NOW, THEREFORE, BE IT RESOLVED that the following be approved:

Connie Dwyer Breast Cancer Foundation
Peck School

**RESOLUTION 19-045
AUTHORIZE THE ACQUISITION OF A
SANITARY SEWER EASEMENT BY THE TOWNSHIP OF MILLBURN**

WHEREAS, the Township of Millburn (Township) desires to acquire an easement for the purpose of operating, maintaining, repairing and replacing sewerage pipelines and appurtenances across the lands of 233 Canoe Brook Associates, L.L.C. and Mack Cali Short Hills, L.L.C., (Grantors), (Block 5303, Lots 3 and 4) in the Township of Millburn; and

WHEREAS, the Grantors are obliged by the Developer's Agreement with the Township dated April 5, 2017 to construct the sewerage facilities and to thereafter grant and convey an Easement to the Township as described in a Sanitary Sewer Easement Agreement for the purpose; and

WHEREAS, the Grantors have satisfactorily constructed the said sewerage facilities in accordance with Township specifications, as confirmed by Martha Callahan, P.E., and Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex and State of New Jersey on this 15th day of January, 2019 as follows:

1. The Mayor is authorized and directed to sign the Sanitary Sewer Easement Agreement for the acquisition of the aforesaid Easement, in a form approved by the Township Attorney.
2. In consideration for the conveyance of this easement, the Township shall pay the sum of \$1.00 for a continuous and perpetual right-of-way and easement through and across the lands of the Grantors as more particularly described in the Sanitary Sewer Easement Agreement.
3. This Resolution shall take effect as provided by law.

Ordinance/Introduction

Ordinance 2523-19

Mayor Thall-Eglow brought forth Ordinance 2523-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Lieberberg. The public hearing for the ordinance is scheduled for February 5, 2019.

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

ORDINANCE NO. 2523-19

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII "TRAFFIC", SECTION 7-29 "SPEED LIMITS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN

STATEMENT OF PURPOSE: *The proposed amendment to the Traffic Ordinance is to authorize a reduction in the speed limit on Highland Avenue to twenty-five (25) miles per hour for the entire length of the roadway.*

WHEREAS, the Township of Millburn traffic bureau and engineering department have recommended that 7-29 "Speed Limits" be amended to reduce the speed limits on Highland Avenue to twenty-five (25) miles per hour for the entirety of its length; and

WHEREAS, this recommendation comes in support of other measures taking place on Highland Avenue to reduce the prevalence of crashes and is supported by data that shows that speeding in the current zones is occurring at the 85th percentile.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND THE STATE OF NEW JERSEY, as follows:

Section 1. Chapter VII entitled "Traffic" of the Revised General Ordinances of the Township of Millburn, Part I, "On Street Traffic Regulations," Section 7-29, "," is hereby amended and supplemented to include the following amendment:

Remove:

<i>Name of Street</i>	<i>Direction</i>	<i>Speed Limit and Location</i>
Highland Avenue	Both	<i>Zone 1.</i> Thirty miles per hour from The Crescent to the center of Western Drive, thence
		<i>Zone 2.</i> Thirty-five miles per hour to Hartshorn Drive

Add:

<i>Name of Street</i>	<i>Direction</i>	<i>Speed Limit and Location</i>
Highland Avenue	Both	Twenty-five miles per hour for its entire length

Section 2. With the addition of the above language, the remainder of Section 7-29, "Speed Limits" of Chapter VII, "Traffic," Part I, "On Street Traffic Regulations" shall remain in full force and effect.

Section 3. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

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

Old Business

Short Term Rentals

Mr. McDonald reviewed the topic of short term rentals and the possible prohibition of them, which was brought up at a previous meeting by Ms. Lieberberg. He stated that generally these rentals are for less than 30 days. He said we have a draft ordinance before the Committee and now would be the time to discuss and decide whether or not to move it forward to first reading. Ms. Burstein said she has concerns that it might not be enforceable. Mr. Falcon explained that he broke it into two ordinances for that reason. He pointed out that one is to prohibit under zoning and the other to make it a violation under the General Code. Mr. McDonald added that the ordinances provide exception for shelters and

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homes that are being rented temporarily due to work being done in a primary home. Ms. Burstein and Ms. Lieberberg expressed an interest in moving this forward. Mayor Thall-Eglow noted the consensus.

Public Discussion

Mayor Thall-Eglow opened the floor to public comment.

Jamie Serruto, of 77 Jefferson Avenue, asked for an update on the pole at the entrance to Town Hall Plaza. Mr. McDonald said there is not an update on this issue. Mr. Serruto asked for an update regarding the rest of the new poles and old remaining poles in the downtown. Mr. McDonald advised that he did not have an update.

Phil Kirsch, of 93 Cedar Street, spoke about the condition of the underpass at the Millburn Train Station and asked that the town reach out to New Jersey Transit to have it cleaned up. He also suggested having some students paint a mural.

Jean Cosgrove, of 99 Oakview Terrace, spoke about the dangerous turn at Chatham Road near the train trestle and suggested installing a mirror so someone pulling out can see the oncoming traffic. Mr. McDonald said he would pose the question to the Engineering Department.

Adjournment

Mayor Eglow asked if anyone has any remaining comments or questions. Receiving none, she called for a motion to close the public session meeting which was offered by Ms. Burstein and seconded by Ms. Lieberberg. The meeting was adjourned at 8:15 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: April 2, 2019