

**February 19, 2019**

**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 February 19, 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, Samuel L. Levy, Tara B. Prupis, and Dianne Thall Eglow. Also present were Business Administrator Alexander McDonald, Township Attorney Christopher Falcon, Assistant Business Administrator Jimmy Homsy and Assistant Township Clerk Megan Patrick.

**Approval of Agenda**

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

Roll Call Vote: All Ayes

**Minutes**

Mayor Thall Eglow asked for a motion to approve the October 16, 2018 regular meeting minutes. The motion was made by Ms. Burstein and seconded by Mr. Levy.

Roll Call Vote: All Ayes

Mayor Thall Eglow asked for a motion to approve the November 20, 2018 regular meeting minutes. The motion was made by Mr. Levy and seconded by Ms. Burstein.

Roll Call Vote: All Ayes

**Proclamation**

A Proclamation was presented recognizing Brain Injury Awareness month.

**Reports**

Ms. Thall Eglow announced and provided some details on the current show at the Paper Mill Playhouse, *My British Invasion*. Ms. Thall Eglow reported that she and Mr. McDonald met with the County Executive regarding the open space tax. She said they also discussed a variety of topics, including grant funding to benefit Taylor Park, making the paving of Old Short Hills Road and Parsonage Hill Road a priority, and the possibility of a traffic light at Highland and White Oak Ridge Road. She noted that a Township Committee member will be attending Board of Education meetings. She pointed out that an avenue is going to be provided for residents to report traffic issues in their particular neighborhood. She reported that an open public information session will be scheduled in the next few weeks to address traffic and pedestrian safety.

Ms. Lieberberg stated that she attended the PTOC meeting that focused on safety procedures to be instituted at the middle school.

Ms. Prupis indicated that she attended the Joint Fields meeting on February 2<sup>nd</sup>. She pointed out that they are negotiating with East Orange to acquire space. She stated that they are in discussion with the Board of Education regarding which fields should be turfed.

Mr. Levy attended the Board of Recreation meeting and said they also discussed fields in town. He indicated that they also discussed turf and lights. He pointed out that the Gero Park playground was finished ahead of schedule. Mr. Levy reported that they want to require permits for events in the parks for more than 25 people and this will be presented to the Township Committee for approval.

Mr. Serio provided an update regarding Essex County activities.

### Public Comment

Mayor Thall Eglow opened the floor to public comment.

Diana Bensel, of 22 Sunset Drive, spoke about a water issue on her property, which has now migrated to the street. She said she has spoken with DPW and Engineering, but it appears it is a New Jersey American Water (NJAW) issue. She stated that DPW has been salting regularly, but it is becoming a safety issue for the whole street. Mr. McDonald indicated that he is aware of the issue and it does appear to be an NJAW issue. He has been advised that it is being evaluated.

Bebe Schear, of 101 Oakview Terrace, asked for an update on the builders remedy suit. She asked if a settlement will be agreed to before it comes to the Township Committee. Mr. Falcon assured that a proposal of the settlement would come to the Township Committee before it is agreed upon. Ms. Schear reviewed her concern that it will be a done deal before it comes to the public. Mayor Thall Eglow pointed out that a vote will not be taken before it is presented to the public. A discussion ensued pertaining to the process and why the process is the way it is. Mayor Thall Eglow offered to meet with Ms. Schear to discuss her concerns.

Phil Kirsch, of 93 Cedar Street, asked if the fair housing plan was submitted to the court and Mr. Falcon advised that it has.

Debra Nevis, of 65 Knollwood Avenue, asked if the Special Master has been informed of the tragic traffic accident that happened in the area. Mr. Falcon said no because there has not been a meeting since it happened. Ms. Nevis asked if there will be a traffic study prior to the settlement. Mr. Falcon said he would ask the Township Planner. Ms. Nevis stated she feels it is important to do a study.

Janet Pizar, resident, came forward and noted the upcoming ten year anniversary of the downtown traffic study that led to the complete streets project. She asked if the PACT meetings will be open to the township so people can participate on the lowest level.

David Cosgrove, of 99 Oakview Terrace, asked if a date has been set for the next mediation meeting. He was informed a date has not been set.

Jennifer Duckworth, of 82 Linden Street, thanked Ms. Lieberberg and Ms. Prupis for participating in the PTOC meeting. She provided a background on the group and what they are focusing on currently.

Katherine Durham, of 29 Byron Road, said recently 200 people signed a petition to form a permanent traffic and safety committee. She expressed frustration about people and groups being left out and the PACT being limited to downtown. She stated that there are traffic and safety issues throughout town that need to be addressed. She asked that the scope of PACT be expanded.

Lynne Ranieri, of 94 Oakwood Terrace, asked that the township consider poles with flashing lights at crosswalks.

Janet Pizar came forward again and said the exclusion has changed and now focuses on South Mountain and the business owners. She said PACT needs to be opened to the PTOC members.

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. Mr. Levy asked that Resolution 19-064 be voted on separately because he knows someone on that list. Seeing there were no additional comments, she brought forth the consent agenda.

**Consent Agenda**

Mayor Thall Eglow asked for a motion to approve the items on the consent agenda, with Resolution 19-064 being removed and voted on separately. Mr. Levy made a motion to approve the consent agenda which was seconded by Ms. Burstein.

Roll Call Vote: All Ayes

**RESOLUTION 19-062  
 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 February 19, 2019, in the following accounts:

General	\$ 1,259,504.80
Capital Fund	63,427.50
Parking Utility - Operating Fund	44,371.09
Dog Fund Trust	945.60
Donation Trust Fund	467.02
Escrow Trust Fund	6,838.50
Police Off Duty Trust	39,699.00
SUI Trust Fund	325.21
Waste Recycling Trust	13,942.92

**RESOLUTION 19-063  
 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 45<sup>th</sup> and 60<sup>th</sup> day from the date of judgment;

Make check payable to: Type Amount

Jennifer R. Jacobus Trustee and  
 Donald Werner  
 201 Littleton Road 1<sup>st</sup> Floor  
 Morris Plains, NJ 07950

Parcel list below

<u>Block</u>	<u>Lot</u>	<u>Location</u>	<u>Year</u>	<u>Refund</u>
1705	6	29 Glenwood Dr	2018	2,035.14
4602	2	5 Rippling Brook	2018	1,902.00
4102	1	22 Great Hills Ter	2018	1,434.11
1302	6	22 Hillside Way	2017	742.40
1302	6	22 Hillside Way	2018	2,012.32
2210	8	56 Highland Ave	2017	2,581.70
2210	8	56 Highland Ave	2018	2,645.68

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<b>Total</b>		<b>13,353.35</b>
Jennifer R. Jacobus Trustee and Edward E. & Darendra S. Sheridan 201 Littleton Road 1 <sup>st</sup> Floor Morris Plains, NJ 07950 Block 2204 Lot 3 77 Knollwood Rd	Tax Appeal 2015 taxes (\$4,210.00) 2016 taxes (\$4,308.00) 2017 taxes (\$3,812.22) 2018 taxes (\$3,906.71)	\$16,236.93
Jennifer R. Jacobus Trustee and Cyrus & Barbara J. Mohebbi 201 Littleton Road 1 <sup>st</sup> Floor Morris Plains, NJ 07950 Block 2201 Lot 7 10 Stewart Rd	Tax Appeal 2018 taxes	\$2,853.00
Jennifer R. Jacobus Trustee and Tom & Ling Lin Chen 201 Littleton Road 1 <sup>st</sup> Floor Morris Plains, NJ 07950 Block 4205 Lot 2 50 Fairfield Terrace	Tax Appeal 2018 taxes	\$2,366.09
Jennifer R. Jacobus Trustee and Tjong Giap & Deborah E. Tjan 201 Littleton Road 1 <sup>st</sup> floor Morris Plains, NJ 07950 Block 3508 Lot 5 50 Hemlock Rd	Tax Appeal 2018 taxes	\$1,875.37
Mark D. Bigos Esq. and Scott & Nichole Maries 511 Millburn Ave 2 <sup>nd</sup> fl. Short Hills, NJ 07078 Block 2109 Lot 9 20 Forest Drive North	Tax Appeal 2017 taxes	\$6,358.66

**RESOLUTION 19-065**  
**AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER**

**WHEREAS**, at the Municipal Tax Sale held on November 20, 2018, a lien was sold on Block 310 Lot 20, Tax Sale Certificate No. 2018-001 also known as 42 Glen Ave, Millburn, NJ 07041 and assessed to Bruce Lancaster II for 2017 delinquent taxes and;

**WHEREAS**, this lien was sold to US Bank Cust for Tower DB VIII Trust for 0% interest on the certificate and a \$49,000.00 premium; and

**WHEREAS**, the owner of the parcel, Bruce Lancaster II has requested redemption;

**NOW, THEREFORE BE IT RESOLVED**, that the treasurer of Millburn Township be authorized to issue two checks in the amounts of \$29,545.53 for redemption of the lien and \$49,000.00 for the return of the premium. Each check payable to US Bank Cust for Tower DB VIII Trust.

Treasurer's Note: 1099: \$2,119.11

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**RESOLUTION 19-066  
ESTABLISH THE 2019 SEWER USE CHARGE**

**BE IT RESOLVED**, by the Township Committee of the Township of Millburn in the County of Essex that the Sewer Use Charge per unit for the calendar year 2019 is hereby determined to be \$176.00;

**BE IT FURTHER RESOLVED** that the 2019 Sewer Use Charge shall be payable April 1, 2019 with a seven day grace period and that interest shall be charged at the delinquent rate of 8% on the first \$1,500 and 18% on the balance over that;

**BE IT FINALLY RESOLVED**, that the sewer fees billed shall become a lien on each parcel and thus subject to tax sale for prior year delinquencies.

**RESOLUTION 19-067  
AUTHORIZATION FOR THE TOWNSHIP OF MILLBURN TO APPLY FOR AND ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2018 OF DEPARTMENT OF LAW AND PUBLIC SAFETY FOR EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM FUNDING AND FOR THE TOWNSHIP CHIEF FINANCIAL OFFICER TO CERTIFY THE AVAILABILITY OF FUNDS**

**WHEREAS**, the Township of Millburn, Office of Emergency Management has been awarded Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) #FY18-EMPG-EMAA-0712, CDFA#: 97.042 from the New Jersey Department of Law and Public Safety Office of the Attorney General and the Subgrant, consisting of a total amount of up to \$21,264.29, including up to \$10,000.00 Federal Award and up to \$11,264.29. Local Matching Funds, is for the purpose of enhancing the Township of Millburn's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the Township of Millburn Office of Emergency Management, designated by the New Jersey Department of Law and Public Safety Office of the Attorney General, has submitted an Application for Subgrant Award that has been required by the said New Jersey Department of Law and Public Safety Office of the Attorney General; and

**WHEREAS**, the Application for Subgrant Award calls for a match in the amount of up to \$11,264.29 which the Millburn Township Office of Emergency Management adequately satisfies through the Township of Millburn approved budget for Division salaries and wages and fringe benefits.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Millburn accepts the award of the FFY18 Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) Grant Program Subgrant in the amount of up to \$10,000.00 Federal Funds; and

**BE IT FURTHER RESOLVED** that the like sum of up to \$11,264.29 is hereby appropriated under the caption FFY18 Emergency Management Performance Grant, Emergency Management Agency Assistance (EMAA) Grant and the sub-award period of the grant shall be from July 1, 2018 to June 30, 2019; and

**BE IT FURTHER RESOLVED** that the Township Chief Financial Officer and the Township Director of Emergency Management are authorized to sign the appropriate subgrant award documents and the Township of Millburn is hereby accepting the specific grant of funds for the purpose described in the application; and

**BE IT FURTHER RESOLVED** that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services, the Township Manager, the Township Chief Financial Officer, the County Division of Emergency Management and Office of the Treasury.

**RESOLUTION 19-068  
AWARD CONTRACT FOR MOWING OF LARGE TURF AREAS  
(One year contract with two (2) one (1) year renewal options)**

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**WHEREAS**, on January 30, 2019, the Township Clerk received one (1) bid proposal for the 2019 Mowing of Large Turf Areas, as follows:

D’Onofrio & Son, Inc.  
47 VanNess Terrace  
Maplewood, NJ 07040  
Bid Amount (Base Bid Yearly Cost): \$26,240.00 (32 cuttings per year, \$820.00 per cut)

**WHEREAS**, the bidder, D’Onofrio & Son, Inc., complied with the specifications and both the Superintendent of Recreation and Public Works Director have 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 D’Onofrio & Son, Inc. 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 19-069  
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:

Opportunity Project

**RESOLUTION 19-070  
RESOLUTION TO CLOSE SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances do exist;

**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 public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

Personnel & Contract Negotiations – Millburn Township Professional Service Contracts

2. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

3. This Closed Session will take place immediately following to the regular meeting on Tuesday, February 19, 2019.

**Resolution 19-064**

Mayor Thall-Eglow asked for a motion to approve Resolution 19-064, which was made by Ms. Burstein and seconded by Ms. Prupis.

Roll Call Vote: All Ayes, except Levy, who abstained

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**RESOLUTION 19-064  
 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>Check Amount</u>
Corelogic Real Estate Tax Services Mail Code: DFW 1-3 3001 Hackberry Rd Irving, TX 75063 Parcels listed:	Tax Refunds 2019 Taxes Duplicate pymts	\$51,937.02

<u>Block</u>	<u>Lot</u>	<u>Qual</u>	<u>Location</u>	<u>Name</u>	<u>Amount</u>
102	9		62 Sagamore Rd	Brown	\$ 4,234.33
211	5		29 Bailey Rd	Cannon	\$ 3,192.04
401	15		12 Evergreen Ter	Tsai	\$ 2,745.54
903	14		29 Willow St	29 Willow St.,LLC	\$ 1,533.49
3006	27		5 North Pond Dr	Taylor	\$ 10,641.70
3501	9		10 Byron Rd	Liu/Hurh	\$ 10,680.21
4402	7		945 South Orange Ave	Haralkar/Anagha	\$ 3,687.98
4404	2		491 Old Short Hills Rd	McCutcheon	\$ 8,281.32
5102	19		100 Browning Rd	Levy/Lass	\$ 6,940.41

<u>Make check payable to:</u>	<u>Type</u>	<u>Check Amount</u>
Corelogic Real Estate Tax Services Mail Code: DFW 1-3 3001 Hackberry Rd Irving, TX 75063 Block 4903 Lot 22 390 White Oak Ridge Rd Alan Halpert	Tax Refunds 2019 Taxes 2019 Exempt Status	\$10,359.25
7282 Ballantrae Ct Boca Raton, FL 33496 Block 805 Lot 1 290 Millburn Ave	Tax Refund 2019 Taxes Duplicate pymt	\$19,598.69

**Ordinance/Introduction**

**Ordinance 2524-19**

Ms. Lieberberg brought forth Ordinance 2524-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Burstein. The public hearing for the ordinance is scheduled for March 19, 2019.

Roll Call Vote: Ayes - Ms. Burstein, Ms. Lieberberg, Ms. Prupis and Mayor Thall Eglow

Nays – Mr. Levy

**ORDINANCE NO. 2524-19**

**ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN TO PROHIBIT SHORT TERM RENTALS**

**Statement of Purpose:** *The purpose of this Ordinance is to prohibit the advertisement by various means, concerning the availability of a property for a Short Term Rental, a use prohibited pursuant to the Zoning Ordinance of the Township and by this Ordinance.*

**WHEREAS**, the number of short term rentals (generally defined as stays of less than 30 days) of dwelling units; individual rooms within dwelling units; and building, structures and uses accessory to dwelling units, has grown rapidly in recent years, aided in large part by the creation of Internet-based home-sharing hosting platforms which can create an easy connection between property owners and individuals looking for short term rental housing; and

**WHEREAS**, the Township Committee finds that the use of residential premises within the Township for short term rentals would create adverse impacts on the residential quality of life; and

**WHEREAS**, the Township Committee finds that it is in the public interest to prohibit activities which foster the use of properties within the Township for a use prohibited by the Development Regulations and Zoning Ordinance of the Township of Millburn and otherwise prohibited by the Revised General Ordinances of the Township of Millburn;

**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.** Chapter III of the Revised General Ordinances of the Township of Millburn entitled “Police Regulations” is hereby amended, supplemented, and revised by the addition of a new Section 3-20 entitled “Short Term Rentals Prohibited” to read as follows:

**Section 3-20 Short Term Rentals Prohibited**

**3-20-1 Short Term Rental Definition**

Rental of a dwelling unit, or any part of a dwelling unit, including any accessory building, structure or use to the dwelling unit including but not limited, a vehicle parked on the property, for 30 consecutive days or less excluding community residences, shelters, adult family care homes, a residence temporarily occupied by the owner of another residential property within the Township then undergoing construction activity, or the extension, on a month-to-month basis, of an existing lease with a term of at least six months duration, by the existing tenant.

**3-20.2 Short Term Rental Prohibited**

It shall be unlawful for any person, including, but not limited to, an owner, lessor, or sublessor with any possessory interest in any dwelling, to rent or otherwise receive compensation of any kind for the use, occupancy, or rental of any such dwelling, accessory structure, or part thereof for a period of 30 consecutive days or less.

**3-20.3 Prohibition of Solicitation for Unlawful Use**

It shall be unlawful for any person to undertake, maintain, authorize, aid, facilitate, solicit and/or advertise any rental activity that violates any part or provisions of this Section and/or which constitutes a prohibited use pursuant to the Land Development and Zoning Ordinance of the Township. “Advertise” or “advertisement” shall include: announcements made on internet-based booking platforms, any telephonic solicitation, writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed anywhere on the internet, outdoors, or on real property.

**3-20.4 Enforcement**

The provisions of this article shall be enforced by the Township Zoning Officer, Code Enforcement Officer, Fire Department, Police Department and any other Township official or employee so designated by the Township Business Administrator, who all shall be authorized to issue summons or other appropriate civil violations or complaints for any violations of the terms and provisions of this Section.

**Section 3-20.5 Fines; Violations and Penalties**

Any person who is found or adjudicated to have violated any provisions of this article shall be liable for a fine not exceeding two thousand dollars (\$2,000.00). Each day of any such violation after receiving written notice of same shall be a new and separate violation.



**Section 2.** 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 3.** All other Ordinances, parts of Ordinances or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

**Section 4.** This Ordinance shall take effect sixty (60) days following its adoption.

**Ordinance 2525-19**

Ms. Burstein brought forth Ordinance 2525-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, which was seconded by Ms. Prupis. The public hearing for the ordinance is scheduled for March 19, 2019.

Roll Call Vote: Ayes - Ms. Burstein, Ms. Lieberberg, Ms. Prupis and Mayor Thall Eglow

Nays – Mr. Levy

**ORDINANCE NO. 2525-19**  
**ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE 6 OF THE DEVELOPMENT REGULATIONS AND ZONING ORDINANCE OF THE TOWNSHIP OF MILLBURN TO PROHIBIT SHORT TERM RENTALS**

**Statement of Purpose:** *The purpose of this Ordinance is to make Short Term Rentals a prohibited use under the Zoning Ordinance of the Township.*

**WHEREAS**, the number of short term rentals (generally defined as stays of 30 days or less) of dwelling units; individual rooms within dwelling units; and building, structures and uses accessory to dwelling units has grown rapidly in recent years, aided in large part by the creation of Internet-based home-sharing hosting platforms which can create an easy connection between property owners and individuals looking for short term rental housing; and

**WHEREAS**, the Township Committee has determined that it is in the public interest to explicitly prohibit short term rentals; and

**WHEREAS**, the presence of short term rentals in zoning districts where residential uses are permitted can create adverse impacts on residential quality of life, such as additional traffic, trash, parking demand and noise; and

**WHEREAS**, short term rentals are inconsistent with the goals of the objectives of the Township's Master Plan, specifically to protect the character of established neighborhoods.

**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 3 of the Township of Millburn Development Regulations and Zoning Ordinance is hereby amended, supplemented and revised by the addition of a new definition in Section 301 entitled "Words and Phrases Defined" as follows:

**Short Term Rental:** Rental of a dwelling unit, or any part of a dwelling unit, including any accessory building, structure or use to the dwelling unit including but not limited, a vehicle parked on the property, for 30 consecutive days or less excluding community residences, shelters, adult family care homes, a residence temporarily occupied by the owner of another residential property within the Township then undergoing construction activity, or the extension, on a month-to-month basis, of an existing lease with a term of at least six months duration, by the existing tenant.

**Section 2.** Article 6 of the Township of Millburn Development Regulations and Zoning Ordinance entitled "Zoning Provisions" is hereby amended, supplemented and revised by the amendment in its entirety of Section 604 entitled "Prohibited Uses" as follows:

**604 PROHIBITED USES**

604.1 All uses not expressly permitted in this Ordinance are prohibited.

604.2 Short Term Rentals are expressly prohibited in all zoning districts.

**Section 3.** All other provisions of the Township of Millburn Development Regulations and Zoning Ordinance shall be unaffected and are hereby continued.

**Section 4.** All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

**Section 5.** This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal laws. Notwithstanding that any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue to be of full force and effect. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

**Section 6.** The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Essex County Planning Board as required by N.J.S.A. 40:55D-16.

**Section 7.** This Ordinance shall take effect sixty (60) days following its adoption.

**Old Business**

**Canvassers and Solicitors – Proposed Ordinance**

Mr. Falcon advised revising Millburn’s regulations on canvassing and soliciting. He also spoke about ways in which residents can avoid having people come to their home to solicit. The Committee agreed to have Mr. Falcon prepare the ordinance for consideration by the Committee.

**New Business**

Mr. Levy announced his decision not to run for re-election to the Township Committee. He encouraged people to get involved.

Ms. Prupis spoke about a presentation she attended at the 2019 Planning Conference. She suggesting bringing Joe Goetz, who was the presenter, to Millburn to do market research. She reviewed a proposal from Mr. Goetz that she had previously distributed to Committee members. Ms. Prupis said he would like to come to a Committee meeting and offer a twenty minute presentation.

Ms. Burstein said she would like to see PTOC included in PACT. Ms. Burstein stated that she suggests the Committee discuss this.

**Adjournment**

Mayor Thall 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 Mr. Levy and seconded by Mayor Thall Eglow. The meeting was adjourned at 8:45 PM. Vote: All Ayes

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Christine A. Gatti, RMC  
Township Clerk

Approved: April 16, 2019