

**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 June 4, 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 D. 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 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 Mr. Levy.

Roll Call Vote: All Ayes

**Proclamation**

Proclamations were presented recognizing Doris and Roy Serruto as recipients of the Community Service Award and another for Gun Violence Awareness Day.

**Reports**

Mayor Thall Eglow read and provided the following statement:

*“This evening’s Gun Proclamation couldn’t be timely as the country witnessed another mass shooting, this time in a municipal building complex in Virginia Beach. Let us please have a moment of silence for those victims and all victims of these horrific events.*

*Thank you, I have also signed onto the “Mayors Against Illegal Guns” resolution.*

*The Memorial Day Parade was a tremendous success. There were 25 groups marching representing many different civic and social organizations, Congressman Malinowski marched alongside the Deputy Mayor, Jackie, and myself and lots of sailors who were in NYC for Fleet Week also came into Millburn.*

*The American Legion provided hotdogs with all the trimmings for several hundred in attendance in Taylor Park. There was entertainment for the kids, a great day for all in Millburn*

*Next Big party in Millburn is July 4<sup>th</sup>, and I know the 4<sup>th</sup> of July committee is working very hard to make that day a smashing fun success.*

*Beauty and The Beast opened at The Paper Mill Play House, and it is Great –Absolutely Broadway quality singing, dancing, costumes and sets. And definitely enjoyable for all ages!*

*I am very pleased to announce that Millburn will be joining many of our surrounding municipalities in flying the Rainbow Flag in support of Pride Month and embracing diversity. I will be coordinating with, Megan Garland, the HS Guidance Counselor who is the advisor to the Gender and Sexuality Alliance. This group represents the LGBTQ community and has many students who embrace diversity. The student’s will pick a day to come to Town Hall to raise the Rainbow Flag for the first time in Millburn. I am very proud that Millburn will be supporting Pride Month.*

*Some exciting news of outside of Town Hall. A month after the Millburn High School VEX Robotics Team won the World Championship, Millburn has another World Championship team!, Glenwood School’s*

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*“Hide in Plain Sight” Odyssey of the Mind Team finished first at the World Finals at Michigan State University. More than 900 teams competed, from states across the US and countries around the world. Millburn Schools had six teams at the World Finals.*

*Many people are seeing and sharing on FB that delivery trucks and cars feel it is Ok to Double Park along Millburn Ave, while running in to pick up lunch, these cars are both occupied and unoccupied.*

*Either way it is problematic; it hinders circulation and is a safety hazard for pedestrians and vehicles. An officer I spoke with this morning said they will blow their siren as a warning and if the car is unoccupied or the driver refuses to move a summons can be issued.*

*We have implemented a new policy that our traffic ticketing personal will be issuing summonses for these non-moving violations as well as normal parking violation. Our police officers cannot always be in town at lunch.*

*I’m wondering if perhaps an unannounced ticketing campaign will help to change people’s behaviors?*

*We are all responsible for our own actions, whether running stop signs or speeding, not allowing pedestrians the right of way and pedestrians also have the responsibility to cross at cross walks and safe places where they are visible.”*

Ms. Lieberberg pointed out that currently 25 applications have been submitted for the Mill Wheel event. She reminded people that the event is September 7<sup>th</sup> with a raindate of September 8<sup>th</sup> and will be held from 2-4 PM in Taylor Park. She noted that the Farmers’ Market opened today, with a wide variety of vendors.

George Serio, the representative from Essex County, reviewed various upcoming Essex County events and activities.

Ms. Burstein reminded people about the book sale at the Library is on June 15<sup>th</sup>.

**Public Comment**

Mayor Thall Eglow opened the floor to public comment.

David Cosgrove, of 99 Oakview Terrace, distributed a handout to the Committee members. He stated that that he looked at the Silverman website and it says that the litigation has been settled. He said there are details there regarding the project. He noted that he regularly asked for updates on the project and is told by the township that it cannot be discussed because it is a legal matter. He said he now knows that he should just go to Silverman for information. Mr. Falcon said he would then be receiving wrong information because it has not been settled. Mr. Levy said Mr. Cosgrove can go to the docket and see the case has not been settled. Mr. Cosgrove stated that the township’s counsel has sanitized the records so that nothing is there. He suggested that the Township Committee direct Mr. Falcon to ask the judge if he can report the activity of the upcoming hearing in an effort to find out why Silverman thinks the matter has been settled. Mr. Falcon stated he spoke with Silverman’s attorney today and it has not been settled. Mr. Cosgrove asked for a report on that conversation and Mr. Falcon responded that he could not seeing it is in mediation.

Jean Cosgrove, of 99 Oakview Terrace, indicated that she had e-mailed previously what she was going to discuss. She said she is extremely unhappy with the number of 62 units that is listed on the Silverman website. She said it is more than the 6 to 1 ratio and 62 units plus 10,000 square feet of medical offices is too much for the location. She referenced various other instances where projects of this nature were far smaller in scale and much more appropriate for the site.

Bebe Shear, of 101 Oakview Terrace, came forward and also spoke about the information on the Silverman website. She expressed her concerns about the scope of the project as advertised on Silverman’s website and said she called the number indicated for more information. She said the representative she spoke with informed her that the litigation is settled. She said while there may not be a final agreement she know there has been an agreement in principle, certainly regarding the 62

units. She reiterated that she is extremely concerned. She said there is no confidentiality since the other side has broken it, so she asked that she be told if these things are true. Mr. Falcon said he is not going to comment on it because he remains bound by confidentiality and is not sure what the people from Silverman have done. Ms. Shear insisted that since the confidentiality has been broken, there is no more confidentiality and the citizens have a right to know. Mayor Thall Eglow said she hears her frustration, but there has not been a meeting. She said she was not aware of the information on Silverman's site until today and she agrees, it is distressing. Ms. Shear asked the Committee who would vote for the settlement and who would not. The Mayor stated they were not at the point to take a vote on the matter. Ms. Shear said she does not hear anybody denying what is on the website and would like to know what is going on. She said she is hoping this is not the final settlement.

Mr. Levy confirmed the process of mediation and settlement with Mr. Falcon and noted that there is a fairness hearing. He said that she is welcome to appear at a fairness hearing to challenge whatever the settlement is. Ms. Shear stated the fairness hearing is for the affordable housing aspect, not the overall project. A discussion ensued about what can be done at a fairness hearing.

Susan Blackburn, of 11 Inwood Road, spoke about a mailing she received from Assemblyman Bramnick. She stated that he has called for a special meeting of the Legislature to deal with the issue of high density housing in the state. She asked if anyone was aware of this information and Mayor Thall Eglow replied no she was not. Ms. Blackburn urged the liaison with the State regarding this issue. She spoke about runoff from Chatham Road during a prior heavy storm and speculated on outcomes if the Silverman project moves forward. Mr. Falcon said he knows the Assemblyman and receives literature from him. He said he knows Mr. Bramnick agrees that the builders remedy issue is imposing upon the State, especially northern New Jersey, an unrealistic expectation.

Stephanie Nesser, of 79 Stoney Lane, asked when a private developer has a property, asked if they are required to do traffic studies or any other kind of impact study. Mr. Falcon stated that when the litigation against the municipality is done the judge can appoint a special master, who takes a number of these things into consideration. He added that if this mediation results in a settlement, they are governed by a zoning ordinance which will control this development and will have to go to the Planning Board. Mr. Falcon stated that if this goes to a settlement, there will be an open public meeting to go over the details, as promised by Mayor Thall Eglow.

Phil Kirsch, of 93 Cedar Street, spoke about concerns with overdevelopment in the reservation. He said he has contacted the County Executive regarding trees that were cut down in the reservation, as another resident did, and neither has received a response. He asked if anyone has information regarding trees that have been cut down around the reservoir. Mayor Thall Eglow said she and Mr. McDonald have a meeting scheduled with the County Executive and will raise that question. She also suggested raising the question at a freeholder meeting.

Debra Nevis, of 65 Knollwood Road, came forward and stated that she wanted to explain the tenor being heard during public comments. She said she wants the Committee to understand what it is like to be on the other side of the opaque process and to go on the Silverman website and suddenly be presented with this posted information. She said the pictures are not the old pictures, they are new renderings. She also noted hearing something from someone assumed to have some kind of authority on the issue stating that there will be 62 apartments on the site combined with not hearing anything from the township. She indicated that this is the only information they have access to and the only information they can react to. She said she understands the confidentiality aspect, but when there is one side that breaks the confidentiality, that causes a reaction. She reminded the Committee that they represent the residents. She added that she feels as though the residents are not being adequately represented. Mayor Thall Eglow said she understands their reaction and feels blindsided by this also and would like to have a chance to follow up on the information that was presented.

Lynn Ranieri, of 94 Oakview Terrace, asked what the next step is if the settlement comes back and the Township Committee votes to turn it down. He said the case will go to court to be litigated.

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A resident of 60 Farley Road came forward wanting to discuss the traffic situation in town, particularly around the parking deck. He said it has become a dangerous situation, with people crossing wherever they want and traffic getting backed up on Essex Street. He asked why the entrance isn't on Lackawanna because it would just make more sense and would solve the issues there. He said there was a flaw in the original traffic study that is causing the issue because everyone arrives at the same time because of the arrival time of the train, but everyone comes home on different trains. He reviewed a number of ways the current flow is problematic. Mayor Thall Eglow inquired of Mr. McDonald if he could have the new traffic engineer conduct a study. The resident stated a study is not necessary, just move two of the signs. He said wait six months and if it doesn't work put it back the way it was. Mr. Levy stated that he does the same commute as the resident and does not experience any of the problems described. He also noted that there were exhaustive discussions and planning regarding traffic flow when the deck was being planned and the current flow was deemed what was most safe. He said he does not think we should change the flow of ingress and egress based on the comments of a resident who is not a traffic engineer. Mayor Thall Eglow said the in house traffic engineer and the outside firm will be tasked tomorrow with taking a look at his suggestions. Mr. McDonald said it will definitely be looked at, but he thinks there is a little more to it than the suggestions made.

Dennis Estes, of 333 Lupine Way, came forward and said he is a mediator and lawyer. He said there is nothing preventing the township's counsel advising the judge what Silverman is doing in terms of what is on their website and the information they are disseminating to the public. He said this is in violation of the mediation that is ongoing. He commented on the concept that nothing will be decided upon until the public has a chance to comment on the decision. He asked that the Committee keep an open mind on their decision until the public has the opportunity to comment. He said a proposal comes out of the mediation which should not be considered a final decision. He commented on noticing the number of empty stores is increasing. He asked what the township is doing to resolve this problem. Mayor Thall Eglow said the township cannot force property owners to rent their buildings. She said we have had one roundtable with property owners and another is scheduled. She said some good things have been proposed, including some that will impact our zoning and sign ordinances. She said these things should make it more palatable for new businesses coming into town.

Tom Herbertson, of 76 Oakview Terrace, said it was a revelation that there is a traffic consultant on staff as well as an outside professional. He asked that the additional traffic from the Silverman project be looked at by one or both of the consultants.

Debra Nevis, of 65 Knollwood Road, came forward again. She said she attended a meeting in Springfield regarding the Saks property and it was her understanding that residents would not be allowed to make a left turn onto Morris Turnpike from the development. Mayor Thall Eglow said they have reached out to inquire why this was said publicly and they have not gotten back to us yet.

Mayor Thall Eglow asked if anyone else had a public comment. Seeing none, she moved forward with the meeting.

**Public Comment – Consent Agenda**

Mayor Thall Eglow asked if there were any comments or questions regarding items on the Consent Agenda. Ms. Lieberberg asked for clarification on Resolution 19-141, which was provided by Mr. McDonald. A discussion took place regarding fees associated with the project addressed in Resolution 19-141.

**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 Mr. Levy.

Roll Call Vote: All Ayes

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**RESOLUTION 19-136  
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 June 4, 2019, in the following accounts:

General	\$ 220,657.98
Parking Utility - Operating Fund	1,885.95
Donation Trust Fund	3,512.88
Escrow Trust Fund	2,793.00
Police Off Duty Trust	67,169.00
PATFA II	770.00

**RESOLUTION 19-137  
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>
Jennifer R. Jacobus Trustee & Andre P. Salz & Reine J. Nyssa 201 Littleton Rd 1 <sup>st</sup> Floor Morris Plains, NJ 07950 Block 3902 Lot 25 11 Shawnee Rd	Tax Appeal 2018 taxes	\$4,793.04
Joan Bowman, Trustee c/o L. Hoitsma 167 Hobart Ave Short Hills, NJ 07078 Block 2111 Lot 2 167 Hobart Ave.	Tax Appeal 2018 taxes	\$4,325.15

**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;

Lieng Seng Wee & Li Cheng Teo c/o Valerie Hofer, Esq. Trust Acct. 120 Lebbie Lane Fairless Hills, PA 19030 Block 1902 Lot 22 329 Lupine Way	Tax Appeal 2018 taxes	\$2,385.11
Yu Qiao c/o Valerie Hofer Esq. Trust Acct. 120 Lebbie Lane Fairless Hills, PA 19030 Block 4506 Lot 28 70 Troy Drive	Tax Appeal 2018 taxes	\$954.80
Marc & Nicole Lenner and Irwin & Heinze P.A. Attorney Trust Acct. 383 Main Street Ste. 101 Chatham, NJ 07928 Block 4101 Lot 25 36 Great Hills Terrace	Tax Appeal 2017 taxes (\$4,743.94) 2018 taxes (\$4,861.51)	\$9,605.45

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Vasanti & Jagadish Damile c/o Valerie Hofer Esq. Trust Acct. 120 Lebbie Lane Fairless Hills, PA 19030 Block 4904 Lot 13 384 Long Hill Drive	Tax Appeal 2018 taxes	\$1,572.95
David Zwang 41 Hilltop Rd Short Hills, NJ 07078 Block 2501 Lot 22 41 Hilltop Rd	Tax Appeal 2017 taxes (\$1,557.18) 2018 taxes (\$1,595.78)	\$3,152.96
Daniel & Robin Rowland c/o Dempsey, Dempsey & Sheehan 387 Springfield Ave Summit, NJ 07901 Block 3201 Lot 20 66 Falmouth Street	Tax Appeal 2018 taxes	\$4,852.00

**RESOLUTION 19-138  
 AUTHORIZE 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
2401	4	201 Old Short Hills Rd.	1	Subdivision (mother lot)	176.00

**RESOLUTION 19-139  
 AUTHORIZING ADVERTISEMENT OF BIDS -  
 Short Hills Train Station Roof (East Bound)**

**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:

**Short Hills Train Station Roof (East Bound)**

**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 19-140  
 PERMITTING THE DISPLAY OF FIREWORKS AT CANOE BROOK  
 COUNTRY CLUB, SHORT HILLS, NEW JERSEY**

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

1. The permit submitted to the Township Fire Chief is hereby granted as per the recommendation from the Fire Marshall to Canoe Brook Country Club to conduct a display of fireworks, as part of the Fourth of July Celebration, to be held at Canoe Brook Country Club, Short Hills, New Jersey, commencing at 9:30 p.m. on Saturday, June 29, 2019, with a rain date of Sunday, June 30, 2019.

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2. The applicant shall comply with all the requirements set forth in the Millburn Township Code 3-30 titled "Fireworks – Possession, Use of and Public Display".
3. The handling of the display to be authorized by the permit aforesaid shall be conducted only by Pyrotecnico, which the Chiefs of Police and Fire Departments of said Township of Millburn, approved as a competent operator thereof, and the delivery to the site will be approximately 2:00 pm – set up will take approximately 4 to 6 hours at Canoe Brook Country Club, and all displays will comply with all the requirements as set forth in NJAC 5:70-F3100 and NFPA.1123, NFPA1125 and NFPA1126.
4. This resolution shall take effect immediately, but nothing herein contained, nor the permit hereby authorized, shall relieve the applicant therefor, nor the operator of said display from any liability created by law which may arise or be incurred by the storage, handling or use of fireworks in said Township.

**RESOLUTION 19-141**

**AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL CONSTRUCTION PROJECT MANAGEMENT SERVICES FOR POLICE DEPARTMENT ROOF AND HVAC PROJECT [LEGACY CONSTRUCTION MANAGEMENT INC.]**

**WHEREAS**, the Township of Millburn requires the services of professional construction project management services to assist with the management of the Millburn Township Police Department Roof and HVAC Project; and

**WHEREAS**, the Township Committee has determined that it is in the interest of the Township to retain the services of Legacy Construction Management Inc.; and

**WHEREAS**, the Business Entity Disclosure Certification and Determination of Value shall be placed on file with this resolution; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires public advertisement of the award of a contract for professional services, which is exempt from the requirement of competitive bidding;

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

1. That the Mayor is hereby authorized and directed to execute an agreement in a form subject to the approval of the Township Attorney with Legacy Construction Management Inc., 5201 Industrial Road, Wall, NJ 07727, as set forth in the proposal of April 24, 2019.
2. That this contract is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because of the qualitative nature of the service to be performed.
3. That a notice of this resolution shall be published in The Item of Millburn and Short Hills as required by law within ten days of its passage.

**RESOLUTION 19-142**

**RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSES FOR 2019-2020**

**WHEREAS**, there have been filed applications for various Alcoholic Beverage Control License Renewals for the year July 1, 2019 to June 30, 2019; and

**WHEREAS**, the applications appear to be in order and all conditions and requirements have been complied with and no objections have been filed in the Clerk's Office and the Millburn Township Departments of Police, Health, Fire and the Township Clerk have recommended approval of the issuance of said licenses as applied for;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Millburn, Essex County, that License Renewals for the year July 1, 2019 to June 30, 2020 pursuant to their applications, be issued to:

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The Hills Tavern, LLC	0712-33-005-006
Benihana National Corp	0712-33-002-003
Canoe Brook County Club	0712-33-003-002
MB Wine Rack LLC	0712-44-006-008
The Millburn Supper Club	0712-33-007-013
Four Star Group, Inc.	0712-44-008-005
Kings Super Markets, Inc.	0712-44-012-008
Newmark NJ LLC	0712-33-014-009
Legal Sea Foods Inc.	0712-33-015-012
The Cheesecake Factory Restaurant	0712-33-017-003
Short Hills Club	0712-33-018-001
Guy Bosworth Post 140 American Legion	0712-31-020-001
Casa Colombo Civic Association	0712-31-021-001
Racquets Club of Short Hills, NJ	0712-31-023-001
Hilton Management, LLC	0712-36-027-003

in the Township of Millburn in the County of Essex, New Jersey, and that the Township Clerk be and is hereby authorized to issue and deliver such licenses in accordance with Chapter 3, Section 3-1-11 of the Code of the Township of Millburn, New Jersey.

**RESOLUTION 19-143  
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENT**

**NOW, THEREFORE BE IS RESOLVED** that the Millburn Township Mayor and Township Clerk are hereby authorized to execute the Indemnification Agreement for Storm Sewer Connection for 267 Hartshorn Drive, Block: 2001, Lot: 22, as per the recommendation of the Superintendent of Public Works.

**RESOLUTION 19-144  
APPROVE SIDEWALK CAFÉ LICENSES**

**WHEREAS**, the following have submitted applications to the Township Clerk to obtain a sidewalk café license, providing all required documentation and the appropriate fees; and

**WHEREAS**, the Police Department, Fire Department, Health Department and Engineering Department have conducted investigations of those establishments and have found nothing to prevent their issuance.

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

Trattoria Gian Marco  
Clemenza’s Cucina

**Ordinance/Introduction**

**Ordinance 2533-19**

Mayor Thall Eglow brought forth Ordinance 2533-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, noting that the public hearing would take place on June 18, 2019. Ms. Burstein seconded the motion. Mayor Thall Eglow requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2533-19  
CAPITAL ORDINANCE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, NEW JERSEY  
AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND  
FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$1,894,000 AND PROVIDING THAT  
SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE  
TOWNSHIP**

**BE IT ORDAINED** by the Township Committee of the Township of Millburn, in the County of Essex, New Jersey, as follows:

Section 1. The Township of Millburn, in the County of Essex, New Jersey (the "Township") is hereby authorized to make the following public improvements and acquisitions in, by and for the Township, including all work, materials and appurtenances necessary and suitable therefor:

(A) Fire Department

(i) Acquisition of new fire apparatus, including original apparatus and equipment, consisting of a pumper fire engine (partial funding), (ii) acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a command vehicle and (iii) acquisition of new communication and signal systems equipment, including, but not limited to, portable radios.

Estimated Cost: \$602,000

(B) Department of Public Works

(i) Acquisition of new additional or replacement equipment and machinery consisting of a front end loader and (ii) acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a forester vehicle.

Estimated Cost: \$185,000

(C) Recreation

Resurfacing of basketball courts at Gero Park.

Estimated Cost: \$37,000

(D) General Building Improvements

Undertaking of improvements to various public buildings.

Estimated Cost: \$100,000

(E) Engineering

Resurfacing, seal coating and/or micro-paving of various roads, as set forth on a list hereby approved and placed on file with the Township Clerk and available for public inspection during normal business hours. Additions to or deletions from said list may be made by resolutions adopted by the Township Committee and placed on file with the Township Clerk.

Estimated Cost: \$500,000

(F) Police Department

Acquisition of new communication and signal systems equipment consisting of portable radios.

Estimated Cost: \$70,000

(G) Engineering

Undertaking of the Short Hills Garden Drainage Improvement Project.

Estimated Cost: \$400,000

Section 2. The sum of \$1,894,000 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from the Capital Improvement Fund of the Township, as hereinafter provided. The sum of \$1,894,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the cost of said purpose.

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Section 3. Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

**Ordinance 2534-19**

Ms. Burstein brought forth Ordinance 2534-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, noting that the public hearing would take place on June 18, 2019. Mr. Levy seconded the motion. Mayor Thall Eglow requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2534-19**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,614,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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**BE IT ORDAINED** by the Township Committee of the Township of Millburn, in the County of Essex, State of New Jersey, as follows:

Section 1. The Township of Millburn, in the County of Essex, State of New Jersey (the "Township") is hereby authorized to make various public improvements in, by and for said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Supplemental funding for the undertaking of improvements to the Slayton Sanitary Sewer Pump Station. It is hereby determined and stated that the Township has heretofore appropriated the sum of \$310,000 for such improvement pursuant to Ord. No. 2481-17 adopted on June 20, 2017.

Appropriation and Estimated Cost	\$ 850,000
Down Payment Appropriated	\$ 70,000
Bonds and Notes Authorized	\$ 780,000
Period of Usefulness	40 years

B. Supplemental funding for the undertaking of HVAC system upgrades at Police Headquarters. It is hereby determined and stated that the Township has heretofore appropriated the sum of \$750,000 for such improvement pursuant to Ord. No. 2481-17 adopted on June 20, 2017.

Appropriation and Estimated Cost	\$ 500,000
Down Payment Appropriated	\$ 25,000
Bonds and Notes Authorized	\$ 475,000
Period of Usefulness	15 years

C. Reconstruction of Mountainview Road (Phase II – from Whittingham Terrace to Wyoming Avenue). It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 264,000
Down Payment Appropriated	\$ 13,200
Bonds and Notes Authorized	\$ 250,800
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$1,614,000
Aggregate Down Payment Appropriated	\$ 108,200

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Aggregate Amount of Bonds and Notes Authorized

\$1,505,800

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$80,700 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$108,200, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$108,200 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$1,505,800 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,505,800 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance

and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 27.11 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,505,800 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Essex, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the

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Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**Ordinance 2535-19**

Ms. Lieberberg brought forth Ordinance 2535-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, noting that the public hearing would take place on June 18, 2019. Mr. Levy seconded the motion. Mayor Thall Eglow requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2535-19  
AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF MILLBURN, CHAPTER IV, SUBSECTION 4-39, ENTITLED "VEHICLE  
TOWING AND STORAGE SERVICES"**

*STATEMENT OF PURPOSE: the purpose of this Ordinance is to revise towing rates so they are in line with surrounding municipalities and fees set forth by the New Jersey State Police as well as clarifying language to several subsections of the ordinance.*

**WHEREAS**, the Township Committee of the Township of Millburn is in receipt of a recommendation from the Police Department to amend certain aspects of the Vehicle Towing and Storage Services ordinance; and

**WHEREAS**, the Township Committee concurs in the proposed amendment so as to properly regulate vehicle towing and storage services within the Township of Millburn; 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.** Chapter IV, entitled "General Licensing," and subsection 4-39.11(a) thereof, of the Revised General Ordinances of the Township of Millburn is hereby amended in its entirety to read as follows:

4-39.11 Storage and Garage Facilities.

- a. *Inside Building Secured Storage.* Each licensee shall have an indoor secured storage facility in one (1) location and with sufficient space to accommodate at least three (3) vehicles for the exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation, including but not limited to criminal matters (including the forfeiture process) or death by auto. The indoor secured storage facility must be solely under the control of the licensee at all times. All storage areas must meet the requirements of N.J.A.C. 11:3-38.2 (definitions) which states, "Inside Buildings" means a vehicle storage facility that is completely indoors, having one or more openings in the wall, for storage and removal of vehicles and that is secured by a locking device on each opening. The inside building secured storage facility must be within six (6) miles, by radius, of the intersection of Parsonage Hill Road and Hartshorn Drive in the Township.

The inside building storage space shall be capable of being locked/safeguarded against access by unauthorized person(s), employee(s).

**Section 2.** Chapter IV, entitled "General Licensing," and subsection 4-39.14 thereof, of the Revised General Ordinances of the Township of Millburn is hereby amended in its entirety to read as follows:

4-39.14 Towing and Storage Charges.

**Towing** and storage charges shall be paid by the owner of a vehicle towed and/or stored by a licensee at Police request. Such charges shall be as follows:

Millburn Township Committee Meeting Minutes

a. **Towing Services.** The following is the fee schedule for **towing** services (the fees do not include State taxes):

1. Passenger Vehicle Rates

Basic **Towing** Service:

Day or Night Rate—Light duty tow	<del>\$100.00</del>	<u>\$150.00</u>
Day or Night Rate—Medium duty tow	<del>\$200.00</del>	<u>\$250.00</u>
Mileage Charges:	<del>\$3.00 per mile</del>	<u>\$5.00 per mile</u>

Mileage charge will only be assessed if the vehicle is to be towed outside the boundaries of the Township, from the point of pick up to the point of drop off.

All Chargers will be for a minimum of one (1) hour

Road Service:

Day or Night Rate	<del>\$80.00</del>	<u>\$100.00</u>
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(Price does not include the cost of fuel for vehicles out of gas)

Recovery and/or Winching Service (per hour):	<del>\$90.00</del>	<u>\$200.00</u>
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To be charged in thirty (30) minute increments with a one-half (1/2) hour minimum.

~~Rollover of cars~~ ~~\$120.00~~

Clean-up and/or labor charge (per hour):	<del>\$50.00</del>	<u>\$75.00 per hour one, hour minimum, plus absorbent material used</u>
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**Municipal Vehicles:**

Towed within Municipality	\$50.00 flat fee
Towed outside of Municipality	\$150.00 flat fee

(There will not be a fee for mileage, tow hookup, winching service, clean-up and/or labor charge, etc.)

Charge for clean and/or removal of debris or mechanical work to ready vehicle for **towing**. This charge shall be in effect for additional manpower needed at scene (per man per hour). To be charged in thirty (30) minute increments with a one-half (1/2) hour minimum.

Waiting Time (per hour):

To be charged in thirty (30) minute increments beginning after the first fifteen (15) minutes on the scene with a one-half (1/2) hour minimum.

2. Heavy Duty Rates (Non-Passenger Vehicles):

Basic <b>Towing</b> Service (per hour):	\$400.00
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To be charged in thirty (30) minute increments with a one (1) hour minimum.

b. **Storage Charges.**

Inside Secured Storage (per calendar day)	\$50.00
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Vehicles over twenty-two (22') feet in length will be charged double the rate.

Outside Secured Storage (per calendar day)	\$40.00
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Vehicles over twenty-two (22') feet in length will be charged double the rate.

Yard Charge:	\$40.00
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For relocating a vehicle incapable of being driven from the licensee's storage facility to a public roadway for removal by another company.

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- c. The licensee shall accept a minimum of two (2) major credit cards twenty-four (24) hours a day, and must be able to do so both at the principal location and by drivers on the road at the time service or tow is performed.
- d. The Township and its Police Department shall not be liable to a licensee with respect to **towing** and/or service rendered to any owner pursuant to the license or otherwise. The licensee shall look to the registered owner of such vehicle for payment of **towing** and/or storage service charges or any other compensation.
- e. If a vehicle is towed by a licensee to premises controlled by the Police Department for the purpose of utilizing the vehicle or its contents as evidence, or in an on-going criminal investigation (i.e. processing for evidence, follow up investigations), such vehicle shall not be released from Police Department custody, except to the licensee, unless the owner of the vehicle furnishes the Police Department with a receipt that all applicable fees for **towing** and/or service have been paid in full. A second fee may be charged if the vehicle is removed to the licensee's storage area or other destination desired by the Police or vehicle owner. If a vehicle is released by the Police to any party other than the licensee without proper receipt, the Township shall be responsible for all charges, but may pursue its remedy against the owner or other person/s responsible.

(Ord. No. 5-90 § 1; Ord. No. 4-93 § 1; Ord. No. 11-97 § 1; Ord. No. 2362-10).

- f. ~~An administrative fee~~ A Township processing fee of twenty (\$20.00) dollars shall be paid to the Township for each vehicle towed by the licensee in accordance with this section. This fee is to be paid by the licensee on a monthly basis upon the filing of monthly reports in form satisfactory to the Millburn Police Department Traffic Bureau. All reports and payments must be received by the fifteenth of the next month. Failure to comply shall result in a Temporary License Suspension.
- g. Licensee shall **not** charge a storage or towing fee to the Township when it tows and stores a vehicle, designated by the Police Department, to be impounded and/or stored as part of a criminal investigation (i.e. vehicle seizure)(~~including seizure~~) by the Millburn Police Department or other law enforcement agency operating within the Township of Millburn, except that this provision shall not prevent the Licensee from seeking restitution, including storage or towing fees, in a criminal prosecution resulting from the criminal investigation.

**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.** All ordinances or parts of ordinances inconsistent herewith are repealed only as to such inconsistencies.

**Section 5.** This ordinance shall take effect immediately upon final passage and publication in the manner required by law.

**Ordinance 2536-19**

Mr. Levy brought forth Ordinance 2536-19 for introduction. She reviewed the ordinance and moved that the ordinance be taken up and passed on first reading, noting that the public hearing would take place on June 18, 2019. Ms. Burstein seconded the motion. Mayor Thall Eglow requested a roll call vote.

Roll Call Vote: All Ayes

**ORDINANCE NO. 2536-19  
ORDINANCE AUTHORIZING EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE TOWNSHIP;  
MILLBURN RECREATION COMMISSION; AND  
MILLBURN SHORT HILLS YOUTH BASEBALL**

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**Statement of Purpose:** *The purpose of this Ordinance is to authorize the lease between the Township of Millburn and the Board of Recreation Commissioners of the Township of Millburn, collectively the Landlord; and the Short Hills Little League (renamed Millburn Short Hills Youth Baseball) as the Tenant for a portion of Lot 1 in Block 5402 for use of the premises to provide a safe and supervised environment for Township children to participate in baseball and enable children to obtain instruction, develop their skills and learn good sportsmanship.*

**WHEREAS**, on August 9, 1999, the Township of Millburn (the “Township”) and the Board of Recreation Commissioners of the Township of Millburn, collectively the Landlord; and the Short Hills Little League (renamed Millburn Short Hills Youth Baseball) as the Tenant, executed a Lease for a portion of Lot 1 in Block 5402 for use of the premises to provide a safe and supervised environment for Township children to participate in baseball and enable children to obtain instruction, develop their skills and learn good sportsmanship; and

**WHEREAS**, the existing lease by and between the Township of Millburn; the Board of Recreation Commissioners of the Township of Millburn; and Millburn Short Hills Youth Baseball (MSHYB) will expire on July 31, 2019; and

**WHEREAS**, during the term of the existing lease, an addition was built on the Gero Park Recreation building and donated to the Township which is also leased to MSHYB; and

**WHEREAS**, MSHYB has built backstops, dugouts, a batting cage and have on numerous occasions renovated and improved the fields, have purchased scoreboards, bleachers, fencing and maintain the fields on a daily basis; and

**WHEREAS**, MSHYB is a non-profit corporation of the State of New Jersey and provides a youth baseball program for the community, serving over 600 youth; and

**WHEREAS**, the Local Lands and Buildings Law authorizes a governing body to lease municipally-owned land to a non-profit corporation for a public purpose pursuant to N.J.S.A. 40A:12-14(c); and

**WHEREAS**, the parties to the existing Lease desire to enter into a new lease agreement having an initial ten (10) year term with the Township having the option to extend the lease for an additional ten (10) year period; and

**WHEREAS**, on May 8, 2019, the Board of Recreation Commissioners of the Township of Millburn unanimously approved the new lease agreement in the form attached hereto; and

**WHEREAS**, the Township Committee of the Township of Millburn has determined that it is in the public interest to enter into the new lease agreement, as permitted by the Local Lands and Buildings Law, in substantially the form attached hereto (the “New Lease Agreement”).

**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 New Lease Agreement by and between the Township of Millburn and the Board of Recreation Commissioners of the Township of Millburn (collectively as Landlord) and the Millburn Short Hills Youth Baseball as Tenant, of the Premises described in the New Lease, according to the terms set forth herein and in substantially the form attached hereto, is hereby approved, and the Mayor and the Township Clerk are hereby authorized and directed to execute and deliver the New Lease Agreement on behalf of the Township of Millburn.

**Section 2.** Annual rent shall be for \$1.00, together with payment by the Tenant of the Maintenance Fund for Common Area as set forth in the New Lease Agreement.

**Section 3.** The public purpose of the New Lease Agreement is to promote and advance the goals of the Millburn Short Hills Youth Baseball which include providing a safe and supervised environment for Township children to participate in baseball and enable children to obtain instruction develop their skills and learn good sportsmanship and over 600 persons will benefit from these public purposes.

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**Section 4.** The initial term of the New Lease Agreement shall be for ten (10) years until July 31, 2029 with the Township having the option to extend the New Lease Agreement for an additional ten (10) year period ending July 31, 2039.

**Section 5.** The Millburn Short Hills Youth Baseball shall annually submit a report by February 28 of each year covering the fiscal year ended September 30 to the Township of Millburn’s Business Administrator which report shall set forth the use to which the leasehold was put during each year; the activities Millburn Short Hills Youth Baseball has undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate financial value or cost, if any, of such activities, and an affirmation of the continued tax-exempt status of Millburn Short Hills Youth Baseball as a nonprofit corporation pursuant to both State and Federal law.

**Section 6.** This Ordinance shall take effect after final passage and publication in accordance with law.

**Old Business**

No one presented old business.

**New Business**

**Proposed Zoning Revisions (Lighting, Height, and Uses Definition)**

Mr. Mc Donald brought forth the proposed revisions to the zoning code that were outlined in a previously distributed document. He stated that the changes were brought about through discussions with Paul Philips, the Township Planner and Eileen Davitt, the Zoning Officer. Mr. McDonald addressed brief questions from the Committee. He stated that if there was consensus from the Committee, the changes could be introduced in an ordinance in the near future.

**Non-Binding Referendum – Marijuana Legislation**

The Committee discussed a document that was previously distributed and Mr. Falcon reviewed language for a proposed resolution and proposed question for the November 2019 election ballot. Mr. Levy expressed that the Committee should defer to 2020 and refer to the State referendum. He said moving forward with this would be answering questions that may or may not happen two years from now. Mr. Levy added that it is really advisory, given it is addressing something that doesn’t even exist. Ms. Burstein concurred, stating it seems premature to do this now. Mayor Burstein added that she thinks it is worth it to reach out to the community in a non-binding way. Mr. Falcon noted that depending on when the legislation happens, there may not be the opportunity of an election cycle in which to pose this question. Ms. Lieberberg stated that we have an opportunity to get ahead of the issue and it would be non-binding. She added that the township can use the ballot box before it is tainted. Mayor Thall Eglow said this would be brought up again under old business at the next meeting. Mr. Levy made a motion to table Resolution 19-145 pertaining to authorizing a non-binding referendum regarding marijuana, which was seconded by Mayor Thall Eglow who asked for a roll call vote.

Roll Call Vote: All Ayes

**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 Ms. Burstein and seconded by Ms. Prupis. The meeting was adjourned at 9:30 PM. Vote: All Ayes

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Christine A. Gatti, RMC  
Township Clerk

Approved: July 16, 2019