

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 and remotely starting at 7:00 PM on the above date.

Mayor Prupis 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 and remotely at 7:00 PM on February 23, 2021.

Mayor Prupis asked all those present to stand for the Salute to the Flag.

Upon call of the roll, the following Committee members were recorded present: Maggee Miggins, Tara B. Prupis, Dianne Thall Eglow, Richard J. Wasserman and Sanjeev Vinayak.

Also present were Business Administrator Alexander McDonald, Township Clerk Christine Gatti (remotely, via Zoom), Township Attorney Christopher Falcon, and Administrative Analyst Jesse Moehlman.

Approval of Agenda

Mayor Prupis asked for a motion to approve the agenda. The motion was offered by Mr. Wasserman and seconded by Ms. Miggins.

Vote: All Ayes

Minutes

Mayor Prupis asked for a motion to approve the December 15, 2020 regular meeting minutes. The motion was made by Mr. Wasserman and seconded by Ms. Thall Eglow.

Vote: All Ayes, except Miggins, and Vinayak who abstained

Mayor Prupis asked for a motion to approve the December 15, 2020 special meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Vote: All Ayes, except Miggins, and Vinayak who abstained

Mayor Prupis asked for a motion to approve the December 17, 2020 special meeting minutes. The motion was made by Ms. Thall Eglow and seconded by Mr. Wasserman.

Vote: All Ayes, except Miggins, and Vinayak who abstained

Millburn Township Committee Meeting Minutes

Reports

Mayor Prupis stated it was a great honor to be the Mayor and was blessed to live in a privileged community. She thanked all DPW, fire, police, town hall employees and residents for their hard work in handling the snow. She advised that the schools were providing Covid-19 testing for parents, families, students and staff on Tuesdays. She announced that the fourth annual March 4th 5K would take place on Sunday, March 7 on Brookside Drive. She advised that 3,354 Millburn residents had received the first dose of the Covid-19 Vaccine and 1,170 received the second dose, with a total of 4,524 vaccinations received within Millburn Township. The Environmental Commission created an Open Space Subcommittee in which they discussed the idea of setting up an Open Space Trust Fund for Millburn Township. The next Environmental Commission meeting would be on March 10th at 7pm. She announced upcoming Rahway's River Mayor's Council meetings and pointed out that on March 3rd they would meet with Essex County Executive, Joe DiVincenzo, to receive approval of their consensus plan to bypass the Orange reservoir at the recreational complex. She advised that she wrote a letter to Governor Murphy to request him to direct the New Jersey Department of Environmental Protection (NJ DEP) to develop a solution to the challenge of regional flood control. She announced that the Downtown Vision Plan Steering Committee had been hosting virtual mini sessions in order to hear from residents and their opinions and reviewed available surveys. She provided details on how to use the interactive map on the downtown vision plan webpage. She reviewed future meeting details. She announced that the next Perkins Eastman meeting would be scheduled for March 11th, with hopes of a Perkins Eastman plan presentation of their downtown plan at the March 23rd Township Committee meeting. Mr. McDonald demonstrated the interactive downtown vision map. Mayor Prupis advised now was the time to think of a larger vision for the downtown since the Covid-19 pandemic had created unprecedented challenges for businesses which had changed the way people used the downtown. She reviewed various Art Advisory Committee upcoming events, activities and programs.

Ms. Thall Eglow noted that the Shade Tree Advisory board met and they were proactive with their tree trimming and pruning. She advised residents that if they needed to have a tree removed they should contact Shade Tree and receive permission from the Forester.

Ms. Miggins stated that she met with the Zoning Code Examination Subcommittee. She advised that the Cora Hartshorn Arboretum were almost sold out for their summer program. She reviewed upcoming fundraisers. She reviewed upcoming Library events and activities. The Library Director asked to thank the DPW for their hard work on snow removal and pot hole patching.

Mr. Wasserman reported that the Special Improvement District (SID) was working hard to support businesses in town now with the help of both Ryan Gleason, Executive Director, and Marla Itzkin, Marketing. He noted that the Business Advocacy Subcommittee met and would draft a comprehensive survey for all businesses and commercial property owners in the five business districts in order to focus their efforts of support. He added that they would also develop a welcome packet for prospective businesses entering the business districts. They were also looking into a comprehensive list of vacancies in the Township so they may target those spaces with commercial realtors. The Finance Subcommittee

Millburn Township Committee Meeting Minutes

met and are continuing a review of all of the township's finances. He stated that the township would be holding the tax line for 2021 and the last time local taxes didn't go up was in 2018. He commended Mr. McDonald and Mr. Gabloff, CFO, for doing a great job with the finances and the town was in a very strong financial position.

Mr. Vinayak presented the municipal financials. He reviewed how taxes are distributed between the county, municipality and school. He pointed out that they had worked to keep the tax line from increasing for 2021. Mr. Vinayak continued his review of the municipality's finances and how they were allocated. Mr. Vinayak reviewed goals for 2021.

Mr. Wasserman commented that every so often there were negative comments in the press about Millburn having high taxes; however, Millburn had one of the best schools and that's what the tax dollars paid for.

Mayor Prupis thanked Mr. Vinayak.

Mr. Falcon recalled a report on the complaint the Urso's filed with the Local Finance Board (LFB) of the conflict of interest of Deputy Mayor Prupis and her vote in regard to the SID ordinance. The LFB dismissed the Urso's complaint. Resident, Mr. Feld, had announced at a prior meeting he would represent Ms. Urso pro bono and refiled with the LFB to rescind their determination. The LFB had denied the motion for reconsideration that was filed by Mr. Feld on behalf of the Urso's. Mr. Falcon advised there was no longer a complaint with the LFB.

Mr. McDonald recalled an ongoing complaint about double parking issues in front of the Millburn Deli. He stated that the idea of installing seven reverse angle parking in that area was provided to the Committee for consideration. He noted that this would be a temporary solution to determine the efficacy of the change. Mr. McDonald asked the Committee to weigh in on the proposed reconfiguration of the area.

Mr. Vinayak stated that he thought it was a great idea. Mr. Wasserman noted that he wanted to make sure the traffic department was on site when it was executed, as the intersection was busy and it would be new for commuters. Mr. McDonald agreed with Mr. Wasserman.

Mayor Prupis asked for a timeline. Mr. McDonald provided details and a proposed time schedule. Mayor Prupis asked that the change be well communicated to the public. Mr. Wasserman asked to alert other businesses. Ms. Miggins asked why parking wouldn't be head in parking instead of reverse in. Mr. McDonald advised of the dangers of head in parking. A discussion ensued between Ms. Miggins in Mr. McDonald in regards to reverse angle parking. Ms. Thall Eglow asked if Maser Consulting reviewed the proposal and Mr. McDonald advised the idea had not been brought to them. Ms. Thall Eglow advised she'd feel more comfortable commenting once the traffic engineer reviewed the idea.

Mayor Prupis asked if the spaces would have a time limit. Mr. McDonald advised that had not yet been considered. Mr. McDonald suggested if the need arose for a delivery driver section then that could be

Millburn Township Committee Meeting Minutes

reviewed at a later time. He stated that outreach to the other businesses nearby would be a part of the project.

Presentation

Bike Week Presentation

Mayor Prupis announced resident Jennifer Duckworth who would present details on “Bike Week”. Ms. Duckworth thanked the Committee for their hard work. She represented the Pedestrian Safety Advisory Board (PSAB) and stated that they were tasked to promote pedestrian and bike safety within the township. Ms. Duckworth reviewed the various events scheduled each day for “Bike Week”. Mayor Prupis thanked Ms. Duckworth for all her hard work.

Public Comment – Consent Agenda

Mayor Prupis asked if there were any comments or questions from the Committee regarding items on the Consent Agenda Resolutions.

Mayor Prupis reminded residents public comment was a time for residents to state their comments and not a time for a dialogue. She advised that the Committee could be reached via email. Mayor Prupis provided the rules of public comment.

Mayor Prupis opened public comment.

Jeffery Feld, of 11 Alexander Lane, recalled the questions he sent to the Committee. He asked in regards for Resolution 21-066 to carve out what was paid to the municipal attorney. He had not received the Township Attorney’s contract he requested. He reviewed Supreme Court cases regarding retention agreements. Mr. Feld’s commented on the Bond Anticipation Note resolution. In regard to Resolution 21-075, Mr. Feld questioned the delay in releasing the closed session minutes and pointed out that the public should have access to them.

Nancy Stone, of 10 Fielding Road, stated that she was in opposition of the \$92,000 that would be paid to Mr. Falcon. She commended Mr. Vinayak’s financial presentation. Ms. Stone suggested the Committee get their money back from the SID for township’s savings.

Jean Pasternak, of 342 Hobart Avenue, echoed Mr. Feld’s questions in regard to the payment to Mr. Falcon and his contract. She continued to echo Mr. Feld’s comments in regard to the closed session minutes. She noted that Mr. Feld advised her of a federal investigation that was closed in 2018 where monies were paid through 2020. She asked why the township was investigated. Ms. Pasternak thanked Mr. Feld for all his hard work.

Dominique Urso, of 514 Millburn Avenue, stated that the town paid their trash collection through their taxes. She said it wasn’t free and was hidden in the taxes.

Millburn Township Committee Meeting Minutes

Mayor Prupis asked Ms. Urso to clarify what resolution she wanted to comment on.

Ms. Urso clarified and asked in regard to Resolution 21-066. Ms. Urso went on to review the comments made earlier in the meeting by Mr. Wasserman and Mr. Vinayak in regard to the financials of the town. Mr. Urso expressed that the Committee members had a hidden agenda. Ms. Urso advised that Mr. Feld donated his time for free with no hidden agenda.

Ms. Prupis asked if any members of the Committee wanted to respond to any of the comments.

Mr. McDonald spoke to Mr. Feld’s comment in regard to the Bond Anticipation Note and explained it was for the short terms debts the town had from various projects. Mr. McDonald advised bond notes were for short term debt which were allowed to be paid for up to 10 years. If the township could not meet that time than they would have to go out for a bond which were for longer time periods.

Mr. Vinayak reiterated Mr. McDonald’s explanation on bond notes and bonds.

No other comments or questions were presented.

Consent Agenda

Mayor Prupis asked for a motion to approve the items on the consent agenda Resolutions 21-066 – 21-076. Mr. Wasserman made a motion to approve the consent agenda which was seconded by Ms. Thall Eglow.

Roll Call Vote: All Ayes

**RESOLUTION 21-066
APPROVE BILLS PAYABLE**

RESOLVED that the Township Treasurer be and hereby authorized to accept for payment and pay bills or items as they appear on Schedule dated February 23, 2021, in the following accounts:

General	\$	316,678.75
Parking Utility - Operating Fund		3.24
Dog Trust Fund		756.60
Waste Recycling Trust Fund		9,487.50

**RESOLUTION 21-067
AUTHORIZE THE REFUND OF TAX OVERPAYMENTS**

NOW, THEREFORE BE IT RESOLVED that the Treasurer of the Township of Millburn be and 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;

February 23, 2021
Millburn Township Committee Meeting Minutes

<u>Make check payable to:</u>	<u>Type</u>	<u>Amount</u>
Jennifer R. Jacobus, Trustee & Piyush Goyal & Medha Agarwal 201 Littleton Rd. 1 st Floor Morris Plains, NJ 07950 Block 3605 Lot 19 194 Long Hill Drive	Tax Appeal 2019 taxes	\$6,552.35

BE IT FURTHER RESOLVED that the tax appeals for years 2018, 2019 & 2020 for block 2902 lot 1, be processed as credits towards future taxes of 2021.

Monisha Sinha	Tax Appeal	
14 Woodfield Drive	2018 taxes	
Short Hills, NJ 07078	(\$3,298.07)	
Block 2902 Lot 1	2019 taxes	
14 Woodfield Drive	(\$3,346.62)	
	2020 taxes	
	(\$3,339.68)	

**TOWNSHIP OF MILLBURN
RESOLUTION 21-068**

DESIGNATING A \$6,515,522 BOND ANTICIPATION NOTE, DATED JANUARY 29, 2021 AND PAYABLE JANUARY 28, 2022, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Millburn, in the County of Essex, New Jersey (the "Township"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

February 23, 2021

Millburn Township Committee Meeting Minutes

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Township, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$6,515,522 Bond Anticipation Note, dated January 29, 2021 and payable January 28, 2022 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2021.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2021.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with

a certificate of obligations issued during the calendar year 2021 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

**RESOLUTION 21-069
AUTHORIZING ONE YEAR OPTION #2 ON CONTRACT
FOR MOWING OF LARGE TURF AREAS [D'ONOFRIO & SON, INC.]**

WHEREAS, the Township of Millburn entered into a contract in 2019 with D'Onofrio & Son, Inc., 47 VanNess Terrace, Maplewood, NJ 07040, to provide Mowing of Large Turf Areas; and

WHEREAS, the Recreation Department has recommended exercising the Township's option by renewal of this contract with the same terms and conditions for one additional year which is the final option year (Option #2) for the contract for the year 2021 in the amount of \$820.00 per cut as detailed in the submitted bid proposal; 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 21-070
AUTHORIZING EXECUTION OF CONTRACT FOR
"SLAYTON DRIVE PUMP STATION IMPROVEMENTS" PROJECT**

WHEREAS, the Township of Millburn (the "Township") received four sealed bids on December 3, 2020 in response to its advertisement for the receipt of bids for the "Slayton Drive Pump Station Improvements" project; and

WHEREAS, the bid prices for the bids received on December 3, 2020 for the "Slayton Drive Pump Station Improvements" project are as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Base Bid Plus Supplemental A, B and C</u>
1. CMS Construction Plainfield, NJ	\$512,918.00	\$1,066,727.00
2. Scafar Contracting, Inc. Cedar Knolls, NJ	\$533,500.00	\$1,087,500.00
3. DeMaio Electrical Co, Inc. Hillsborough, NJ	\$497,315.00	\$1,216,485.00
4. Rapid Pump & Meter Svc Paterson, NJ	\$529,665.00	\$1,288,950.00

WHEREAS, CMS Construction consented by separate writing to have its bid and pricing extended through February 25, 2021; and

WHEREAS, the bid submitted by CMS Construction does not contain any material defects and is the lowest responsible bidder in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

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

1. The Millburn Township Committee waives all immaterial defects, if any, contained in the bid of CMS Construction submitted on December 3, 2020 for the Slayton Drive Pump Station Improvements project.
2. The Township Committee awards the Slayton Drive Pump Station Improvements project contract to CMS Construction as the lowest responsible bidder for the Base Bid plus Supplemental Bid Items A, B and C in the total amount of \$1,066,727.00 and the Mayor is authorized to execute the contract upon receipt of the signed contract from CMS Construction.
3. All bid security, except the security for the three apparent lowest bidders, shall be returned within 10 days after the opening of the bids, Sundays and holidays excepted. Within 3 days, Sundays and holidays excepted, after the awarding and execution of the contract and approval of the contractor's performance bond, the bid security of the remaining unsuccessful bidders shall be returned.
4. The CFO certifies that funds are available for the award of the aforementioned contract to CMS Construction in the bid amount of \$1,066,727.00
5. The Township's staff and consultants are hereby authorized and directed to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.

This Resolution shall take effect immediately.

RESOLUTION 21-071
AUTHORIZING ADVERTISEMENT OF BIDS -
SUMMER BASEBALL CAMP

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:

Summer Baseball Camp

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 21-072
AUTHORIZING ADVERTISEMENT OF BIDS -
ADA BARRIER FREE ACCESS, CURB RAMP IMPROVEMENTS
AT MULTIPLE LOCATIONS IN WYOMING SECTION

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:

ADA Barrier Free Access, Curb Ramp Improvements at Multiple Locations in Wyoming Section

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 21-073
AUTHORIZE EXECUTION OF STORM SEWER INDEMNIFICATION AGREEMENTS

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 40

Millburn Township Committee Meeting Minutes

Rippling Brook Drive, Block: 4602, Lot: 11, as per the recommendation of the Superintendent of Public Works.

RESOLUTION 21-074

APPROVE ACCEPTANCE AND PARTICIPATION IN THE FEDERAL GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY, FOR FY 20 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FUNDING

WHEREAS the Millburn Township Committee in the County of Essex desires to further the public interest by participating in the Federal Grant Program administered by the State of New Jersey, Department of Law & Public Safety for the following grant program titled “FFY20 HMEP Planning and Training” for radiological hazardous materials training; and

WHEREAS the Federal Grant Program project titled “FY20 Hazardous Material Emergency Preparedness Grant Program” is in the amount of \$10,000.00 and requires no match by the Township of Millburn;

NOW, THEREFORE, BE IT RESOLVED, the Millburn Township Committee hereby authorizes the Millburn Township Fire Department to participate in the federal grant program and accept the federal funds for the project titled “FY20 Hazardous Material Emergency Preparedness Grant Program” in the amount of \$10,000.00 for radiological hazardous materials training in reference to Subaward Number: 2020-08 for Subaward Period of 9/30/2020-9/30/2021.

RESOLUTION 21-075

APPROVE AND RELEASE CERTAIN CLOSED SESSION MINUTES

BE IT RESOLVED that the following Closed Session Minutes of the Millburn Township Committee are hereby approved and may be released to the public or shall be held as detailed below.

Meeting Date	Hold, Release or Paragraph Number to Hold or Release	Closed Session – Held Matter
2/5/2019	Release	
2/19/2019 (Reso. 19-061)	Release	
2/19/2019 (Reso. 19-070)	Release	
3/5/2019 (Reso. 19-071)	Hold 6 th sentence, release remaining section	Pending Litigation – 85 Woodland Road LLC mediation
3/5/2019 (Reso. 19-071)	Release Remaining	
3/5/2019 (Reso. 19-078)	Release	
5/21/2019	Hold	Negotiations – Township Fields
6/18/2019	Release	
7/30/2019	Release	
8/13/2019	Hold 5 th paragraph only, release remaining section	Current Litigation – 85 Woodland Road, LLC
9/3/2019	Hold	Potential Contract Negotiations – potential negotiations and purchase of certain real property within the Township
9/3/2019	Release Remaining	
9/17/2019	Hold	Potential Contract Negotiations – potential negotiations and purchase of certain real property within the Township
9/17/2019	Release Remaining	
10/15/2019	Release	
11/12/2019	Release	
12/3/2019	Release	
12/17/2019	Release	
1/21/2020	Release	
3/3/2020	Hold 2 nd paragraph only, release remaining section	Current Litigation – 85 Woodland Road, LLC & Declaratory Judgement Action

February 23, 2021

Millburn Township Committee Meeting Minutes

3/3/2020	Hold	Potential Contract Negotiations – potential negotiations and purchase of certain real property within the Township with public funds
4/21/2020	Hold	
5/5/2020	Hold	Current Litigation – Niler v Millburn Township
6/2/2020	Release	
6/16/2020	Hold 2 nd paragraph only, release remaining section	Current Litigation – 85 Woodland Road, LLC & Declaratory Judgment Action and Concerned Residents
6/16/2020	Release remaining	
7/14/2020 (Reso. 20-139)	Release	
7/14/2020 (Reso. 20-146)	Hold 2 nd and 4 th paragraphs only, release remaining section	Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties and Concerned Residents of Millburn and Short Hills, Inc.
8/11/2020	Hold	Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties
9/15/2020	Release	
10/6/2020	Hold	Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties
10/20/2020 (Reso. 20-199)	Release	
10/20/2020 (Reso. 20-208)	Release	
11/10/2020	Hold	Pending or Anticipated Litigation – Various Litigation Updates: Wenik v Millburn, Halper v Millburn, Kareem Sutton v Millburn
12/15/2020	Hold	Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties
12/17/2020	Release	

Millburn Township Committee Meeting Minutes

**RESOLUTION 21-076
APPROVE RAFFLE LICENSES**

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

WHEREAS, the Police Department is in receipt of a copy of the application per the regulation of the Legalized Games of Chance Control Commission.

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

Eva's Village, Inc.

Resolution

Resolutions 21-077; 21-078; and 21-079

Mayor Prupis brought forth:

Resolution 21-077- Authorize Waiver of License Fee for 2021 Sidewalk Cafe Licenses; Resolution 21-078- Approve Temporary Waiver and/or Relax Requirements of Chapter 4-40 Sidewalk Cafe Licenses; and Resolution 21-079- Temporary and Extended Closure of a Section of Main Street. Mr. McDonald provided an explanatory statement on each resolution, the resolutions were a method to assist restaurants during the pandemic to expand their seating through outdoor dining.

Mayor Prupis asked if there were any comments or questions from the Committee regarding the resolutions.

Ms. Thall Eglow asked if Lot 1 would be closed again during the summer. Mr. McDonald advised only the portion used for the farmers market would be used for outdoor seating. Ms. Thall Eglow objected to the closure of Main Street as she did not realize it would also be closed during April, September, October and November. Ms. Thall Eglow stated that she did not agree with the closure.

Mr. Wasserman appreciated Ms. Thall Eglow's opinion even though they didn't always agree. He recalled last summer and how successful the closures were. He stated that people were not commuting or parking due to the pandemic; therefore, the lots were very empty. He noted that the Committee would continue to meet over the summer and if anything needed to be corrected it could be done.

Ms. Thall Eglow agreed that it was fun last summer but asked what the contingency plan was when all the traffic was filtered through downtown due to the closure. She reiterated her opposition to the closure, most importantly because of emergency vehicles. A discussion ensued between Ms. Thall Eglow and Mr. Wasserman in regards to the proposed closure.

Mayor Prupis reassured residents that they would have a chance to comment before the vote of the resolutions.

Mr. McDonald added the resolutions would also address any outside music and would prohibit music between the hours of 10PM-7AM. He noted that the traffic light schedule would also be adjusted to assist with traffic overflow.

Mayor Prupis recalled a meeting with Ryan Gleason, SIC Executive Director, and a resident and wanted to ensure all the areas in town would get attention and not just the downtown. Last summer the focus was mostly on Main Street and Mayor Prupis assured residents that conversations were had to include other parts of town as well.

February 23, 2021

Millburn Township Committee Meeting Minutes

Mayor Prupis asked if there were any comments regarding Resolutions 21-077; 21-078; and 21-079.

Tracy Hatch, of 428 Millburn Avenue, spoke on behalf of Café Monet. She advised she was also a resident and appreciated the noise concern. She spoke to the unbalanced closure experienced of 2020 people were squeezed into one area; however, it was a success. She asked that the rest of the town should have the same flying start to the summer season. She wished more initiatives would be brought on to assist other businesses. She asked if other locations could have lights as well in order to complete the vision of Millburn. She suggested the township announce initiatives together aside from Main Street closures.

Wes Sawi, of 430 Millburn Avenue, said the town has had the same budget problems for 35 years. He didn't believe there was any creativity or imagination and suggested the Committee go to Summit or Maplewood to see how they had organize their downtown. He advised that the township needed to look at it differently and think outside of the box in regard to budget. He asked if Mr. Vinayak could provide the presentation on the budget and suggested budget comparisons should be done to similar towns.

Perri Urso, of 514 Millburn Avenue, spoke on behalf of restaurateurs. She made an analogy of a hurricane to Millburn with the eye of the storm centered on downtown and the neighboring businesses take the brunt of the storm. She recalled when her family opened Enzzo's and how she chose their location. She stated she had spoken to many restaurant owners who had not heard from Mr. Wasserman. Ms. Urso recommended the Committee spread what they were doing on Main Street to other areas and businesses in town and make it inclusive. She reminded the Committee they were there to serve the entire community and not just bits and pieces.

Nancy Stone, of 10 Fielding Road, didn't have an objection to the closure of Main Street but wasn't sure if the period of time should be so long. She stated the focus seemed to be on Millburn Standard and the residual fell on to the businesses nearby. She believed the Standard was a great investment to the community and deserved it but it wasn't to the detriment of the other neighboring businesses. She explained why the public should be able to view the time clock so they knew how much time they had left to comment. Ms. Stone suggested a new clock be bought out of the SID budget for all to see.

Mr. McDonald provided further clarification on the resolutions. The ability to use neighboring private or township properties for outdoor dining was to be applied to all of Millburn Township not just the downtown. He provided various examples aside from Lot 1 that could be used to expand outdoor dining.

Mayor Prupis advised Mr. Gleason would reach out to all of the businesses to see what they needed and the Committee would do their best to accommodate everyone. Mr. Wasserman advised the SID had funds in the budget to address all of the lighting in the downtown and the focus would be all districts.

Mr. Vinayak agreed with Mr. Sawi and Ms. Hatch's comments and the township needed to figure out what could be done for other businesses outside of Main Street.

Ms. Thall Eglow advised it wasn't only about the businesses but also about the circulations and the traffic pattern in town. She questioned that if in September through November restaurants returned to full capacity would the Committee still have Main Street closed. She advised patrons stopped visiting Millburn when the traffic pattern changed and if they continued to change Millburn we could lose more patrons. She voiced her opposition to the closure of Main Street.

Mayor Prupis asked for a motion to approve Resolution 21-077. Mr. Wasserman made a motion to approve Resolution 21-077 which was seconded by Mr. Vinayak.

Roll Call Vote: All Ayes

RESOLUTION 21-077
AUTHORIZE WAIVER OF LICENSE FEE FOR 2021 SIDEWALK CAFE LICENSES

WHEREAS, the Millburn Township Code Section 4-40.4 enumerates fees for café licenses in the Township of Millburn; and

WHEREAS, the Township of Millburn supports local restaurants in their desire to provide outdoor dining through a café license; and

WHEREAS, the Township of Millburn recognizes that the ongoing public health crisis has had a significant impact on small business including restaurants; and

WHEREAS, the Township of Millburn will waive all fees established under section 4-40.4 for the issuance of a café license in the event that an application and all other required paperwork has been properly received; and

WHEREAS, the Township Committee further allows for the issuance of a café licenses by the Business Administrator after all proper paperwork has been received and reviewed to further expedite the issuance of such licenses; and

WHEREAS, café licenses will be issued in accordance with any Executive Order or other established law that may govern such issuance.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, that Millburn Township businesses will not be charged a fee for a café license in 2021 and the Business Administrator is authorized to issue said licenses once a completed application has been received, reviewed and approved by the Township of Millburn.

Mayor Prupis asked for a motion to approve Resolution 21-078. Ms. Miggins made a motion to approve Resolution 21-078 which was seconded by Mr. Wasserman.

Roll Call Vote: Ayes: Mayor Prupis, Ms. Miggins, Mr. Vinayak and Mr. Wasserman

Abstain: Ms. Thall Eglow

RESOLUTION 21-078
APPROVE TEMPORARY WAIVER AND/OR RELAX REQUIREMENTS OF CHAPTER 4-40 SIDEWALK CAFE LICENSES

WHEREAS, the COVID-19 Global Health Pandemic continues to have a significant negative economic impact on Millburn Township's restaurants, eateries and other businesses; and

WHEREAS, the Millburn Township Committee wishes to temporarily ease restrictions to sidewalk cafe dining licenses and restrictions on operating businesses from private or public parking lots or other spaces that may be designated by the Township to allow for outdoor dining;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee in the Township of Millburn, in the County of Essex, State of New Jersey authorizes the Business Administrator to permit an existing restaurant or food establishment to expand outdoor dining during the 2021 outdoor season, under his discretion, and shall be permissible only during such time that indoor restrictions exist and all establishments shall submit a complete sidewalk café license application to the Township of Millburn and shall adhere to all Executive Orders issued by Governor Murphy and the Township of Millburn authorizing said activity, subject to the following:

1. Upon township approval outdoor dining may be conducted on any restaurant property in the B1, B2, B3 and B4 zoning districts once a sidewalk café license is issued by the Township of Millburn, and

2. Any restaurant may create outdoor dining on private property, the public sidewalk in front of their business and the public sidewalk next to their establishment with notarized written consent of the property owner and adjoining business which shall include the date of consent through November 30, 2021 and executed hold harmless agreements for all property owners, and

3. Any consent or use agreement for additional dining on private property or the use of additional sidewalk in front of other businesses must be supplied to the Township of Millburn and signed by adjoining business or private property owner, and

4. Outdoor dining may be permitted on publicly owned parking lots, streets or spaces as expressly permitted and governed by the Township; and

5. Outdoor dining may be permitted on premise-owned parking lots in spaces that may have been previously required by zoning; and

6. Service of alcoholic beverages shall be permitted in outdoor areas licensed or allowed by the Division of Alcoholic Beverage Control (ABC) and state regulations.

7. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Township and all outdoor music and loud noise is prohibited between the hours of 10PM and 7AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.

BE IT FURTHER RESOLVED that the restaurant must submit a sidewalk cafe application with a map detailing all locations inclusive of parking areas, a weather plan, the number of tables and seating capacity of the outdoor dining space and any other requested information from the township as deemed appropriate and shall comply with all applicable State laws and Executive Orders, the Township's regulations and New Jersey Department of Health COVID-19 guidelines and regulations; and

BE IT FURTHER RESOLVED that the Business Administrator with the advice and consent of the Township Attorney may relax compliance with other sections of Chapter 4-40 and may require alternative arrangements as appropriate to maintain order, enhance public safety and to assist Township restaurants, eateries or other businesses that are economically impacted by the COVID-19 public health crisis.

Mayor Prupis asked for a motion to approve Resolution 21-079. Ms. Miggins made a motion to approve Resolution 21-079 which was seconded by Mr. Wasserman.

Roll Call Vote: Ayes: Mayor Prupis, Ms. Miggins, Mr. Vinayak and Mr. Wasserman

Nays: Ms. Thall Eglow

RESOLUTION 21-079
TEMPORARY AND EXTENDED CLOSURE OF
A SECTION OF MAIN STREET

WHEREAS, the COVID-19 Global Health Pandemic has and continues to have a significant negative economic impact on restaurants and eateries located in the Township of Millburn; and

WHEREAS, by Resolution No. 20-137, approved on June 16, 2020, the Township Committee temporarily expanded outdoor dining to help the Township's restaurants and eateries during this difficult time; and

WHEREAS, the Millburn Township Committee wishes to permit the closure of a section of Main Street between Millburn Avenue and Essex Street on weekends only beginning April 3, 2021 through June 18, 2021 and again on weekends only from September 11, 2021 through November 30, 2021; and

WHEREAS, the Township Committee further desires to authorize a prolonged complete closure of this section of Main Street from June 18, 2021 through September 6, 2021; and

WHEREAS, the purpose of the closure is to offer restaurants and eateries additional space to set up tables and chairs for outdoor dining and create a vibrant atmosphere to attract patrons for all downtown businesses;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN:

- 1.) Main Street shall be closed to vehicular traffic between Millburn Avenue and Essex Street, on weekends beginning April 3, 2021 with an extended complete closure from June 18, 2021

Millburn Township Committee Meeting Minutes

- through September 6, 2021 with the Township periodically reviewing the efficacy of the closure;
- 2.) During the temporary closure of Main Street, the detour routes shall be along the municipal roadways of Millburn Avenue, Lackawanna Pl. and Essex Street.
 - 3.) The Township Business Administrator has worked with the Police Department to prepare a plan to minimize any traffic issues that may result from the closure including all proper notifications to emergency personnel.
 - 4.) Restaurants and eateries located on Main Street who wish to utilize outdoor dining must apply for and receive a café license from the Township.
 - 5.) Restaurants and eateries with a liquor license must also have a valid COVID-19 Expansion of Premises Permit as required by the New Jersey Division of Alcoholic Beverage Control.
 - 6.) The Township Business Administrator shall have the discretion to create additional standards as appropriate to maintain order, enhance public safety and to help the Township's restaurants and eateries that are financially impacted by the COVID-19 Global Health Pandemic.
 - 7.) The Township Engineer shall notify the New Jersey Department of Transportation and Essex County Engineering Office of the closure.
 - 8.) The Township will reopen Main Street at any time prior to the stated closure date of September 6, 2021 should the closure no longer prove effective in assisting impacted business or for any other safety or traffic issues that may arise.

Ordinance/Introduction

Ordinance 2570-21

Mayor Prupis brought forth Ordinance 2570-21 for introduction. A brief explanatory statement about the ordinance was made. Mayor Prupis moved that the ordinance be taken up and passed on first reading noting that the public hearing would take place on March 23, 2021, Mr. Wasserman seconded the motion. Mayor Prupis requested a roll call vote.

Roll Call Vote: All Ayes

Mayor Prupis asked how the implementation would occur. Mr. McDonald advised implementation would take place after public hearing and adoptions, perhaps April 1st, and it would be prorated. He stated that they had printed sample parking stickers to see how they would come out. A resolution would be passed after the adoption of the ordinance to determine the fee for the parking pass.

**ORDINANCE NO. 2570-21
ORDINANCE AMENDING CHAPTER VII "TRAFFIC"
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLBURN**

STATEMENT OF PURPOSE: *The proposed amendment to the Chapter VII "Traffic" code of Millburn's general ordinances is to establish rules, regulations and fees with regard to a new residential shopper parking permit. This permit would be made available to Millburn Township residents to provide enhanced convenience to patronizing any of the Township's business districts where a fee may be charged for on-street or lot parking. This permit will also incentivize residents to shop local and support Township businesses. By purchasing an annual residential shopper parking permit, holders would be permitted to park in designated shopper spaces for the allotted time without paying by meter or paystation. Time limits will still be enforced under this permit. Rules for use will be established by ordinance to avoid use by businesses or any abuse of the program that would detract from its goal and purpose.*

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 VII entitled "Traffic" of the Revised General Ordinances of the Township of Millburn, Part II, "Traffic Regulations on Property Under Municipal or Board of Education Control," Section 7-35.13, "Permits-Issuance; Schedule of Fees," is hereby amended in its entirety to read as follows with those areas underlined indicating changes or insertions to the code:

§ 7-35.13 Permits-Issuance; Schedule of Fees.

Any Township employee designated by the Business Administrator shall be authorized to issue the permits prescribed by this section and to accept the fees herein prescribed. The following types of permits and schedule of fees are hereby established:

- a. Resident's commuter permit.
 1. Annual permit fee:
 - (a) First car in a household: \$620
 - (b) Each additional car in household: \$680 each.
 2. Semiannual permit fee:
 - (a) First car in a household: \$455.
 - (b) Each additional car in household: \$505 each.
- b. Business whose full-time business or employment is in this Township.
 1. Annual permit fee: \$230 to \$450.
 2. Semiannual: \$215 to \$415.
 3. Annual transferable permit fees: \$300 to \$500.
 4. Annual remote restricted business permit (use restricted to Lot 16 and Lot 19): \$150.
 5. Part-time business permits where designated: \$3 to \$5 per day.
- c. Resident's twenty-four-hour permit.
 1. Annual permit fee:
 - (a) First car in a household: \$620.
 - (b) Additional car in household: \$680.
 2. Semiannual permit fee:
 - (a) First car in a household: \$455.
 - (b) Additional car in household: \$505.
 3. Twenty-four-hour permits will be issued only to tenants that reside in the B-4 Commercial District as zoned or those residents that reside in the B-3 Commercial District as zoned along Millburn Avenue between Short Hills Avenue and Morris Turnpike.
 4. Permits will be limited to two per apartment unit.
 5. A copy of a current rental lease must be provided with the application in order for a twenty-four-hour permit to be issued.
 6. All other rules and requirements established by the permit application shall be adhered to by the permit holder.
- d. Overnight parking permits for designated lots.
 1. Annual permit fee: \$225.
 2. Use of the permit will be permitted in designated shopper parking spaces in Lot 2 and Lot 14 Monday-Saturday 6:00 p.m. to 8:00 a.m. and Sunday all day.
 3. Overnight parking permits will be issued only to tenants that reside in the B-4 Commercial District as zoned or to those residents that reside in the B-3 Commercial District as zoned along Millburn Avenue between Short Hills Avenue and Morris Turnpike.
 4. A copy of a current rental lease must be provided with the application in order for an overnight parking permit to be issued.
 5. All other rules and requirements established by the permit application shall be adhered to by the permit holder.
- e. Resident shopper parking permit
 1. Annual permit fee:
 - (a) \$60 to \$90 for the first two (2) vehicles of a household, as established by resolution.
 - (b) \$70 to \$100 for any additional vehicle beyond two (2) of a household, as established by resolution.

2. Use will be permitted in all business districts where there is paid shopper parking for both on-street and in designated shopper parking lots where a fee is charged and collected through a meter or paystation.

3. Time limits and all parking rules and regulations will apply to the use of this permit.

4. Shopper permits will be restricted to Township residents where proof of residency is provided as required by the permit application.

5. No business, business owners or employees of businesses will be permitted to apply or receive a resident shopper permit.

6. No residents located in a business district and otherwise eligible for a 24-hour or overnight parking permit will be permitted to purchase a resident shopper permit

7. All other rules and requirements established by the permit application shall be adhered to by the permit holder

f. Transfer fee.

1. Transfer of a permit to another vehicle: \$5.

2. Transfer penalty (failure to return original sticker upon transfer): \$20.

g. Resident's summer intern permit (May 1 - September 1).

1. Summer intern permit (use restricted to Lots 14, 16 and 19): \$75.

h. For categories where ranges are established herewith, the fee shall be set by resolution of the Township Committee.

Section 2. Except for as provided above, the remainder of Chapter VII, "Traffic" 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 this ordinance.

Section 4. This ordinance shall take effect after final passage and publication as required by law.

Old Business

Historic Preservation Commission Request

Mayor Prupis introduced Allison Canfield, Historic Preservation Commission Chair. Ms. Canfield stated that she appreciated the opportunity to speak once more in front of the Committee. She recalled her February 9th presentation and pointed out three components; design guidelines, educational outreach and landmark designation. She spoke in regard to a Historic Element of the Master Plan and its need for an update. She introduced a *Downtown Resource Survey* and where an inventory of the downtown needed to be conducted to allow the committee to make informed decisions in regard to redevelopment. She noted that the project would survey properties in the downtown area. The report would include maps, photographs and details of each building/lot. She didn't believe there was a downside to the survey. She noted that it would assist in better informed decisions as a whole for the community. The survey would be a good foundation in order to move forward.

Mayor Prupis thanked Ms. Canfield and asked her exact request in respect to dollar figures.

Ms. Canfield reviewed the proposed costs and advised with an additional \$25,000 for the survey the grand total is \$75,000 for all three projects.

Mayor Prupis thanked Mr. Canfield and asked for members of the Committee to comment on the request. Ms. Thall Eglow asked for Ms. Canfield to break down the amount of funding they were looking to obtain from the township.

Ms. Canfield advised of the three components that broke down to \$25,000 each with the potential of reimbursement of \$50,000 from grants. Ms. Thall Eglow ask how the survey could get done in time

before the downtown vision plan development started. Mayor Prupis clarified that any proposed development would not occur for years. Ms. Canfield stated that she did not believe the survey was needed for the downtown vision plan, it; however, felt that everyone marched to a different beat and the survey would create a foundation. Ms. Thall Eglow agreed with Ms. Canfield.

Mr. Vinayak asked if the downtown was in the Master Plan. Ms. Canfield indicated that it was an additional piece to the Master Plan.

Mr. Wasserman described his past hesitation but now sees it as an investment. He recalled the monies would be paid back with a grant. Ms. Canfield explained the grant process and advised that believed the projects were a priority and long overdue. She advised some of the properties in town were in jeopardy as developers were looking at some properties to redevelop.

Mayor Prupis advised Ms. Canfield that she had her full support. With consensus of the Committee the township granted Ms. Canfield's request for \$75,000 for the three projects. Ms. Miggins asked how the Committee could help the Historic Preservation Commission to ensure the work starts immediately. Ms. Canfield advised the steps needed to get started. Mr. McDonald advised he wanted to evaluate the projects a bit closer and review the grant processes and stipulations. A discussion ensued between Mr. McDonald, Mr. Falcon, Ms. Miggins and Ms. Canfield regarding the process, the proposed projects and proposed grants.

Ms. Canfield advised the Historic Preservation Commission had met the grant's requirements and she would provide the documentation to the Committee. She also requested for the Committee to consider Barton Ross for these projects seeing he was very insightful and dedicated to the township.

Mayor Prupis advised Ms. Canfield a meeting would be set up to discuss the particulars of the projects.

Parklet Update

Mr. McDonald provided a brief update on the parklets in the downtown. Mr. McDonald stated the possible use of parklets would add another element of business advocacy. He spoke with Mr. Gleason and they were researching how they could develop their parklets. Mr. Gleason was tasked with reaching out to restaurants to gather interest so the township may consider where parklets would be going. He added that the township was developing guidelines for the parklets. He reviewed some of the requirements and creative liberties the restaurant owners would have over their parklets.

Mayor Prupis asked if any members of the Committee had any questions for Mr. McDonald.

Ms. Thall Eglow asked if concrete barricades were an option. Mr. McDonald advised they received pricing on the concrete and those were not an option. He also advised the water filled barricades were easier to view at night due to the reflective stickers. Mr. McDonald did agree with Ms. Thall Eglow that the concrete barricades looked more uniform.

No further questions or comments were presented by the Committee.

Business Advocacy Zoning Regulations Recommendations

Mr. McDonald introduced Township Planner, Paul Phillips. Mr. McDonald provided an explanation on the advancement of proposed zoning ordinances in order to promote business advocacy. Mr. Phillips provided context and reviewed concerns related to zoning regulations and businesses. He advised that the revisions were meant to be more business friendly and attract more business into town. He provided a preview of the zoning amendments he'd been working on, especially in the B4 business district.

Mayor Prupis asked if any members of the Committee members had any questions or comments.

Mayor Prupis asked when the ordinances would be ready for consideration. Mr. Phillips advised the Committee members of the proposed timeline. Mayor Prupis noted that she would start a subcommittee to review the sign ordinance.

Millburn Township Committee Meeting MinutesStatus Update on Downtown Redevelopment Area

Mayor Prupis introduced former Mayor, Dan Baer, so he could answer questions of the 2008 Redevelopment Plan. Mr. Baer noted that Mr. Phillips would be best to answer the questions. Mr. Phillips was asked to look into the properties in the redevelopment designation area in 2007. He was also asked to determine any changes and if the plan was still valid. Mr. Phillips reviewed the changes from 2006 to present time. He advised the Committee that once the Perkins Eastman plan was complete the township would have a better understanding on how to proceed with a redevelopment plan.

Mr. Dan Baer, former Mayor, reviewed the area in need of redevelopment. He discussed the process that took place to create the plan. He described the need and details that impacted a vision plan. Mr. Baer reviewed the need for the plan and how surrounding towns gained because Millburn did not implement their plan. He reviewed the history of the matter. He thanked the Committee for the opportunity to speak.

Recreational Marijuana (Cannabis)

Mr. Falcon updated the Committee on the marijuana bill that was signed by Governor Murphy; which meant the 180 day countdown for the municipality to either allow or not allow the sale of marijuana in the township had commenced. Mr. Falcon advised the Committee of six potential marijuana license classes that would be available to businesses if the township decided to move forward. He noted that the township had the ability to pass an ordinance in which banned marijuana business altogether, pick and choose which would be allowed, or allow marijuana business altogether. Mr. Falcon reviewed the taxes the municipality could impose on marijuana businesses.

Mayor Prupis asked what the process was. Mr. Falcon advised the Committee should make an informed decision and review the requirements of each class. Mr. McDonald asked if the Committee passed an ordinance of prohibition but then decided to amend the ordinance did the 180 days commence once more. Mr. Falcon stated that he would need to take another look at the legislation and report back.

Ms. Miggins asked if the legislation only applied to commercial and not residential growing. Mr. Falcon advised it was only for commercial. Mr. Vinayak shared his experience with marijuana businesses and suggested the town get input from the residents. Mr. Falcon explained the process of passing an ordinance. Ms. Thall Eglow provided some statistics from the elections and her views on the allowance of businesses in town. A discussion ensued between Mr. Falcon and Ms. Thall Eglow on the process if marijuana businesses were allowed and how businesses would go before the Planning Board. Ms. Thall Eglow advised if patrons didn't get marijuana from businesses in Millburn they would get it from the neighboring towns so why not open the revenue in Millburn. Mr. Vinayak disagreed with Ms. Thall Eglow and advised he did not want to see this in the township. Ms. Prupis suggested the conversation continue at the next meeting.

Ms. Prupis called for a five minute recess.

New BusinessSpecial Improvement District Proposed Budget

Mr. Wasserman advised the Special Improvement District (SID) budget was approved by the SID and would be sent to the Township Committee for possible consideration at our March 9th meeting. He described the additional zones the SID would cover. Mr. Wasserman reviewed fun events and activities covered by the SID. He commended the hard working SID board.

Ms. Thall Eglow asked for the status of the Farmers Market. Mr. Wasserman advised the Farmer's Market allocation was removed so Mr. Gleason could focus his time on businesses instead of the market. Ms. Thall Eglow suggested Mr. Gleason would have Mr. Wasserman and Mr. Lieberberg to assist in a Farmer's Market as they had experience and the market wouldn't become a town hall responsibility. Mr. Wasserman did not agree and advised the Farmers Market would fall under town hall responsibility. A discussion ensued between Ms. Thall Eglow and Mr. Wasserman regarding the Farmer's Market.

No other new business was presented.

Public Comment

Mayor Prupis made the following statement: "When invited to speak, please come to the microphone, clearly state your name and address, and speak loudly so that your comments may be understood by all and properly recorded. There was a properly noticed remote option for those who could not attend the meeting in person. If you called in and would like to comment please press *6 now. If you are attending by computer or electronic device please click raise hand button. All members of the public wishing to speak will be put into the queue to address the Committee. Whenever an audience or Committee member reads from a prepared statement, please email a copy to the Township Clerk's Office at townclerk@millburntwp.org. To help facilitate an orderly meeting and to permit all to be heard, speakers are asked to limit their comments to one 3 minute session. You will be prompted when there is 30 seconds remaining. This is a business meeting and please do not address professionals or staff directly and please direct all comments to me. Each individual will be given one opportunity to make their public comment. Please be patient and we will address each member of the public that wishes to speak."

Mayor Prupis opened the public comment period.

Jeffery Feld, of 11 Alexander Lane, stated that the Committee needed to prioritize and send information on vision plan meeting date changes. He suggested the Committee read Governor Murphy's budget address. He indicated that he was not aware that part of Mr. Gleason's salary being paid was from tax payer's money for an additional year. Mr. Feld spoke in regards to his concerns with SID issues and questions regarding their validity. He reviewed his complaint with the Local Finance Board and local jurisdiction. He asked for the budget presentation to be part of agenda. He spoke to the effective date of ordinances.

David Cosgrove, of 99 Oakview Terrace, spoke in regard to Mr. Phillips' presentation. He voiced his concerns with zoning ordinances and advised the public should be provided adequate time for review. He asked the Committee to vote against the allowance of marijuana in town. Mr. Cosgrove asked if the tax revenue for marijuana sales would end after a certain time or if it was continuous.

Perri Urso, of 514 Millburn Avenue, reminded the Committee they were elected to serve the community and not elected for self-serving. She thanked the Committee for their commitment to the Township.

Dominique Urso, of 514 Millburn Avenue, stated she volunteered her time just like the Committee did. She expressed her displeasure with the Committee and how they didn't need a SID to determine their needs as the residents voiced their needs and wants.

Nancy Stone, of 10 Fielding Road, voice her opposition to having marijuana in the township. She recalled Ms. Thall Eglow's comments about marijuana in the election and shared her experiences in Colorado where it is legal and the detriment it had done to the community. She reiterated her opposition. She spoke in regards to the Farmer's Market and did not believe the Millburn market was great and did not take part of it and voiced concerns over the market. She advised Mr. Falcon would be brought up on ethics charges because of his billings.

Jean Pasternak, of 342 Hobart Avenue, opposed the marijuana in town and noted that her husband used it for medical purposes but did not agree for recreational uses. She reviewed the importance of freedom of speech. She asked the Committee to ask residents to end the cancel culture. She spoke to the many OPRA requests submitted may not have been responsive to records but the questions were not answered. Ms. Pasternak spoke of conflicts of interest with her time on the Board of Education and her resignation.

Perri Urso, of 514 Millburn Avenue, asked Mr. Wasserman why her questions were not answered under OPRA. She explained her question to Mr. Wasserman and the responses she kept receiving indicated her request was too vague. She asked how many applicants applied for the SID Executive Director position and if the SID had any legal representation. She voiced her concerns.

Mayor Prupis closed public comment.

February 23, 2021

Millburn Township Committee Meeting Minutes

Mayor Prupis asked if any committee members had any comments.

Mr. McDonald clarified the SID Executive Director salary and how the township would budget fifty percent of their salary which was detailed in the ordinance from the start. Mr. McDonald also responded to Ms. Urso's comment and explained that OPRA was the Open Public Records Act and was not meant for questions.

Mr. Falcon indicated that there was no need to reiterate on the conflict of interest matter in regards to Ms. Miggins position on the Planning Board. He didn't understand the continuous discussion in regard to the U.S Attorney's Investigation and advised it was closed out a long time ago. The matter was discussed in length and was part of the record for those meetings for those wishing to research further.

Mr. Vinayak advised his presentation was not for the budget and more of his own project as member of the Finance Subcommittee. He advised once the budget was presented the proper channels would be provided to the public. Mr. Vinayak spoke to the budget in regard to the mall and said they had done their due diligence. He spoke to the marijuana taxes and wasn't sure if the tax would be continuous.

Mr. Wasserman stated that the SID board conducted an extensive search for an Executive Director. Mr. Gleason stood out from the rest and they had confidence he would do a great job.

Ms. Thall Eglow reviewed the SID salary to do a larger footprint. Ms. Thall Eglow recalled the election results on marijuana and how the majority voted for the legalization of marijuana. She voiced her position on marijuana and how neighboring towns had taken restaurants and businesses from Millburn. She noted that the Marijuana business would be positive to keep business in Millburn. Ms. Thall Eglow also spoke to the opposition of the Main Street closure.

Mr. Vinayak spoke out of experience in the marijuana industry and would not have an open mind in having this allowance in the township due to his personal experience.

Ms. Miggins asked if the township voted against medical marijuana businesses in the township and Ms. Thall Eglow answered yes. Ms. Miggins and Ms. Thall Eglow discussed the election results. Ms. Miggins stated just because residents voted for the legalization didn't mean they wanted it in their town.

Mayor Prupis advised the conversation of marijuana would continue. She advised Mr. Feld that an email blast went out to advise residents of the Downtown Vision Plan meeting date change and it was on the website. She reiterated the meeting date change to the public. She answered Mr. Cosgrove's questions to allow for time for the public to review the zoning ordinance changes and the process would not be rushed. She asked Mr. Falcon in regards to the marijuana taxation and opting out. Mr. Falcon noted that he would review and report back to the Committee.

Mayor Prupis advised that everyone was volunteering their time and regardless if they agreed or not they were being heard.

Adjournment

Mayor Prupis asked if anyone had any remaining comments or questions. Receiving none, she asked for a motion to close the public session of the meeting, which was offered by Ms. Miggins and seconded by Ms. Thall Eglow. The meeting was adjourned at 10:42 PM. Vote: All Ayes

Christine A. Gatti, RMC
Township Clerk

Approved: May 18, 2021